

Chapter 353

(House Bill 1157)

AN ACT concerning

Prince George’s County – ~~Alcoholic Beverages – Transfer of Class A Off-Sale Licenses and Permits~~ *Workgroup on Alcohol Outlet Density Zones*

PG 303-19

FOR the purpose of ~~repealing a limitation on the number of Sunday off-sale permits that the Board of License Commissioners for Prince George’s County may issue; authorizing the Board of License Commissioners for Prince George’s County to approve the transfer of a Class A beer, wine, and liquor license from a certain alcoholic beverages district any off-sale retail license from an alcohol outlet density zone in the county to another location in the county under certain circumstances; establishing a Workgroup on Alcohol Outlet Density Zones in Prince George’s County; providing for the membership, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring~~ *authorizing the Workgroup to designate identify* certain areas as alcohol outlet density zones; *requiring the Workgroup to report its recommendations to the House and Senate delegations for Prince George’s County and the Board of License Commissioners on or before a certain date; requiring the Board of License Commissioners to adopt rules designating the alcohol outlet density zones on or before a certain date; providing for the effective date of certain provisions of this Act; making certain provisions of this Act subject to a certain contingency; providing for the termination of certain provisions of this Act;* and generally relating to alcoholic beverages ~~licenses and permits~~ in Prince George’s County.

~~BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 26-102
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 26-1104 and 26-1603(a)
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:~~

~~Article – Alcoholic Beverages~~

~~26-102.~~

~~This title applies only in Prince George's County.~~

~~26-1104.~~

~~(a) There is a Sunday off-sale permit.~~

~~(b) (1) (i) Subject to subsection (f) of this section and subparagraphs (ii) and (iii) of this paragraph, and except as provided in paragraph (2) of this subsection, the Board may issue the permit to the holder of:~~

~~1. a Class A beer, wine, and liquor license; or~~

~~2. a Class B beer, wine, and liquor license with an off-sale privilege.~~

~~(ii) Five Sunday off-sale permits may be issued only to holders of a Class B beer, wine, and liquor license with an off-sale privilege that acquired the license on or after January 1, 2016.~~

~~(iii) Sunday off-sale permits may be issued to holders of a Class A beer, wine, and liquor license that acquired the license on or after January 1, 2016.~~

~~(2) The Board may not issue a Sunday off-sale permit to a license holder that the Board finds to have sold liquor on Sunday without a Sunday off-sale permit.~~

~~(c) The permit authorizes the holder to sell alcoholic beverages for off-premises consumption on Sunday from 8 a.m. to midnight.~~

~~(d) (1) Except as provided in paragraph (2) of this subsection, an applicant for the permit shall commit in the application to reinvesting a minimum of \$50,000 in the business within 1 year after the permit is issued.~~

~~(2) (i) The Board may waive the reinvestment requirement.~~

~~(ii) The Board shall waive the reinvestment requirement for a holder of a Class B beer, wine, and liquor license with an off-sale privilege that acquired the license on or after January 1, 2016, if the holder can show that a minimum of \$50,000 was reinvested in the business within the 3-year period immediately preceding the submission of the application.~~

~~(3) The Board shall revoke the permit if:~~

~~(i) the Board did not waive the reinvestment requirement under paragraph (2) of this subsection; and~~

~~(ii) the permit holder fails to make the required reinvestment.~~

~~(e) If the permit is issued to the holder of a Class B beer, wine, and liquor license with an off sale privilege, the holder need not comply with any restaurant or food requirement.~~

~~(f) [Not more than 105 Sunday off sale permits may be in effect at any one time.~~

~~(g) (1) The application fee for the permit is \$750.~~

~~(2) The annual fees for the permit are:~~

~~(i) \$2,590 for the holder of a Class A beer, wine, and liquor license; and~~

~~(ii) \$1,080 for the holder of a Class B beer, wine, and liquor license with an off sale privilege.~~

~~(3) The fees listed in paragraphs (1) and (2) of this subsection are in addition to the annual fee for the Class A beer, wine, and liquor license or Class B beer, wine, and liquor license to which it is attached.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~**Article — Alcoholic Beverages**~~

~~26-1603.~~

~~(a) (1) Except as provided in paragraphs (2) [and (3)] THROUGH (4) of this subsection, the Board may not issue a new license with an off sale privilege in, or approve the transfer of a license with an off sale privilege into, a part of the 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, or 47th alcoholic beverages district in the county.~~

~~(2) The Board may issue a license in or approve the transfer of a license into an area specified in paragraph (1) of this subsection if the off sale privilege of the license is waived.~~

~~(3) The Board may convert one Class D (on sale) beer and wine license issued for premises in the 7100 block of Baltimore Avenue in College Park to a Class D (on and off sale) beer and wine license for premises in the 7100 to 7200 block of Baltimore Avenue in College Park.~~

~~(4) THE BOARD MAY APPROVE THE TRANSFER OF A CLASS A BEER, WINE, AND LIQUOR ANY RETAIL LICENSE WITH OFF-SALE PRIVILEGES FROM THE 24TH ALCOHOLIC BEVERAGES DISTRICT AN ALCOHOL OUTLET DENSITY ZONE IN THE COUNTY TO ANOTHER LOCATION IN THE COUNTY IF:~~

~~(i) THE APPLICANT HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000 IN INTERIOR IMPROVEMENTS IN THE ESTABLISHMENT AT THE NEW LOCATION; AND~~

~~(ii) THE TRANSFER IS APPROVED BY THE COUNTY EXECUTIVE THE LICENSE IS NOT TRANSFERRED INTO ANOTHER ALCOHOL OUTLET DENSITY ZONE.~~

~~SECTION 3. AND BE IT FURTHER ENACTED~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~

That:

(a) There is a Workgroup on Alcohol Outlet Density Zones in Prince George’s County.

(b) The Workgroup consists of the following members:

(1) the County Executive for Prince George’s County, or the County Executive’s designee;

(2) the Director of the Prince George’s County Department of Health, or the Director’s designee;

(3) the Dean of the University of Maryland School of Public Health, or the Dean’s designee;

(4) the Chair of the Board of License Commissioners, or the Chair’s designee;

~~(4)~~ (5) two community members, one each appointed by the House and Senate delegations for Prince George’s County;

~~(5)~~ (6) one member of the House of Delegates, appointed by the Speaker of the House;

~~(6)~~ (7) one member of the Senate of Maryland, appointed by the President of the Senate;

~~(7)~~ (8) the Prince George’s County Police Chief, or the Chief’s designee; and

~~(8)~~ (9) the Director of the Department of Permitting, Inspections, and Enforcement, or the Director's designee.

(c) The Chair of the Prince George's County House Delegation shall designate the chair of the Workgroup.

(d) The Maryland National Capital Park and Planning Commission shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) In accordance with the Centers for Disease Control and Prevention's Guide for Measuring Alcohol Outlet Density, the Workgroup ~~shall designate~~ may identify potential areas with a high concentration of off-sale retail licenses as alcohol outlet density zones.

(2) In making the ~~designation~~ identification of potential areas under paragraph (1) of this subsection, the Workgroup ~~shall~~ may:

(i) ~~designate~~ propose as an alcohol outlet density zone ~~each~~ any area that has 1.15 off-sale retail license holders or more per square mile; and

(ii) consider any other relevant factors determined by the Workgroup.

(g) On or before December 1, 2019, the Workgroup shall submit its recommendations, in accordance with § 2-1246 of the State Government Article, to the House and Senate delegations for Prince George's County and the Board of License Commissioners for Prince George's County.

~~(h) On or before June 1, 2020, the Board of License Commissioners shall adopt rules designating the alcohol outlet density zones in accordance with the recommendations of the Workgroup.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act is contingent on the adoption of rules by the Board of License Commissioners for Prince George's County designating the alcohol outlet density zones. The Board of License Commissioners shall notify the Department of Legislative Services within 5 days after the rules are adopted. If the Department of Legislative Services does not receive notice of the~~

~~adoption of the rules on or before December 31, 2020, Section 2 of this Act, with no further action required by the General Assembly, shall be null and void.~~

~~SECTION 2. 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect July 1, 2019. Section 3 of this Act shall remain effective for a period of 1 year and 6 months and, at the end of December 31, 2020, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 1 year and 6 months and, at the end of December 31, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 30, 2019.