

# HOUSE BILL 185

A2  
SB 518/18 – EHE

9lr0593  
CF SB 352

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

Introduced and read first time: January 23, 2019

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George’s County – Alcoholic Beverages – Class BLX License for Movie**  
3 **Theaters**

4 **PG 302–19**

5 FOR the purpose of authorizing the Board of License Commissioners for Prince George’s  
6 County to issue a Class BLX license for a movie theater under certain circumstances;  
7 authorizing the holder of the license to sell beer, wine, and liquor for on–premises  
8 consumption; allowing the holder of the license to serve only customers who have  
9 proof of admission to the movie theater; providing the hours of sale for the license;  
10 and generally relating to Class BLX licenses for movie theaters in Prince George’s  
11 County.

12 BY repealing and reenacting, without amendments,  
13 Article – Alcoholic Beverages  
14 Section 26–102  
15 Annotated Code of Maryland  
16 (2016 Volume and 2018 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Alcoholic Beverages  
19 Section 26–1606, 26–1616, and 26–2004(f)  
20 Annotated Code of Maryland  
21 (2016 Volume and 2018 Supplement)

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### 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.



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

**Article – Alcoholic Beverages**

26–102.

This title applies only in Prince George’s County.

26–1606.

(a) Except as provided in subsection (b) of this section **AND § 26–1616(B)(2) OF THIS SUBTITLE**, the Board may not issue a license for use on the site of a movie theater.

(b) This section does not prohibit the issuance of a Class B–DH (draffhouse) license for use on the site of a draffhouse, as defined in § 26–1007 of this title.

26–1616.

(a) There is a Class BLX license.

(b) **[(1)]** The Board may issue the license for use in:

**(1)** a luxury–type restaurant, as defined in regulations of the Board, that has:

(i) a minimum capital investment of \$1,000,000 for a dining room facility and kitchen equipment, not including the cost of the land, building, or lease; and

(ii) seating for at least 100 individuals; **AND**

**(2) ~~A~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, A MOVIE THEATER IF:**

**(I) THE OWNER OR OPERATOR OF THE MOVIE THEATER HAS INVESTED AT LEAST ~~\$2,000,000~~ \$5,000,000 IN RENOVATING OR REMODELING THE MOVIE THEATER; AND**

**(II) EXCLUDING CANDY AND POPCORN, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF THE MOVIE THEATER EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES; AND**

**(III) ANY EMPLOYEE WHO SERVES ALCOHOLIC BEVERAGES IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS TRAINING PROGRAM.**

1           **(C) THE BOARD MAY ISSUE A CLASS BLX LICENSE TO A MOVIE THEATER IN**  
 2 **THE 26TH LEGISLATIVE DISTRICT ONLY AFTER:**

3           **(1) CONSULTING WITH THE SENATOR AND DELEGATES FROM THE**  
 4 **26TH LEGISLATIVE DISTRICT; AND**

5           **(2) RECEIVING THE WRITTEN APPROVAL OF THE COMMUNITY**  
 6 **ASSOCIATION THAT THE BOARD DETERMINES TO BE APPROPRIATE.**

7           ~~(C)~~ **(D)**       **THE HOLDER OF A CLASS BLX LICENSE ISSUED FOR A MOVIE**  
 8 **THEATER MAY SERVE ONLY CUSTOMERS WHO HAVE PROOF OF ADMISSION TO THE**  
 9 **MOVIE THEATER.**

10           **[(2)] ~~(D)~~ (E) (1)**   If the criteria under [paragraph (1) of this subsection]  
 11 **SUBSECTION (B)(1) OF THIS SECTION** are met, the Board may issue or transfer one Class  
 12 **BLX license FOR USE IN A LUXURY-TYPE RESTAURANT** on behalf of:

13                   (i)     the county;

14                   (ii)    the Maryland-National Capital Park and Planning Commission;

15 or

16                   (iii)   a private concessionaire under contract with:

17                           1.     the county; or

18                           2.     the Maryland-National Capital Park and Planning  
 19 Commission.

20           **[(3)] (2)**       The Board may determine:

21                   (i)     the number of licenses to be issued;

22                   (ii)    to whom the license may be issued; and

23                   (iii)   whether a holder of an alcoholic beverages license may have an  
 24 interest in one Class BLX license.

25           **[(4)] (3)**       The license authorizes the license holder to sell beer, wine, and  
 26 liquor for on-premises consumption.

27           **[(c)] ~~(E)~~ (F)** (1)   Subject to paragraphs (2) and (3) of this subsection, a person may  
 28 not hold more than 10 Class BLX licenses.

29           (2)       The Board may issue:

1 (i) a fifth license to a license holder only if the date of application for  
2 the fifth license is at least 1 year after the date the license holder was issued the fourth  
3 license; and

4 (ii) a sixth license only if the date of application for the sixth license  
5 is at least 1 year after the date the license holder was issued the fifth license.

6 (3) In determining whether to issue a fifth, sixth, seventh, eighth, ninth, or  
7 tenth license to a single license holder, the Board:

8 (i) shall consider the number of licensed establishments existing in  
9 the area surrounding the site of the proposed licensed establishment; and

10 (ii) may issue an additional license only if the Board determines that  
11 the proposed licensed establishment will enhance the recreational, business, and economic  
12 development of the area.

13 [(d)] ~~(F)~~ **(G)** The profit realized from the sale of an alcoholic beverage under a license  
14 issued under subsection [(b)(2)] ~~(D)(1)~~ **(E)(1)** of this section may be for the use and benefit  
15 of the license holder.

16 [(e)] ~~(G)~~ **(H)** The annual license fee is \$3,875.

17 26–2004.

18 (f) (1) **(I)** Subject to [paragraph (2) of this subsection] **SUBPARAGRAPH**  
19 **(II) OF THIS PARAGRAPH**, the holder of a Class BLX license **ISSUED FOR A**  
20 **LUXURY-TYPE RESTAURANT** may sell beer, wine, and liquor for on-premises  
21 consumption from 6 a.m. to 2 a.m. the following day.

22 [(2)] **(II)** A license holder may not sell beer, wine, or liquor for  
23 on-premises consumption:

24 [(i)] **1.** except as provided in § 26–2005 of this subtitle, from 2  
25 a.m. to 6 a.m.; or

26 [(ii)] **2.** at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the  
27 following day, unless the Sunday is December 24 or December 31.

28 **(2) A HOLDER OF A CLASS BLX LICENSE ISSUED FOR A MOVIE**  
29 **THEATER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION**  
30 **FROM NOON TO 12:30 A.M. THE FOLLOWING DAY.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
32 1, 2019.