

HOUSE BILL 1478

A2

EMERGENCY BILL

8lr3259
CF SB 837

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

Introduced and read first time: February 18, 2008

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, February 25, 2008

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2008

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages - Waterfront Entertainment**
3 **Retail Complex and Wine Festival**

4 **PG 332-08**

5 FOR the purpose of exempting a certain hotel issued a Class BH license in Prince
6 George's County from certain requirements relating to dining facilities and
7 average daily receipts from the hire of rooms and the sale of food; exempting a
8 certain hotel from a certain limit on the number of Class BH licenses that the
9 Board of License Commissioners may issue; establishing in Prince George's
10 County certain alcoholic beverages licenses to be issued for use in a waterfront
11 entertainment retail complex as defined by county ordinance; prohibiting the
12 Board of License Commissioners from issuing certain licenses within the
13 complex unless a certain percentage of the licenses are held by certain persons;
14 setting maximum limits on the number of certain licenses that the Board may
15 issue in certain years; establishing a special Class B entertainment venue
16 (on-sale) beer, wine and liquor license and a Class A waterfront plaza (off-sale)
17 beer and wine license; requiring that the entertainment venue and waterfront
18 plaza licenses be issued for use within the complex; providing for fees,
19 restrictions on, and requirements for the entertainment venue and waterfront
20 plaza licenses; ~~authorizing the Board to transfer or issue certain licenses to a~~
21 ~~supermarket or grocery store of a certain size within a waterfront~~
22 ~~entertainment retail complex~~; establishing a wine festival license; restricting
23 the issuance of the wine festival license to certain persons; authorizing wine
24 festival licensees to display and sell wine under certain circumstances;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 authorizing the Board to establish a license fee and issue a certain license for
 2 the festival; requiring the Board to choose a certain location for the festival;
 3 requiring the Board to adopt certain regulations; defining certain terms; making
 4 this Act an emergency measure; and generally relating to alcoholic beverages
 5 licenses in Prince George's County.

6 BY repealing and reenacting, without amendments,
 7 Article 2B – Alcoholic Beverages
 8 Section ~~6–201(r)(4)(i) and 9–217(a) and (b)(15)~~
 9 Annotated Code of Maryland
 10 (2005 Replacement Volume and 2007 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article 2B – Alcoholic Beverages
 13 Section ~~6–201(r)(4)(iii)2.C. and 3. and 9–102(a–1)~~
 14 Annotated Code of Maryland
 15 (2005 Replacement Volume and 2007 Supplement)

16 BY adding to
 17 Article 2B – Alcoholic Beverages
 18 Section ~~6–201(r)(4)(viii), 8–217(e), 8–217.1, and 8–310.2, and 9–102(a–2)~~
 19 Annotated Code of Maryland
 20 (2005 Replacement Volume and 2007 Supplement)

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 6–201.

25 (r) (4) (i) There is a special Class B license known as Class BH, which
 26 may be issued only to hotels.

27 (iii) In this paragraph “hotel” means an establishment:

28 2. Which is equipped with:

29 C. [A] **EXCEPT AS PROVIDED IN SUBPARAGRAPH**
 30 **(VIII) OF THIS PARAGRAPH, A** dining room with facilities for preparing and serving
 31 regular meals;

32 3. [Where] **EXCEPT AS PROVIDED IN SUBPARAGRAPH**
 33 **(VIII) OF THIS PARAGRAPH, WHERE** the average daily receipts from the hire of
 34 rooms and the sale of food exceeds the average daily receipts from the sale of alcoholic
 35 beverages; and

1 (VIII) 1. IF A HOTEL OR ITS HOSPITALITY VENUE IS WITHIN
2 A WATERFRONT ENTERTAINMENT RETAIL COMPLEX AS DEFINED BY COUNTY
3 ORDINANCE AND HAS MORE THAN THREE RESTAURANTS WITHIN 1,500 FEET OF
4 THE HOTEL OR HOSPITALITY VENUE, THE HOTEL NEED NOT:

5 ~~1.~~ A. BE EQUIPPED WITH A DINING ROOM WITH
6 FACILITIES FOR PREPARING AND SERVING REGULAR MEALS; OR

7 ~~2.~~ B. MAINTAIN AVERAGE DAILY RECEIPTS FROM THE
8 HIRE OF ROOMS AND THE SALE OF FOOD IN EXCESS OF THE AVERAGE DAILY
9 RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

10 2. A LICENSE ISSUED UNDER THIS SUBPARAGRAPH
11 IS EXEMPT FROM THE MAXIMUM NUMBER LISTED UNDER § 9-217(B)(15) FOR
12 CLASS BH LICENSES.

13 8-217.

14 (E) (1) THIS SUBSECTION DOES NOT APPLY TO A CLASS B-CC
15 (CONVENTION CENTER) LICENSE.

16 (2) (I) THE BOARD OF LICENSE COMMISSIONERS OF PRINCE
17 GEORGE’S COUNTY MAY NOT ISSUE LICENSES WITHIN A WATERFRONT
18 ENTERTAINMENT RETAIL COMPLEX AS DEFINED BY COUNTY ORDINANCE
19 UNLESS AT LEAST 10% OF THE LICENSES ARE TO BE HELD BY:

20 1. A MINORITY ENTERPRISE UNDER § 14-301(F) OF
21 THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

22 2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
23 THIS PARAGRAPH, A SOCIALLY AND ECONOMICALLY DISADVANTAGED
24 INDIVIDUAL UNDER § 14-301(I) OF THE STATE FINANCE AND PROCUREMENT
25 ARTICLE.

26 (II) AN INDIVIDUAL WHOSE PERSONAL NET WORTH
27 EXCEEDS \$1,500,000 MAY BE FOUND TO BE A SOCIALLY AND ECONOMICALLY
28 DISADVANTAGED INDIVIDUAL.

29 (3) WITHIN A WATERFRONT ENTERTAINMENT RETAIL COMPLEX
30 AS DEFINED BY COUNTY ORDINANCE, THE BOARD OF LICENSE COMMISSIONERS
31 MAY NOT ISSUE MORE THAN 40 LICENSES, OF WHICH NOT MORE THAN:

32 (I) 20 LICENSES MAY BE ISSUED IN CALENDAR YEAR 2008;

1 (II) 10 LICENSES MAY BE ISSUED IN CALENDAR YEAR 2009;
2 AND

3 (III) 10 LICENSES MAY BE ISSUED IN CALENDAR YEAR 2010.

4 8-217.1.

5 (A) (1) THERE IS A SPECIAL CLASS B (ENTERTAINMENT VENUE)
6 (ON-SALE) BEER, WINE AND LIQUOR LICENSE.

7 (2) THE LICENSE MAY BE ISSUED FOR USE BY AN
8 ESTABLISHMENT, WITHIN A WATERFRONT ENTERTAINMENT RETAIL COMPLEX
9 AS DEFINED BY PRINCE GEORGE'S COUNTY ORDINANCE, THAT:

10 (I) PROVIDES COMEDY, DANCING, MUSIC, THEATER, OR
11 SIMILAR ART; BUT

12 (II) MAY NOT PROVIDE MOVIES OR ENTERTAINMENT
13 PROHIBITED BY PRINCE GEORGE'S COUNTY LAW.

14 (3) THE ANNUAL LICENSE FEE IS \$2,750.

15 (4) A HOLDER OF THE LICENSE:

16 (I) MAY EXERCISE SUNDAY SALES PRIVILEGES; BUT

17 (II) NEED NOT SERVE FOOD.

18 (B) (1) THERE IS A CLASS A (OFF-SALE) WATERFRONT PLAZA
19 BEER AND WINE LICENSE THAT MAY BE ISSUED WITHIN A WATERFRONT
20 ENTERTAINMENT RETAIL COMPLEX AS DEFINED BY PRINCE GEORGE'S COUNTY
21 ORDINANCE.

22 (2) AN APPLICANT FOR A LICENSE SHALL SUBMIT TO THE BOARD
23 OF LICENSE COMMISSIONERS FOR ITS APPROVAL A MAP SHOWING THE
24 BOUNDARIES OF A PROPOSED ENTERTAINMENT DISTRICT WITHIN WHICH
25 PATRONS MAY CONSUME ALCOHOLIC BEVERAGES PURCHASED FROM THE
26 LICENSE HOLDER OR A PROXIMATE LICENSEE.

27 (3) THE ENTERTAINMENT DISTRICT:

28 (I) SHALL INCLUDE THE WATERFRONT AREA FROM THE
29 FIRST PUBLIC STREET ALONG THE WATERFRONT TO THE WATER, INCLUDING
30 THE PIERS, BOARDWALK, WALKWAYS, PLAZAS, PROMENADE, AND
31 IMPROVEMENTS CONSTRUCTED IN THE AREA; ~~AND~~

1 (II) MAY INCLUDE A SEGMENT NOT EXCEEDING 500 FEET
2 OF THE PRIMARY THOROUGHFARE FROM THE FIRST PUBLIC STREET INWARD;
3 AND

4 (III) MAY NOT INCLUDE ANY SANDY OR BEACH AREA.

5 ~~(3)~~ (4) IF THE BOARD APPROVES THE MAP, THE BOARD MAY
6 ISSUE A LICENSE TO THE OPERATOR, DEVELOPER, OR LANDLORD OF THE
7 MAJORITY OF PROPERTIES OR VENUES ADJACENT TO THE BOUNDARIES OF THE
8 DEFINED ENTERTAINMENT DISTRICT.

9 ~~(4)~~ (5) THE BOARD MAY IMPOSE ON THE LICENSE HOLDER ANY
10 REQUIREMENT THE BOARD CONSIDERS NECESSARY, INCLUDING
11 REQUIREMENTS REGARDING ACCESS TO THE ENTERTAINMENT DISTRICT AND
12 THE TIME THAT THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE
13 EXERCISED.

14 ~~(5)~~ (6) (I) THE ANNUAL LICENSE FEE IS \$2,500.

15 (II) THE NUMBER OF DAYS THAT A HOLDER MAY USE A
16 WATERFRONT PLAZA BEER AND WINE LICENSE MAY NOT EXCEED ~~150~~ 120 PER
17 CALENDAR YEAR.

18 (III) THE LICENSE HOLDER MAY ONLY SELL BEER AND WINE
19 BETWEEN THE HOURS OF 5:00 P.M. AND MIDNIGHT.

20 **8-310.2.**

21 (A) IN THIS SECTION, "BOARD" MEANS THE PRINCE GEORGE'S COUNTY
22 BOARD OF LICENSE COMMISSIONERS.

23 (B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

24 (C) THE BOARD MAY ISSUE A WINE FESTIVAL LICENSE.

25 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE
26 BOARD MAY ISSUE A WINE FESTIVAL LICENSE ONLY TO A HOLDER OF:

27 (1) A LICENSE ISSUED BY THE BOARD;

28 (2) A CLASS 3 WINERY LICENSE; OR

29 (3) A CLASS 4 LIMITED WINERY LICENSE.

1 (E) A HOLDER OF A WINE FESTIVAL LICENSE MAY DISPLAY AND SELL
2 WINE THAT:

3 (1) IS MANUFACTURED AND PROCESSED IN ANY STATE FOR
4 CONSUMPTION ON OR OFF THE LICENSED PREMISES ON THE DAYS AND FOR THE
5 HOURS DESIGNATED FOR THE FESTIVAL;

6 (2) HAS A PRICE FILED IN ACCORDANCE WITH REGULATIONS
7 THAT THE COMPTROLLER ADOPTS; AND

8 (3) IS DISTRIBUTED IN THE STATE AT THE TIME THE
9 APPLICATION FOR THE WINE FESTIVAL LICENSE IS FILED.

10 (F) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A WINE
11 FESTIVAL LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE
12 OF A DIFFERENT CLASS OR NATURE.

13 (G) THE BOARD:

14 (1) MAY ESTABLISH A LICENSE FEE;

15 (2) MAY ISSUE A 4-DAY LICENSE FOR THE FESTIVAL; AND

16 (3) SHALL CHOOSE FOR THE FESTIVAL A LOCATION IN THE
17 COUNTY THAT IS A LICENSED OR AN UNLICENSED PREMISES.

18 (H) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
19 SECTION.

20 ~~9-102.~~

21 ~~(a-1) [A] EXCEPT AS PROVIDED IN SUBSECTION (A-2) OF THIS SECTION, A~~
22 ~~Class A, B, or D beer license, beer and wine license, or beer, wine and liquor license,~~
23 ~~except by way of renewal, may not be granted, transferred, or issued to, or for use in~~
24 ~~conjunction with, or upon the premises of any business establishment of the type~~
25 ~~commonly known as chain stores, supermarkets, or discount houses. This subsection~~
26 ~~does not apply to or affect any business establishment already holding such a license~~
27 ~~or the possibility of such licensee having the license transferred to a similar type of~~
28 ~~business establishment. Discount houses do not include licensees who sell at discount~~
29 ~~prices.~~

30 ~~(A-2) THE BOARD OF LICENSE COMMISSIONERS OF PRINCE GEORGE'S~~
31 ~~COUNTY MAY ISSUE OR APPROVE THE TRANSFER OF A CLASS A, B, OR D BEER~~
32 ~~AND WINE LICENSE OR A CLASS A, B, OR D BEER, WINE AND LIQUOR LICENSE~~

1 ~~TO A SUPERMARKET OR GROCERY STORE THAT IS WITHIN A WATERFRONT~~
2 ~~ENTERTAINMENT RETAIL COMPLEX, AS DEFINED BY COUNTY ORDINANCE.~~

3 9-217.

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

5 (b) The number of licenses of each class of alcoholic beverage licenses may
6 not exceed the following maximum amounts:

7 (15) Beer, wine and liquor license, Class BH.....25

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health or safety,
10 has been passed by a yea and nay vote supported by three-fifths of all the members
11 elected to each of the two Houses of the General Assembly, and shall take effect from
12 the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.