
By: Prince George's County Delegation

Introduced and read first time: February 2, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages**
3 **(23rd District - Sunday Sales)**
4 **PG 323-96**

5 FOR the purpose of permitting Sunday sales of alcoholic beverages in the 23rd alcoholic
6 beverages district of Prince George's County; defining the 23rd alcoholic beverages
7 district; clarifying language and structure; and generally relating to alcoholic
8 beverages in Prince George's County.

9 BY adding to

10 Article 2B - Alcoholic Beverages
11 Section 9-217(l)(3)
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article 2B - Alcoholic Beverages
16 Section 11-301(a), 11-302(a), and 11-517
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1995 Supplement)

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

21 **Article 2B - Alcoholic Beverages**

22 9-217.

23 (l) (3) (I) THE 23RD ALCOHOLIC BEVERAGES DISTRICT SHALL AT ALL
24 TIMES BE COTERMINOUS WITH THE 23RD LEGISLATIVE DISTRICT OF PRINCE
25 GEORGE'S COUNTY, AS DETERMINED BY THE PRINCE GEORGE'S COUNTY BOARD OF
26 SUPERVISORS OF ELECTIONS. AS OF APRIL 7, 1994, THE ALCOHOLIC BEVERAGES
27 DISTRICT CONSISTED OF:

28 1. PRINCE GEORGE'S COUNTY ELECTION DISTRICT 14;

HOUSE BILL 881

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1 2. PRINCE GEORGE'S COUNTY ELECTION DISTRICT 3,
2 PRECINCT 2;

3 3. PRINCE GEORGE'S COUNTY ELECTION DISTRICT 7,
4 PRECINCTS 1 THROUGH 8;

5 4. PRINCE GEORGE'S COUNTY ELECTION DISTRICT 20,
6 PRECINCTS 5 AND 9;

7 5. PRINCE GEORGE'S COUNTY ELECTION DISTRICT 21,
8 PRECINCTS 3, 6, 8, 11, 13, AND 16;

9 6. THAT PART OF PRINCE GEORGE'S COUNTY ELECTION
10 DISTRICT 7, PRECINCT 9 THAT CONSISTS OF THE FOLLOWING CENSUS TRACTS AND
11 BLOCKS:

12 A. CENSUS TRACT 8005.08, BLOCK 210;

13 B. CENSUS TRACT 8005.09, BLOCKS 201 THROUGH 210 AND 213
14 THROUGH 235; AND

15 C. CENSUS TRACT 8035.05, BLOCKS 103 AND 105;

16 7. THAT PART OF PRINCE GEORGE'S COUNTY ELECTION
17 DISTRICT 10, PRECINCT 10 THAT CONSISTS OF THE FOLLOWING CENSUS TRACTS AND
18 BLOCKS:

19 A. CENSUS TRACT 8002.06, BLOCKS 101A, 101B, 101C, 102, 103,
20 105, 108, 109, AND 111; AND

21 B. CENSUS TRACT 8004.06, BLOCKS 201 AND 215; AND

22 8. THAT PART OF PRINCE GEORGE'S COUNTY ELECTION
23 DISTRICT 21, PRECINCT 9 THAT CONSISTS OF CENSUS TRACT 8067.07, BLOCKS 101, 103A,
24 106, AND 107.

25 (II) SUNDAY SALES IN THE 23RD ALCOHOLIC BEVERAGES DISTRICT
26 ARE GOVERNED BY THE PROVISIONS OF TITLE 11, SUBTITLE 3 OF THIS ARTICLE.

27 11-301.

28 (a) (1) The hours during which the privileges conferred by a Class A beer
29 license may be exercised shall be from 6 o'clock a.m. to 12 o'clock midnight, on every day
30 except Sunday.

31 (2) In Montgomery County the hours shall be as provided in § 11-516(d)(1).

32 (3) (I) In Prince George's County the hours shall be from 6 o'clock a.m. to
33 2 o'clock a.m. on the day following, except on Sunday when no sales shall be permitted
34 after 2 o'clock a.m.

35 (II) IN THE 23RD ALCOHOLIC BEVERAGES DISTRICT, AS SET FORTH
36 IN § 9-217(L) OF THIS ARTICLE, SUNDAY SALES ARE PERMITTED.

3

1 (4) In Frederick County, on Sunday the hours of operation may be from 1
2 o'clock p.m. to 12 midnight.

3 (5) In Washington County, the hours of sale are as provided under § 11-522
4 of this article.

5 11-302.

6 (a) (1) The hours during which the privileges conferred by a Class A beer and
7 light wine license may be exercised shall be from 6 o'clock a.m. to 12 o'clock midnight, on
8 every day except Sunday.

9 (2) In Montgomery County the hours shall be as provided in § 11-516(d)(1).

10 (3) (I) In Prince George's County the hours shall be from 6 o'clock a.m. to
11 2 o'clock a.m. on the day following except on Sunday when no sales shall be permitted
12 after 2 o'clock a.m.

13 (II) IN THE 23RD ALCOHOLIC BEVERAGES DISTRICT, AS SET FORTH
14 IN § 9-217(L) OF THIS ARTICLE, SUNDAY SALES ARE PERMITTED.

15 (4) In Frederick County, on Sunday the hours of operation may be from 1
16 p.m. to 12 midnight.

17 11-517.

18 (a) This section applies only in Prince George's County.

19 (b) (1) A holder of any retail alcoholic beverage license or any agent, servant or
20 employee of a holder of any alcoholic beverage license may not sell or serve any alcoholic
21 beverages or permit any alcoholic beverages to be consumed on the licensed premises
22 between the hours of 2:00 a.m. and 6:00 a.m., except as provided in subsection (c) of this
23 section.

24 (2) A holder of any retail alcoholic beverage license or any agent, servant or
25 employee of a holder of any alcoholic beverages license may not sell any alcoholic
26 beverage or permit any alcoholic beverage to be consumed on the licensed premises
27 between the hours of 2:00 a.m. and 6:00 a.m., except as provided in subsection (c) of this
28 section.

29 (3) Holders of any "on-sale" retail alcoholic beverage license, their agents,
30 servants, or employees may sell beer and light wine on Sunday, except between the hours
31 of 2:00 a.m. and 8:00 a.m.

32 (4) A holder of any Class B restaurant license, with or without a Sunday
33 permit, may sell beer, wine and liquor on Sunday when it falls on Christmas Eve or New
34 Year's Eve, except between the hours of 2 a.m. and 8 a.m.

35 (5) (I) A holder of a Class A beer, wine and liquor license or any agent,
36 servant or employee of a holder of a Class A beer, wine and liquor license may not make
37 any sale between the hours of 2:00 a.m. and 6:00 a.m. or on Sunday after 2:00 a.m. except
38 when December 24 and 31 fall on a Sunday.

1 (II) IN THE 23RD ALCOHOLIC BEVERAGES DISTRICT, AS DEFINED
2 IN § 9-217 OF THIS ARTICLE, CLASS A BEER, WINE AND LIQUOR LICENSEES MAYSELL
3 ALCOHOLIC BEVERAGES ON SUNDAYS DURING THE HOURS SET BY THE BOARD OF
4 LICENSE COMMISSIONERS.

5 (c) Notwithstanding any other provisions of this article, if a ClassB on-sale
6 licensee has live entertainment within the licensed premises on Friday,or Saturday
7 nights, the licensee may sell or serve alcoholic beverages, in accordance with his license,
8 between the hours of 6:00 a.m. and 3:00 a.m. of the following day.

9 (d) (1) Notwithstanding the provisions of § 11-304 of this article, between the
10 hours of 2:00 a.m. and 6:00 a.m. on any day, a person may not consume any alcoholic
11 beverages on any premises open to the general public, any place of public entertainment,
12 any premises occupied regularly by a private club or organization, or any place at which
13 setups or other component parts of mixed alcoholic drinks are sold directly or indirectly,
14 except as provided in subsection (c) of this section.

15 (2) (i) Any person found consuming any alcoholic beverage within these
16 premises or in any place during the hours specified is guilty of a misdemeanor and upon
17 conviction fined not more than \$50 and not less than \$5.

18 (ii) The owner, operator, manager, waiter, server or employee of any
19 of these premises or places may not knowingly permit this consumption on those premises
20 or in that place during the hours specified. Any owner, operator, manager, waiter, server
21 or employee of any of these premises or places who knowingly permits this consumption
22 during the hours specified is guilty of a misdemeanor and upon conviction is subject to the
23 penalties provided in § 16-503 of this article.

24 (e) (1) The holder of a Class A (off-sale) license who offers for sale in his
25 licensed premises commodities other than alcoholic beverages and is open on Sundays for
26 the sale of such commodities shall keep all alcoholic beverages upon the premises in a
27 separate beverage department securely closed and locked in a compartment,
28 compartments or enclosure between the hours of 2:00 a.m. on Sunday and 6:00 a.m. the
29 following Monday, subject to regulations of the Board of License Commissioners not
30 inconsistent with the provisions hereof. The provisions of this subsection do not apply to
31 alcoholic beverages in storage areas which are not open to the public.

32 (2) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY IN THE 23RD
33 ALCOHOLIC BEVERAGES DISTRICT, AS DEFINED IN § 9-217 OF THIS ARTICLE, TOTHE
34 EXTENT THAT A CLASS A LICENSEE MAY SELL ALCOHOLIC BEVERAGES ON SUNDAY,
35 AS PERMITTED BY THE BOARD OF LICENSE COMMISSIONERS.

36 (f) (1) Notwithstanding any other provisions of this article, but inaddition
37 thereto the holder of a beer, wine and liquor license, Class B, his agents, servants or
38 employees may not sell any alcoholic beverages for consumption off the licensed premises
39 between the hours of 2:00 a.m. and 6:00 a.m. or on Sunday after 2:00 a.m. from any
40 separate store established on the licensed premises as an "off-sale store" or to keep an
41 "off-sale store" open for business on Sunday after 2 a.m. except that beer and light wine
42 only may be sold from an "off-sale" store which is attached to and a part of the licensed
43 premises on Sunday after eight a.m. until two a.m. the day following.

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1 (2) IN THE 23RD ALCOHOLIC BEVERAGES DISTRICT, AS DEFINED IN §
2 9-217 OF THIS ARTICLE, LIQUOR MAY BE SOLD ON SUNDAY DURING THE HOURS
3 SPECIFIED BY THE BOARD OF LICENSE COMMISSIONERS FROM AN "OFF-SALE"
4 STORE.

5 (3) For the purpose of this provision, the Board of License Commissioners
6 shall determine by reasonable standards what shall constitute an "off-sale store".

7 (4) Nothing further herein shall be construed to permit sales at any time
8 between 2 a.m. and 6 a.m. of any day.

9 (g) Notwithstanding any other provisions of this article, the holder of:

10 (1) A special Class C (concession) license pursuant to § 6-301(r)(7) may sell
11 alcoholic beverages on Sundays between the hours of 12 noon and 2 a.m. the following
12 day;

13 (2) A special Class C (fraternal/sororal) license pursuant to §6-301(r)(3)
14 may not sell, serve, or permit alcoholic beverages to be consumed on the licensed
15 premises on Sundays before 12 noon or after 2 a.m. the following day; or

16 (3) A special Class C (yacht) license pursuant to § 6-301(r)(4) may not sell,
17 serve, or permit alcoholic beverages to be consumed on the licensed premises on Sunday
18 before 12 noon or after 12 midnight.

19 (h) (1) Notwithstanding any other provisions of this article, the holder of a
20 wholesale license may enter into an agreement with the holder of a special 1 day license
21 issued pursuant to § 7-101 of this article to deliver beer on the effective day of the license
22 and accept returns on the same day of delivery.

23 (2) The parties shall agree upon the type of equipment, services, personnel,
24 and supplies that shall be required for the dispensing of draft beer.

25 (i) (1) In the 24th alcoholic beverages district of Prince George's County as
26 described in § 9-217(l) of this article, notwithstanding any other provision of this article,
27 the Board of License Commissioners may change the closing hour and reduce the hours
28 of sale of any licensee, under any class of alcoholic beverages license:

29 (i) On receipt of a bona fide complaint concerning the licensed
30 premises; and

31 (ii) After a hearing on the complaint.

32 (2) A decision of the Board of License Commissioners made under this
33 subsection may be appealed as provided under § 16-101 of this article.

34 (j) (1) In the 25th alcoholic beverages district of Prince George's County as
35 described in § 9-217(l) of this article, notwithstanding any other provision of this article,
36 the Board of License Commissioners may change the closing hour and reduce the hours
37 of sale of any licensee, under any class of alcoholic beverages license:

38 (i) On receipt of a bona fide complaint concerning the licensed
39 premises; and

6

1 (ii) After a hearing on the complaint.

2 (2) A decision of the Board of License Commissioners made under this
3 subsection may be appealed as provided under § 16-101 of this article.

4 (k) (1) This subsection applies only to Class B-DH (drafthouse) licenses.

5 (2) On Saturdays, Sundays, and holidays, the hours for sale are from 5 p.m.
6 until 1:30 a.m. the following day.

7 (3) If a family matinee continues beyond 5 p.m., alcoholic beverages may not
8 be served until 15 minutes following the end of the matinee.

9 (4) Except for holidays which are governed by paragraph (2) of this
10 subsection, on weekdays the hours for sale are from 11 a.m. until 1:30 a.m. the following
11 day.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1996.