

SENATE BILL 837

A2

EMERGENCY BILL

8lr3106

By: **Senators Muse and Peters**

Introduced and read first time: February 11, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

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

27 BY repealing and reenacting, without amendments,
28 Article 2B – Alcoholic Beverages
29 Section 6–201(r)(4)(i)
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2005 Replacement Volume and 2007 Supplement)

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

7 BY adding to
 8 Article 2B – Alcoholic Beverages
 9 Section 6–201(r)(4)(viii), 8–217(e), 8–217.1, 8–310.2, and 9–102(a–2)
 10 Annotated Code of Maryland
 11 (2005 Replacement Volume and 2007 Supplement)

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

14 **Article 2B – Alcoholic Beverages**

15 6–201.

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

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

19 2. Which is equipped with:

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

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

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

31 **1. BE EQUIPPED WITH A DINING ROOM WITH**
 32 **FACILITIES FOR PREPARING AND SERVING REGULAR MEALS; OR**

1 **2. MAINTAIN AVERAGE DAILY RECEIPTS FROM THE**
2 **HIRE OF ROOMS AND THE SALE OF FOOD IN EXCESS OF THE AVERAGE DAILY**
3 **RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

4 8-217.

5 **(E) (1) THIS SUBSECTION DOES NOT APPLY TO A CLASS B-CC**
6 **(CONVENTION CENTER) LICENSE.**

7 **(2) (I) THE BOARD OF LICENSE COMMISSIONERS OF PRINCE**
8 **GEORGE'S COUNTY MAY NOT ISSUE LICENSES WITHIN A WATERFRONT**
9 **ENTERTAINMENT RETAIL COMPLEX AS DEFINED BY COUNTY ORDINANCE**
10 **UNLESS AT LEAST 10% OF THE LICENSES ARE TO BE HELD BY:**

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

13 **2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
14 **THIS PARAGRAPH, A SOCIALLY AND ECONOMICALLY DISADVANTAGED**
15 **INDIVIDUAL UNDER § 14-301(I) OF THE STATE FINANCE AND PROCUREMENT**
16 **ARTICLE.**

17 **(II) AN INDIVIDUAL WHOSE PERSONAL NET WORTH**
18 **EXCEEDS \$1,500,000 MAY BE FOUND TO BE A SOCIALLY AND ECONOMICALLY**
19 **DISADVANTAGED INDIVIDUAL.**

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

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

24 **(II) 10 LICENSES MAY BE ISSUED IN CALENDAR YEAR 2009;**

25 **AND**

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

27 **8-217.1.**

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

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

4 **(I) PROVIDES COMEDY, DANCING, MUSIC, THEATER, OR**
5 **SIMILAR ART; BUT**

6 **(II) MAY NOT PROVIDE MOVIES OR ENTERTAINMENT**
7 **PROHIBITED BY PRINCE GEORGE'S COUNTY LAW.**

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

9 **(4) A HOLDER OF THE LICENSE:**

10 **(I) MAY EXERCISE SUNDAY SALES PRIVILEGES; BUT**

11 **(II) NEED NOT SERVE FOOD.**

12 **(B) (1) THERE IS A CLASS A (OFF-SALE) WATERFRONT PLAZA**
13 **BEER AND WINE LICENSE THAT MAY BE ISSUED WITHIN A WATERFRONT**
14 **ENTERTAINMENT RETAIL COMPLEX AS DEFINED BY PRINCE GEORGE'S COUNTY**
15 **ORDINANCE.**

16 **(2) AN APPLICANT FOR A LICENSE SHALL SUBMIT TO THE BOARD**
17 **OF LICENSE COMMISSIONERS FOR ITS APPROVAL A MAP SHOWING THE**
18 **BOUNDARIES OF A PROPOSED ENTERTAINMENT DISTRICT WITHIN WHICH**
19 **PATRONS MAY CONSUME ALCOHOLIC BEVERAGES PURCHASED FROM THE**
20 **LICENSE HOLDER OR A PROXIMATE LICENSEE.**

21 **(3) THE ENTERTAINMENT DISTRICT:**

22 **(I) SHALL INCLUDE THE WATERFRONT AREA FROM THE**
23 **FIRST PUBLIC STREET ALONG THE WATERFRONT TO THE WATER, INCLUDING**
24 **IMPROVEMENTS CONSTRUCTED IN THE AREA; AND**

25 **(II) MAY INCLUDE A SEGMENT NOT EXCEEDING 500 FEET**
26 **OF THE PRIMARY THOROUGHFARE FROM THE FIRST PUBLIC STREET INWARD.**

27 **(3) IF THE BOARD APPROVES THE MAP, THE BOARD MAY ISSUE A**
28 **LICENSE TO THE OPERATOR, DEVELOPER, OR LANDLORD OF THE MAJORITY OF**
29 **PROPERTIES OR VENUES ADJACENT TO THE BOUNDARIES OF THE DEFINED**
30 **ENTERTAINMENT DISTRICT.**

1 (4) **THE BOARD MAY IMPOSE ON THE LICENSE HOLDER ANY**
2 **REQUIREMENT THE BOARD CONSIDERS NECESSARY, INCLUDING**
3 **REQUIREMENTS REGARDING ACCESS TO THE ENTERTAINMENT DISTRICT AND**
4 **THE TIME THAT THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE**
5 **EXERCISED.**

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

7 **(II) THE NUMBER OF DAYS THAT A HOLDER MAY USE A**
8 **WATERFRONT PLAZA BEER AND WINE LICENSE MAY NOT EXCEED 150 PER**
9 **CALENDAR YEAR.**

10 **8-310.2.**

11 **(A) IN THIS SECTION, “BOARD” MEANS THE PRINCE GEORGE’S COUNTY**
12 **BOARD OF LICENSE COMMISSIONERS.**

13 **(B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.**

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

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

17 **(1) A LICENSE ISSUED BY THE BOARD;**

18 **(2) A CLASS 3 WINERY LICENSE; OR**

19 **(3) A CLASS 4 LIMITED WINERY LICENSE.**

20 **(E) A HOLDER OF A WINE FESTIVAL LICENSE MAY DISPLAY AND SELL**
21 **WINE THAT:**

22 **(1) IS MANUFACTURED AND PROCESSED IN ANY STATE FOR**
23 **CONSUMPTION ON OR OFF THE LICENSED PREMISES ON THE DAYS AND FOR THE**
24 **HOURS DESIGNATED FOR THE FESTIVAL;**

25 **(2) HAS A PRICE FILED IN ACCORDANCE WITH REGULATIONS**
26 **THAT THE COMPTROLLER ADOPTS; AND**

27 **(3) IS DISTRIBUTED IN THE STATE AT THE TIME THE**
28 **APPLICATION FOR THE WINE FESTIVAL LICENSE IS FILED.**

1 **(F) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A WINE**
2 **FESTIVAL LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE**
3 **OF A DIFFERENT CLASS OR NATURE.**

4 **(G) THE BOARD:**

5 **(1) MAY ESTABLISH A LICENSE FEE;**

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

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

9 **(H) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
10 **SECTION.**

11 9-102.

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

21 **(A-2) THE BOARD OF LICENSE COMMISSIONERS OF PRINCE GEORGE'S**
22 **COUNTY MAY ISSUE OR APPROVE THE TRANSFER OF A CLASS A, B, OR D BEER**
23 **AND WINE LICENSE OR A CLASS A, B, OR D BEER, WINE AND LIQUOR LICENSE**
24 **TO A SUPERMARKET OR GROCERY STORE THAT IS WITHIN A WATERFRONT**
25 **ENTERTAINMENT RETAIL COMPLEX, AS DEFINED BY COUNTY ORDINANCE.**

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