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

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages Licenses (Off-Sale) - Hours**  
 3 **for Sale - 47th District**  
 4 **PG 301-05**

5 FOR the purpose of altering the hours for sale in the 47th alcoholic beverages district  
 6 of Prince George's County for holders of certain off-sale alcoholic beverages  
 7 licenses; altering the hours that holders of certain off-sale licenses in the 47th  
 8 alcoholic beverages district are required to prohibit certain access to alcoholic  
 9 beverages; clarifying language; making stylistic changes; and generally relating  
 10 to the hours for sale for holders of certain off-sale alcoholic beverages licenses in  
 11 the 47th alcoholic beverages district of Prince George's County.

12 BY repealing and reenacting, with amendments,  
 13 Article 2B - Alcoholic Beverages  
 14 Section 11-517  
 15 Annotated Code of Maryland  
 16 (2001 Replacement Volume and 2004 Supplement)

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

19 **Article 2B - Alcoholic Beverages**

20 11-517.

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

22 (b) (1) A holder of any retail alcoholic beverage license or any agent, servant  
 23 or employee of a holder of any alcoholic beverage license may not sell or serve any  
 24 alcoholic beverages or permit any alcoholic beverages to be consumed on the licensed  
 25 premises between the hours of 2:00 a.m. and 6:00 a.m., except as provided in  
 26 subsection (c) of this section AND SUBJECT TO SUBSECTION (L) OF THIS SECTION. [A  
 27 holder of any retail alcoholic beverage license or any agent, servant or employee of a  
 28 holder of any alcoholic beverages license may not sell any alcoholic beverage or permit

1 any alcoholic beverage to be consumed on the licensed premises between the hours of  
2 2:00 a.m. and 6:00 a.m., except as provided in subsection (c) of this section.]

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

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

9 (4) [A] SUBJECT TO SUBSECTION (L) OF THIS SECTION, A holder of a  
10 Class A beer, wine and liquor license or any agent, servant or employee of a holder of  
11 a Class A beer, wine and liquor license may not make any sale between the hours of  
12 2:00 a.m. and 6:00 a.m. or on Sunday after 2:00 a.m. except when December 24 and 31  
13 fall on a Sunday.

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

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

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

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

33 (e) (1) [The] SUBJECT TO REGULATIONS OF THE BOARD OF LICENSE  
34 COMMISSIONERS THAT ARE CONSISTENT WITH THIS SUBSECTION, THE holder of a  
35 Class A (off-sale) license who offers for sale in his licensed premises commodities  
36 other than alcoholic beverages and is open on Sundays for the sale of such  
37 commodities shall keep all alcoholic beverages upon the premises in a separate  
38 beverage department securely closed and locked in a compartment, compartments or  
39 enclosure between the hours of [2:00 a.m. on Sunday and 6:00 a.m. the following  
40 Monday, subject to regulations of the Board of License Commissioners not  
41 inconsistent with the provisions hereof]:

1 (I) IN THE 47TH ALCOHOLIC BEVERAGES DISTRICT AS DESCRIBED  
2 IN § 9-217(L) OF THIS ARTICLE, 12:00 A.M. ON SUNDAY AND 6:00 A.M. THE FOLLOWING  
3 MONDAY; OR

4 (II) IN THE REMAINDER OF THE COUNTY, 2:00 A.M. ON SUNDAY AND  
5 6:00 A.M. THE FOLLOWING MONDAY.

6 (2) The provisions of this subsection do not apply to alcoholic beverages  
7 in storage areas which are not open to the public.

8 (f) [Notwithstanding] SUBJECT TO SUBSECTION (L) OF THIS SECTION BUT  
9 NOTWITHSTANDING any other provisions of this article[, but] AND in addition  
10 thereto, the holder of a beer, wine and liquor license, Class B, his agents, servants or  
11 employees may not sell any alcoholic beverages for consumption off the licensed  
12 premises between the hours of 2:00 a.m. and 6:00 a.m. or on Sunday after 2:00 a.m.  
13 from any separate store established on the licensed premises as an "off-sale store" or  
14 to keep an "off-sale store" open for business on Sunday after 2 a.m. except that beer  
15 and light wine only may be sold from an "off-sale" store which is attached to and a  
16 part of the licensed premises on Sunday after eight a.m. until two a.m. the day  
17 following. For the purpose of this provision, the Board of License Commissioners shall  
18 determine by reasonable standards what shall constitute an "off-sale store". Nothing  
19 further herein shall be construed to permit sales at any time between 2 a.m. and 6  
20 a.m. of any day.

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

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

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

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

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

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

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

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

3 (ii) After a hearing on the complaint.

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

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

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

12 (ii) After a hearing on the complaint.

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

15 (k) (1) This subsection applies only to Class B-DH (drafhouse) licenses.

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

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

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

23 (L) IN THE 47TH ALCOHOLIC BEVERAGES DISTRICT AS DESCRIBED IN §  
24 9-217(L) OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
25 ARTICLE, A HOLDER OF A RETAIL "OFF-SALE" ALCOHOLIC BEVERAGES LICENSE OR  
26 AN ALCOHOLIC BEVERAGES LICENSE WITH "OFF-SALE" PRIVILEGES, OR ANY AGENT,  
27 SERVANT, OR EMPLOYEE OF THE HOLDER, MAY NOT SELL ANY ALCOHOLIC  
28 BEVERAGES FOR CONSUMPTION OFF THE LICENSED PREMISES:

29 (1) ON SUNDAY BETWEEN THE HOURS OF:

30 (I) 12:00 A.M. AND 6:00 A.M.; OR

31 (II) 11:00 P.M. AND 6:00 A.M. THE FOLLOWING DAY;

32 (2) ON MONDAY THOUGH THURSDAY BETWEEN THE HOURS OF 11:00 P.M.  
33 AND 6:00 A.M. THE FOLLOWING DAY; OR

34 (3) ON SATURDAY BETWEEN THE HOURS OF 12:00 A.M. AND 6:00 A.M.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2005.