

HOUSE BILL 1081

A2

3lr0340

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

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2013

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Entertainment Permit –**
3 **~~Exemption for~~ Class BH Licensees**

4 **PG 301-13**

5 FOR the purpose of ~~specifying that a holder of a Class BH alcoholic beverages license~~
6 ~~in Prince George's County need not obtain an entertainment permit before~~
7 ~~providing entertainment~~ authorizing a holder of a Class BH license in Prince
8 George's County that obtains a special entertainment permit to allow an
9 individual under a certain age to be present on the licensed premises while
10 alcoholic beverages are being served during certain events; altering a certain
11 definition; making technical corrections; and generally relating to the issuance
12 of entertainment permits in Prince George's County.

13 BY repealing and reenacting, without amendments,
14 Article 2B – Alcoholic Beverages
15 Section 6-201(r)(1)(i) and (19)
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article 2B – Alcoholic Beverages
20 Section 6-201(r)(4) ~~and (19)(i)~~
21 Annotated Code of Maryland
22 (2011 Replacement Volume and 2012 Supplement)

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

3 **Article 2B – Alcoholic Beverages**

4 6–201.

5 (r) (1) (i) This subsection applies only in Prince George’s County.

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

8 (ii) The annual license fee is \$5,000.

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

10 1. [Which] **THAT** is recognized as a hotel for the
11 accommodation of the public providing services ordinarily found in hotels;

12 2. [Which] **THAT** is equipped with:

13 A. Not less than 45 bedrooms;

14 B. A lobby with registration and mail desk and seating
15 facilities; and

16 C. A dining room with facilities for preparing and
17 serving regular meals;

18 3. Where the average daily receipts from the hire of
19 rooms and the sale of food exceeds the average daily receipts from the sale of alcoholic
20 beverages; [and]

21 4. Where the capital investment in the facility, including
22 the building or buildings and all fixtures and systems contained therein and
23 components thereof, parking compound, swimming pool and other recreational areas,
24 landscaping, site preparation and improvements and infrastructure, engineering,
25 architectural and other similar costs but excluding the cost of land furnishings and
26 removable equipment and personal property, is not less than \$30,000 per bedroom;
27 **AND**

28 **5. THAT COLLECTS THE COUNTY HOTEL**
29 **OCCUPANCY TAX FROM GUESTS USING THE ESTABLISHMENT.**

1 (iv) Class BH licenses are subject to all other provisions
2 pertaining to Class B beer, wine and liquor licenses, except that any restrictions
3 against the sale of alcoholic beverages on Sunday appearing in § 11-517 of this article
4 and elsewhere in this article do not apply; and any alcoholic beverages may not be
5 sold, served or consumed on the licensed premises on Sunday after 2 a.m. and before
6 10 a.m.

7 (v) 1. In addition to the other privileges granted under this
8 paragraph, a holder of a Class BH beer, wine and liquor (on-sale) license for hotel use
9 may sell alcoholic beverages in sealed containers to hotel guests who are 21 years of
10 age or older if:

11 A. The alcoholic beverages, other than beer and wine,
12 are sold in sealed containers of under 200 milliliters;

13 B. The alcoholic beverages are sold from locked
14 prestocked private bars located within individual guest rooms; and

15 C. The charges for the alcoholic beverages sold are
16 indicated on the respective guest room bill.

17 2. If a room is rented to a guest under 21 years of age,
18 the hotel management is responsible for removing the bar key from the room.

19 **(VI) A CLASS BH LICENSE HOLDER THAT OBTAINS A**
20 **SPECIAL ENTERTAINMENT PERMIT UNDER PARAGRAPH (19)(II) OF THIS**
21 **SUBSECTION MAY ALLOW AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO BE**
22 **PRESENT ON THE LICENSED PREMISES WHILE ALCOHOLIC BEVERAGES ARE**
23 **BEING SERVED DURING ANY OF THE FOLLOWING EVENTS:**

24 **1. ANNIVERSARY PARTY;**

25 **2. BABY SHOWER;**

26 **3. BAPTISM RECEPTION;**

27 **4. BAR MITZVAH;**

28 **5. BAT MITZVAH;**

29 **6. BEAUTILLION;**

30 **7. BIRTHDAY PARTY;**

31 **8. BOOK SIGNING;**

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- 1 **9. CHURCH EVENT;**
- 2 **10. CONFIRMATION RECEPTION;**
- 3 **11. CORPORATE RECEPTION;**
- 4 **12. COTILLION;**
- 5 **13. ENGAGEMENT PARTY;**
- 6 **14. FAITH BASED EVENT;**
- 7 **15. FAMILY REUNION;**
- 8 **16. FAMILY THEMED THEATRICAL;**
- 9 **17. GRADUATION PARTY;**
- 10 **18. PERFORMANCE;**
- 11 **19. POLITICAL EVENT;**
- 12 **20. RETIREMENT PARTY;**
- 13 **21. RIGHTS OF PASSAGE EVENT;**
- 14 **22. SCHOLARSHIP AWARD CEREMONY;**
- 15 **23. SCHOOL EVENT;**
- 16 **24. TEA PARTY;**
- 17 **25. WEDDING;**
- 18 **26. WEDDING RECEPTION;**
- 19 **27. WEDDING SHOWER; AND**
- 20 **28. A FAMILY-ORIENTED EVENT, AS DEFINED IN**
- 21 **REGULATIONS ADOPTED BY THE BOARD UNDER SUBPARAGRAPH (VII) OF THIS**
- 22 **PARAGRAPH.**

23 ~~(vi)~~ **(VII)** The Board shall adopt regulations to establish
24 compliance with the provisions of this paragraph.

1 (19) (i) A license holder that seeks to provide entertainment is not
2 required to obtain a permit under this paragraph if:

3 1. The license is issued under paragraph (3), ~~(4)~~, (9),
4 (10), (11), (12), (13), (16), or (17) of this subsection or § 5–201(r)(4) of this article;

5 2. The Board of License Commissioners determines that
6 the holder’s principal business is to provide family entertainment;

7 3. The license is a Class B (on–sale) license issued for a
8 restaurant, and the license holder provides entertainment for adults and children
9 that:

10 A. Is ancillary to the operation of the business; and

11 B. Is not the primary focus of marketing or promotion for
12 the business; or

13 4. The license is a veterans or fraternal Class C license,
14 and the license holder provides entertainment that:

15 A. Is under the direct supervision of the license holder;

16 B. Is for adults, children, and families of the
17 organization or the public; and

18 C. When offered, ends not later than midnight.

19 (ii) There is a special entertainment permit that the Board may
20 issue to a holder of any Class B (on–sale) license in accordance with this paragraph.

21 (iii) The Board shall determine the number of days in a week
22 that a permit holder may exercise the privileges of the permit.

23 (iv) 1. Before approving an application for and issuing a
24 permit under this paragraph, the Board shall hold a public hearing in accordance with
25 the requirements for a public hearing on an application for a license under § 10–202(i)
26 of this article.

27 2. At the public hearing, the Board shall give the
28 applicant, supporters of the applicant, and opponents of the applicant an opportunity
29 to be heard.

30 3. In making its determination whether to approve the
31 application and issue the permit, the Board shall consider whether:

- 1 A. Approval and issuance of the permit is necessary for
2 the accommodation of the public;
- 3 B. The applicant is a fit person to receive the permit;
- 4 C. The applicant has made any material false statement
5 in the application;
- 6 D. The applicant has committed any fraudulent act in
7 connection with the application;
- 8 E. The operation of the business, if the permit is issued,
9 will unduly disturb the peace of the residents of the neighborhood where the place of
10 business is located or to be located; and
- 11 F. There are any other reasons that justify the
12 disapproval of the application or the refusal to issue the permit.
- 13 4. The Board shall hold a similar public hearing on
14 receipt of a petition to:
- 15 A. Revoke an entertainment permit; or
- 16 B. Protest the renewal of an entertainment permit.
- 17 (v) 1. The permit authorizes the holder that complies with
18 all requirements under county law, including zoning and use and occupancy laws and
19 regulations, to impose a cover charge, offer facilities for patron dancing, and provide
20 entertainment.
- 21 2. The permit is valid after 9 p.m. until 2 a.m. the
22 following day.
- 23 (vi) Before being issued a permit, an applicant shall:
- 24 1. Submit evidence to the satisfaction of the Board that:
- 25 A. The applicant holds a Class B (on-sale) license;
- 26 B. There are no unpaid taxes due from the applicant to
27 the State, the County, or a municipal corporation; and
- 28 C. The applicant meets all other entertainment permit
29 requirements; and

1 2. A. Develop a security plan to prevent the premises
2 for which the permit is sought from posing a threat to the peace and safety of the
3 surrounding area; and

4 B. Submit the plan for review to the Board and the Chief
5 of the Prince George's County Police Department.

6 (vii) 1. The Chief of the Prince George's County Police
7 Department may submit comments to the Board on the adequacy of the security plan
8 within 30 days after receipt of the plan.

9 2. The Board shall consider the comments, if any, of the
10 Chief of Police and subsequently issue the permit, refuse to issue the permit, or
11 condition the issuance of the permit on changes to the security plan.

12 3. If the Board issues the permit with a security plan
13 that the Chief of the Prince George's County Police Department does not support, the
14 Board shall specify in writing to the Chief the reasons why the Board has determined
15 that the security plan is adequate.

16 4. Each permit holder shall follow the approved security
17 plan at all times when the permit holder exercises the privileges of the permit.

18 (viii) A holder of the permit:

19 1. Shall implement the security plan; and

20 2. When the privileges authorized by the permit are
21 being exercised, may not allow an individual who is under the age of 21 years on the
22 premises for which the permit is issued, unless the individual is employed by or is an
23 immediate family member of the holder.

24 (ix) The Board at any time may prohibit, condition, or restrict
25 the type of entertainment offered by a holder of the permit, including lewd, exotic,
26 loud, or raucous entertainment, if after a hearing the Board determines that the
27 entertainment adversely impacts or unduly disturbs the community and is not
28 conducive to the peace, health, welfare, or safety of the residents of the County.

29 (x) The annual fee for the permit is \$1,500, which is in addition
30 to the annual fee for the Class B license.

31 (xi) A permit holder may employ sworn security personnel as
32 part of the security plan if the sworn security personnel have full police powers in the
33 jurisdiction where the premises of the permit holder is located.

34 (xii) 1. The circuit court may issue a temporary restraining
35 order to immediately close to the public the entire operation of the premises if the

1 County establishes that the security plan has not been implemented and that the
2 public health, safety, or welfare requires emergency action.

3 2. On issuance of a temporary restraining order under
4 subsubparagraph 1 of this subparagraph, the County shall give the permit holder
5 written notice of and reasons for the closure.

6 3. The permit holder promptly shall be given an
7 opportunity for a hearing in circuit court on the granting of the temporary restraining
8 order in accordance with Title 15, Chapter 500 of the Maryland Rules.

9 (xiii) Subject to subparagraph (xiv) of this paragraph, the Board
10 may immediately suspend a permit if the Board reasonably believes that the permit
11 holder:

12 1. Violated this paragraph; or

13 2. Is not in compliance with a county zoning property
14 standard or use and occupancy requirement.

15 (xiv) If the Board immediately suspends a permit, the Board
16 shall:

17 1. Give the permit holder notice of the suspension and a
18 hearing on the suspension at which the permit holder may be heard and present
19 evidence; and

20 2. Hold the hearing within 30 days after the suspension
21 is imposed.

22 (xv) At the hearing, the Board shall determine:

23 1. Whether the permit holder violated this paragraph or
24 other law; and

25 2. If a violation occurred, what penalty to impose among
26 those listed in subparagraphs (xvi) and (xvii) of this paragraph.

27 (xvi) Subject to subparagraph (xvii) of this paragraph, if the
28 Board finds that a person has violated this paragraph, the Board:

29 1. May revoke or continue the suspension of the permit;
30 and

31 2. Shall impose on the person a penalty of:

1 A. For a first offense, at least \$1,000 but not more than
2 \$12,500; and

3 B. For each subsequent offense, at least \$5,000.

4 (xvii) The Board:

5 1. Shall revoke the permit of a person who the Board
6 determines violated this paragraph twice within a 24-month period; and

7 2. Until at least 12 months after the order of revocation
8 was issued, may not consider an application from the person for a new permit or an
9 application for a new permit for the premises that was the subject of the revocation.

10 (xviii) If the Board determines that the permit holder did not
11 violate this paragraph, the Board shall immediately reinstate the permit.

12 (xix) The Board of License Commissioners shall adopt regulations
13 to carry out this paragraph.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 June 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.