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1997 Regular Session
7lr2244

CF 7lr2636

By: Senator Currie

Introduced and read first time: February 5, 1997

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Retail Stores**
3 **(Size Limitation)**

4 FOR the purpose of imposing a statewide limitation on the amount of floor space that a
5 retail alcoholic beverages licensee may devote to the sale of alcoholic beverages;
6 providing restrictions and exceptions; deleting a current requirement that is
7 operable only in Prince George's County; and generally relating to the sale of
8 alcoholic beverages.

9 BY repealing and reenacting, without amendments,
10 Article 2B - Alcoholic Beverages
11 Section 9-217(a)
12 Annotated Code of Maryland
13 (1996 Replacement Volume)

14 BY repealing
15 Article 2B - Alcoholic Beverages
16 Section 9-217(m)
17 Annotated Code of Maryland
18 (1996 Replacement Volume)

19 BY adding to
20 Article 2B - Alcoholic Beverages
21 Section 9-108
22 Annotated Code of Maryland
23 (1996 Replacement Volume)

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

26 **Article 2B - Alcoholic Beverages**

27 9-217.

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

29 [(m) (1) (i) In this section the following words have the meanings indicated.

2

1 (ii) "Board" means the Board of License Commissioners.

2 (iii) "Food stores" includes supermarkets.

3 (iv) "Off-sale" means the sale of alcoholic beverages that are to be
4 consumed off the licensed premises.

5 (v) "On-sale" means the sale of alcoholic beverages that are to be
6 consumed only on the licensed premises.

7 (2) Without regard to its class of license, a licensee may not devote more
8 than 10,000 square feet of floor space to off-sale use.

9 (3) Except as to food stores that had an alcoholic beverages license on or
10 before January 1, 1995, floor space shall be considered the space devoted to the retail sale
11 of alcoholic beverages for off-sale consumption which, in the case of all licenses without
12 on-premises consumption privileges, is located within the four walls of the building from
13 which the licensed business operates or, in the case of licenses with on-sale and off-sale
14 privileges, is actually used for the sale, display or storage of those beverages. In all cases,
15 floor space includes:

16 (i) Basements on licensed premises; and

17 (ii) Whatever other area off the licensed premises upon which the
18 beverages are at any time lawfully stored.

19 (4) (i) This subsection does not prohibit the renewal or transfer of
20 ownership or location of a license issued in conjunction with any business that on or
21 before January 1, 1995, has in excess of 10,000 square feet devoted to off-sale use.

22 (ii) The square footage of floor space used for the sale, display, or
23 storage of the beverages may not be expanded beyond 10,000 square feet.

24 (iii) Food stores having an alcoholic beverages license on or before
25 January 1, 1995, may not expand the actual square footage of their alcoholic beverages
26 departments, including sales, display, and storage areas, beyond a total of 10,000 square
27 feet. This size shall be determined without regard to the total area available within the
28 four walls of the business premises.

29 (iv) There is no presumption in favor of or which otherwise requires
30 the Board to approve requests by licensees to expand the amount of space devoted to the
31 retail sale of beverages for off-sale consumption up to 10,000 square feet unless the
32 Board finds, based upon the evidence presented to them, that:

33 1. The expansion is necessary to accommodate the public; and

34 2. The licensee otherwise continues to meet the criteria for
35 issuance or transfer of a license and whatever other conditions are imposed by the
36 Board.]

37 9-108.

38 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
39 INDICATED.

3

1 (2) "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS OF EACH
2 COUNTY AND BALTIMORE CITY.

3 (3) "FOOD STORES" INCLUDES SUPERMARKETS.

4 (4) "OFF-SALE" MEANS THE SALE OF ALCOHOLIC BEVERAGES THAT
5 ARE TO BE CONSUMED OFF THE LICENSED PREMISES.

6 (5) "ON-SALE" MEANS THE SALE OF ALCOHOLIC BEVERAGES THAT ARE
7 TO BE CONSUMED ONLY ON THE LICENSED PREMISES.

8 (B) WITHOUT REGARD TO ITS CLASS OF LICENSE, A LICENSEE MAY NOT
9 DEVOTE MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE TO OFF-SALE USE.

10 (C) EXCEPT AS TO FOOD STORES THAT HAD AN ALCOHOLIC BEVERAGES
11 LICENSE ON OR BEFORE OCTOBER 1, 1997, FLOOR SPACE SHALL BE CONSIDERED THE
12 SPACE DEVOTED TO THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR OFF-SALE
13 CONSUMPTION WHICH, IN THE CASE OF ALL LICENSES WITHOUT ON-PREMISES
14 CONSUMPTION PRIVILEGES, IS LOCATED WITHIN THE FOUR WALLS OF THE
15 BUILDING FROM WHICH THE LICENSED BUSINESS OPERATES OR, IN THE CASE OF
16 LICENSES WITH ON-SALE AND OFF-SALE PRIVILEGES, IS ACTUALLY USED FOR THE
17 SALE, DISPLAY, OR STORAGE OF THOSE BEVERAGES. IN ALL CASES, FLOOR SPACE
18 INCLUDES:

19 (1) BASEMENTS ON LICENSED PREMISES; AND

20 (2) WHATEVER OTHER AREA OFF THE LICENSED PREMISES UPON
21 WHICH THE BEVERAGES ARE AT ANY TIME LAWFULLY STORED.

22 (D) (1) THIS SECTION DOES NOT PROHIBIT THE RENEWAL OR TRANSFER OF
23 OWNERSHIP OR LOCATION OF A LICENSE ISSUED IN CONJUNCTION WITH ANY
24 BUSINESS THAT ON OR BEFORE OCTOBER 1, 1997, HAS IN EXCESS OF 10,000 SQUARE
25 FEET DEVOTED TO OFF-SALE USE.

26 (2) THE SQUARE FOOTAGE OF FLOOR SPACE USED FOR THE SALE,
27 DISPLAY, OR STORAGE OF THE BEVERAGES MAY NOT BE EXPANDED BEYOND 10,000
28 SQUARE FEET.

29 (3) FOOD STORES HAVING AN ALCOHOLIC BEVERAGES LICENSE ON OR
30 BEFORE OCTOBER 1, 1997, MAY NOT EXPAND THE ACTUAL SQUARE FOOTAGE OF
31 THEIR ALCOHOLIC BEVERAGES DEPARTMENTS, INCLUDING SALES, DISPLAY, AND
32 STORAGE AREAS, BEYOND A TOTAL OF 10,000 SQUARE FEET. THIS SIZE SHALL BE
33 DETERMINED WITHOUT REGARD TO THE TOTAL AREA AVAILABLE WITHIN THE
34 FOUR WALLS OF THE BUSINESS PREMISES.

35 (4) THERE IS NO PRESUMPTION IN FAVOR OF OR WHICH OTHERWISE
36 REQUIRES THE BOARD TO APPROVE REQUESTS BY LICENSEES TO EXPAND THE
37 AMOUNT OF SPACE DEVOTED TO THE RETAIL SALE OF BEVERAGES FOR OFF-SALE
38 CONSUMPTION UP TO 10,000 SQUARE FEET, UNLESS THE BOARD FINDS, BASED UPON
39 THE EVIDENCE PRESENTED TO IT, THAT:

40 (I) THE EXPANSION IS NECESSARY TO ACCOMMODATE THE
41 PUBLIC; AND

4

1 (II) THE LICENSEE OTHERWISE CONTINUES TO MEET THE
2 CRITERIA FOR ISSUANCE OR TRANSFER OF A LICENSE AND WHATEVER OTHER
3 CONDITIONS ARE IMPOSED BY THE BOARD.

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