
By: Prince George's County Delegation

Introduced and read first time: January 27, 1997

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 301-97**

5 FOR the purpose of allowing Sunday sales of alcoholic beverages in a certain part of the
6 23rd alcoholic beverages district of Prince George's County; defining the 23rd
7 alcoholic beverages district; clarifying language and structure; repealing a
8 duplicative current provision of law relating to the hours of sale and consumption of
9 alcoholic beverages; and generally relating to alcoholic beverages in Prince George's
10 County.

11 BY adding to

12 Article 2B - Alcoholic Beverages
13 Section 9-217(l)(3)
14 Annotated Code of Maryland
15 (1996 Replacement Volume)

16 BY repealing and reenacting, with amendments,

17 Article 2B - Alcoholic Beverages
18 Section 11-301(a), 11-302(a), 11-303(a), and 11-517
19 Annotated Code of Maryland
20 (1996 Replacement Volume)

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

23 **Article 2B - Alcoholic Beverages**

24 9-217.

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

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

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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 are from 6 a.m. to midnight, on every day except Sunday.

30 (2) In Frederick County, on Sunday the hours of operation are from 1 p.m.
31 to midnight.

32 (3) In Montgomery County the hours are as provided in § 11-516(d)(1) OF
33 THIS TITLE.

34 (4) (I) In Prince George's County the hours are from 6 a.m. to 2 a.m. on
35 the day following, except on Sunday when sales are not permitted after 2 a.m.

36 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I)
37 OF THIS PARAGRAPH, IN PRECINCTS 7-1, 7-6, 14-4, AND 20-9 OF THE 23RD ALCOHOLIC

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1 BEVERAGES DISTRICT, AS THAT DISTRICT IS SET FORTH IN § 9-217(L) OF THIS
2 ARTICLE, SUNDAY SALES ARE PERMITTED DURING HOURS SET BY THE BOARD OF
3 LICENSE COMMISSIONERS.

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

6 11-302.

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

10 (2) In Frederick County, on Sunday the hours are from 1 p.m. to midnight.

11 (3) In Montgomery County the hours are as provided in § 11-516(d)(1) OF
12 THIS TITLE.

13 (4) (I) In Prince George's County the hours are from 6 a.m. to 2 a.m. on
14 the following day except on Sunday when sales are not permitted after 2 a.m.

15 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I)
16 OF THIS PARAGRAPH, IN PRECINCTS 7-1, 7-6, 14-4, AND 20-9 OF THE 23RD ALCOHOLIC
17 BEVERAGES DISTRICT, AS THAT DISTRICT IS SET FORTH IN § 9-217(L) OF THIS
18 ARTICLE, SUNDAY SALES ARE PERMITTED DURING HOURS SET BY THE BOARD OF
19 LICENSE COMMISSIONERS.

20 11-303.

21 (a) (1) The hours during which the privileges conferred by a Class A beer, wine
22 and liquor license may be exercised are from 6 a.m. to midnight, on every day except
23 Sunday.

24 (2) The provisions of paragraph (1) of this subsection are superseded as
25 follows:

26 (i) In Annapolis the hours may be fixed by the Mayor, Counselor, and
27 Aldermen of the City of Annapolis;

28 (ii) In Frederick County holders of a Class A beer, wine and liquor
29 (off-sale) license may sell beer, wine and liquor for off-premises consumption on
30 Sundays from 1 p.m. to midnight if they hold a special Sunday opening permit;

31 (iii) In Kent County the provisions of § 11-515 OF THIS TITLE apply;

32 (iv) In St. Mary's County holders of a Class A-1 license may sell on
33 Sunday; [and]

34 (v) In Talbot County the hours are from 8 a.m. to 12 midnight; AND

35 (VI) IN PRECINCTS 7-1, 7-2, 14-4, AND 20-9 OF THE 23RD ALCOHOLIC
36 BEVERAGES DISTRICT OF PRINCE GEORGE'S COUNTY, AS THAT DISTRICT IS SET
37 FORTH IN § 9-217 OF THIS ARTICLE, HOLDERS OF A CLASS A LICENSE MAY SELL ON

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1 SUNDAY DURING THE HOURS SPECIFIED BY THE BOARD OF LICENSE
2 COMMISSIONERS OF PRINCE GEORGE'S COUNTY.

3 11-517.

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

5 (b) (1) A holder of any retail alcoholic beverage license or any agent, servant or
6 employee of a holder of any alcoholic beverage license may not sell or serve any alcoholic
7 beverages or permit any alcoholic beverages to be consumed on the licensed premises
8 between the hours of 2:00 a.m. and 6:00 a.m., except as provided in subsection (c) of this
9 section. [A holder of any retail alcoholic beverage license or any agent, servant or
10 employee of a holder of any alcoholic beverages license may not sell any alcoholic
11 beverage or permit any alcoholic beverage to be consumed on the licensed premises
12 between the hours of 2:00 a.m. and 6:00 a.m., except as provided in subsection (c) of this
13 section.]

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

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

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

24 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I)
25 OF THIS PARAGRAPH, IN PRECINCTS 7-1, 7-2, 14-4, AND 20-9 OF THE 23RD ALCOHOLIC
26 BEVERAGES DISTRICT, AS THAT DISTRICT IS SET FORTH IN § 9-217 OF THIS ARTICLE,
27 A HOLDER OF A CLASS A BEER, WINE AND LIQUOR LICENSE OR ANY AGENT,
28 SERVANT OR EMPLOYEE OF A HOLDER OF A CLASS A BEER, WINE AND LIQUOR
29 LICENSE MAY MAKE A SALE ON SUNDAY DURING THE HOURS SET BY THE BOARD OF
30 LICENSE COMMISSIONERS.

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

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

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

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

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

18 (2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT
 19 APPLY TO PRECINCTS 7-1, 7-2, 14-4, AND 20-9 OF THE 23RD ALCOHOLIC BEVERAGES
 20 DISTRICT, AS DEFINED IN § 9-217 OF THIS ARTICLE, TO THE EXTENT THAT A CLASS A
 21 LICENSEE MAY SELL ALCOHOLIC BEVERAGES ON SUNDAY DURING HOURS
 22 SPECIFIED BY THE BOARD OF LICENSE COMMISSIONERS.

23 (f) (1) Notwithstanding any other provisions of this article, but in addition
 24 thereto the holder of a beer, wine and liquor license, Class B, his agents, servants or
 25 employees may not sell any alcoholic beverages for consumption off the licensed premises
 26 between the hours of 2:00 a.m. and 6:00 a.m. or on Sunday after 2:00 a.m. from any
 27 separate store established on the licensed premises as an "off-sale store" or to keep an
 28 "off-sale store" open for business on Sunday after 2 a.m. except that:

29 (I) [beer] BEER and light wine only may be sold from an "off-sale"
 30 store which is attached to and a part of the licensed premises on Sunday after [eight] 8
 31 a.m. until [two] 2 a.m. the day following; AND

32 (II) IN PRECINCTS 7-1, 7-2, 14-4, AND 20-9 OF THE 23RD ALCOHOLIC
 33 BEVERAGES DISTRICT, AS DEFINED IN § 9-217 OF THIS ARTICLE, BEER, WINE AND
 34 LIQUOR MAY BE SOLD FROM AN "OFF-SALE" STORE ON SUNDAY DURING THE
 35 HOURS SPECIFIED BY THE BOARD OF LICENSE COMMISSIONERS.

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

38 (3) Nothing further herein shall be construed to permit sales at any time
 39 between 2 a.m. and 6 a.m. of any day.

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

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

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

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

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

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

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

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

22 (ii) After a hearing on the complaint.

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

25 (j) (1) In the 25th 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 (k) (1) This subsection applies only to Class B-DH (drafhouse) licenses.

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1997.