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**By: Prince George's County Delegation**

Introduced and read first time: January 27, 1997

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 17, 1997

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CHAPTER \_\_\_\_

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:

2

1           **Article 2B - Alcoholic Beverages**

2 9-217.

3           (1) (3) (I) THE 23RD ALCOHOLIC BEVERAGES DISTRICT SHALL AT ALL  
4 TIMES BE COTERMINOUS WITH THE 23RD LEGISLATIVE DISTRICT OF PRINCE  
5 GEORGE'S COUNTY, AS DETERMINED BY THE PRINCE GEORGE'S COUNTY BOARD OF  
6 SUPERVISORS OF ELECTIONS. AS OF APRIL 7, 1994, THE ALCOHOLIC BEVERAGES  
7 DISTRICT CONSISTED OF:

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

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

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

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

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

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

20                           A. CENSUS TRACT 8005.08, BLOCK 210;

21                           B. CENSUS TRACT 8005.09, BLOCKS 201 THROUGH 210 AND 213  
22 THROUGH 235; AND

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

24                          7. THAT PART OF PRINCE GEORGE'S COUNTY ELECTION  
25 DISTRICT 10, PRECINCT 10 THAT CONSISTS OF THE FOLLOWING CENSUS TRACTS AND  
26 BLOCKS:

27                           A. CENSUS TRACT 8002.06, BLOCKS 101A, 101B, 101C, 102, 103,  
28 105, 108, 109, AND 111; AND

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

30                          8. THAT PART OF PRINCE GEORGE'S COUNTY ELECTION  
31 DISTRICT 21, PRECINCT 9 THAT CONSISTS OF CENSUS TRACT 8067.07, BLOCKS 101, 103A,  
32 106, AND 107.

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

35 11-301.

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

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

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

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

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

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

14 11-302.

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

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

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

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

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

28 11-303.

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

32 (2) The provisions of paragraph (1) of this subsection are superseded as  
33 follows:

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

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

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

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

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

5 (VI) IN PRECINCTS 7-1, 7-2, 14-4, AND 20-9 OF THE 23RD ALCOHOLIC  
6 BEVERAGES DISTRICT OF PRINCE GEORGE'S COUNTY, AS THAT DISTRICT IS SET  
7 FORTH IN § 9-217 OF THIS ARTICLE, HOLDERS OF A CLASS A LICENSE MAY SELL ON  
8 SUNDAY DURING THE HOURS SPECIFIED BY THE BOARD OF LICENSE  
9 COMMISSIONERS OF PRINCE GEORGE'S COUNTY.

10 11-517.

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

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

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

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

27 (4) (I) 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 license may not make  
29 any sale between the hours of 2:00 a.m. and 6:00 a.m. or on Sunday after 2:00 a.m. except  
30 when December 24 and 31 fall on a Sunday.

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

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

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

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

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

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

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

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

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

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

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

6

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

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

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

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

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

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

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

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

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

25 (ii) After a hearing on the complaint.

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

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

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

34 (ii) After a hearing on the complaint.

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

37 (k) (1) This subsection applies only to Class B-DH (drafhhouse) licenses.

7

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

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

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

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