

Chapter 111

(House Bill 931)

AN ACT concerning

Alcoholic Beverages – Prince George’s County – Seven Day Sales**PG 318–15**

FOR the purpose of establishing a special Sunday off–sale permit in Prince George’s County; authorizing the Board of License Commissioners, except under certain circumstances, to issue the permit to certain license holders; providing that no more than a certain number of permits may be active at any one time; prohibiting the Board of License Commissioners from issuing a permit to certain holders of a license; prohibiting the Board of License Commissioners from issuing a permit to certain holders of a license before a certain date; requiring an applicant for a permit to commit to making a certain reinvestment in the business; authorizing the Board of License Commissioners to waive the reinvestment requirement; requiring the Board of License Commissioners to revoke a permit under certain circumstances; authorizing the permit holder to sell certain alcoholic beverages during a certain time on Sunday for consumption off the licensed premises; providing that the holder of a certain license that is issued a permit is no longer required to comply with any restaurant or food requirements; establishing a certain application fee; establishing a certain fee for the permit; authorizing the Board of License Commissioners to adopt certain regulations; providing for the application of a certain provision of this Act; making conforming changes; making stylistic changes; and generally relating to alcoholic beverages in Prince George’s County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 11–517(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–517(b) and (f)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 11–517(l)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

11–517.

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

(b) (1) (i) A holder of any retail “on–sale” alcoholic beverage license or any agent, servant or employee of a holder of any “on–sale” alcoholic beverage license may not sell or serve any alcoholic beverages for consumption on the licensed premises or permit any alcoholic beverages to be consumed on the licensed premises between the hours of 2:00 a.m. and 6:00 a.m., except as provided in subsection (c) of this section.

(ii) Holders of any “on–sale” retail alcoholic beverage license, their agents, servants, or employees may sell beer and light wine on Sunday for consumption on the licensed premises, except between the hours of 2:00 a.m. and 8:00 a.m.

(iii) Subject to paragraph (2) of this subsection, a holder of any Class B restaurant license, with or without [a] **AN ON–SALE Sunday permit THAT AUTHORIZES THE HOLDER TO SELL LIQUOR BY THE GLASS**, may sell beer, wine and liquor on Sunday when it falls on Christmas Eve or New Year’s Eve, except between the hours of 2:00 a.m. and 8:00 a.m.

(2) (i) Subject to subparagraph (ii) of this paragraph, a holder of a Class A retail “off–sale” alcoholic beverages license or a Class B or D alcoholic beverages license with off–sale privileges, or any agent, servant or employee of the holder, may not sell any alcoholic beverages for consumption off the licensed premises between the hours of 12:00 a.m. and 6:00 a.m.

(ii) A holder of a Class A beer, wine and liquor license or any agent, servant or employee of a holder of a Class A beer, wine and liquor license may not make any sale on Sunday after 12:00 a.m. [except when] **UNLESS:**

1. December 24 and 31 fall on a Sunday; **OR**

2. **THE HOLDER OF A CLASS A BEER, WINE AND LIQUOR LICENSE HOLDS A SPECIAL SUNDAY OFF–SALE PERMIT UNDER SUBSECTION (L) OF THIS SECTION.**

(f) (1) (I) [Notwithstanding any other provisions of this article, but in addition thereto] **EXCEPT AS PROVIDED IN SUBSECTION (L) OF THIS SECTION AND SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the holder of a **CLASS B** beer, wine and liquor license, [Class B, his agents, servants or employees] **AND AN AGENT, A SERVANT,**

OR AN EMPLOYEE OF A HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE may not sell any alcoholic beverages for consumption off the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. or on Sunday after 12:00 a.m. from any separate store established on the licensed premises as an “off-sale store” or to keep an “off-sale store” open for business on Sunday after 12:00 a.m. [except that beer].

(II) **BEER** and light wine only may be sold from an “off-sale” store which is attached to and a part of the licensed premises on Sunday after 8:00 a.m. until 12:00 a.m. the day following.

(2) For the [purpose] **PURPOSES** of this [provision] **SUBSECTION**, the Board of License Commissioners shall determine by reasonable standards what shall constitute an “off-sale store”.

(3) Nothing further herein shall be construed to permit sales at any time between 12:00 a.m. and 6:00 a.m. of any day.

(L) (1) **THERE IS A SPECIAL SUNDAY OFF-SALE PERMIT.**

(2) ~~THE~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND EXCEPT AS PROVIDED IN PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE PERMIT TO THE HOLDER OF:

(I) ~~ANY~~ A CLASS A BEER, WINE AND LIQUOR LICENSE; OR

(II) A CLASS B BEER, WINE AND LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE UNDER § 6-201(R)(2)(II) OF THIS ARTICLE.

(3) NOT MORE THAN 100 SPECIAL SUNDAY OFF-SALE PERMITS MAY BE IN EFFECT AT ANY ONE TIME.

(4) (I) THIS PARAGRAPH APPLIES TO A HOLDER OF A LICENSE LISTED IN PARAGRAPH (2) OF THIS SUBSECTION THAT WAS ISSUED THE LICENSE BEFORE JULY 1, 2015.

(II) IF THE HOLDER OF A LICENSE HAS BEEN FOUND BY THE BOARD OF LICENSE COMMISSIONERS TO HAVE VIOLATED A RESTRICTION ON SELLING LIQUOR ON SUNDAY, THE BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE A SPECIAL SUNDAY OFF-SALE PERMIT TO THE HOLDER BEFORE:

1. JANUARY 1, 2016, IF THE HOLDER:

A. COMMITTED ONLY ONE VIOLATION BETWEEN JULY 1, 2014, AND JUNE 30, 2015, BOTH INCLUSIVE; AND

B. DID NOT COMMIT A VIOLATION OF A RESTRICTION ON SELLING LIQUOR ON SUNDAY BETWEEN JULY 1, 2013, AND JUNE 30, 2014, BOTH INCLUSIVE; OR

2. JULY 1, 2016, IF THE HOLDER COMMITTED AT LEAST TWO VIOLATIONS BETWEEN JULY 1, 2013, AND JUNE 30, 2015, BOTH INCLUSIVE.

(5) THE BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE A SPECIAL SUNDAY OFF-SALE PERMIT TO A HOLDER OF A LICENSE LISTED IN PARAGRAPH (2) OF THIS SUBSECTION THAT WAS FOUND BY THE BOARD OF LICENSE COMMISSIONERS TO HAVE VIOLATED A RESTRICTION ON SELLING LIQUOR ON SUNDAY WITHOUT A SPECIAL SUNDAY OFF-SALE PERMIT ON OR AFTER JULY 1, 2015.

(6) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN APPLICANT FOR A SPECIAL SUNDAY OFF-SALE PERMIT SHALL COMMIT IN THE APPLICATION TO REINVESTING A MINIMUM OF \$50,000 IN THE BUSINESS WITHIN 1 YEAR AFTER THE PERMIT IS ISSUED.

(II) THE BOARD OF LICENSE COMMISSIONERS MAY WAIVE THE REINVESTMENT REQUIREMENT.

(III) THE BOARD OF LICENSE COMMISSIONERS SHALL REVOKE A SPECIAL SUNDAY OFF-SALE PERMIT IF:

1. THE BOARD OF LICENSE COMMISSIONERS DID NOT WAIVE THE REINVESTMENT REQUIREMENT UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

2. THE HOLDER OF THE SPECIAL SUNDAY OFF-SALE PERMIT FAILS TO MAKE THE REQUIRED REINVESTMENT.

~~(3)~~ (7) THE PERMIT AUTHORIZES THE SALE OF ALCOHOLIC BEVERAGES THAT THE HOLDER IS AUTHORIZED TO SELL:

(I) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT; AND

(II) FOR CONSUMPTION OFF THE LICENSED PREMISES ONLY.

(8) IF THE HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE IS ISSUED A SPECIAL SUNDAY OFF-SALE PERMIT,

THE HOLDER IS NO LONGER REQUIRED TO COMPLY WITH ANY RESTAURANT OR FOOD REQUIREMENTS.

(9) THE APPLICATION FEE FOR A SPECIAL SUNDAY OFF-SALE PERMIT IS \$750.

~~(4)~~ (10) (I) THE ANNUAL PERMIT FEE FOR THE SPECIAL SUNDAY OFF-SALE PERMIT IS \$450:

1. FOR THE HOLDER OF A CLASS A BEER, WINE AND LIQUOR LICENSE, \$2,590; AND

2. FOR THE HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE, \$1,080, WHICH

(II) THE ANNUAL PERMIT FEE LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS IN ADDITION TO THE ANNUAL FEE FOR THE CLASS A BEER, WINE AND LIQUOR LICENSE OR CLASS B BEER, WINE AND LIQUOR LICENSE TO WHICH IT IS ATTACHED.

~~(5)~~ (11) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, April 14, 2015.