

SENATE BILL 739

A2

1r1910
CF HB 979

By: **Senator Rosapepe**

Introduced and read first time: February 5, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 26, 2021

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – BLX License**

3 FOR the purpose of providing that the requirement to obtain a certain entertainment
4 permit does not apply to the holder of a certain license under certain circumstances;
5 authorizing a certain license holder to offer entertainment when persons under the
6 age of 21 years are on the licensed premises under certain circumstances; requiring
7 a certain agreement and a certain lease to contain certain provisions; requiring the
8 license holder to meet with certain persons at certain times for certain purposes;
9 requiring the license holder to indemnify a certain entity for any recommendations
10 the license holder makes to the Board of License Commissioners for Prince George's
11 County; and generally relating to alcoholic beverages licenses in Prince George's
12 County.

13 BY repealing and reenacting, without amendments,
14 Article – Alcoholic Beverages
15 Section 26–102
16 Annotated Code of Maryland
17 (2016 Volume and 2020 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Alcoholic Beverages
20 Section 26–1103(a) and 26–1616
21 Annotated Code of Maryland
22 (2016 Volume and 2020 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 MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Alcoholic Beverages**

4 26–102.

5 This title applies only in Prince George’s County.

6 26–1103.

7 (a) This section does not apply to a license holder that seeks to provide
8 entertainment if:

9 (1) the license of the license holder is issued under § 26–1003, § 26–1006, §
10 26–1008, § 26–1009, § 26–1010, § 26–1011, § 26–1014, § 26–1015, § 26–1016, [or] §
11 26–1018.1, **OR § 26–1616(H)** of this title; or

12 (2) the license is a veterans or fraternal Class C license and the license
13 holder provides entertainment that:

14 (i) is under the direct supervision of the license holder;

15 (ii) is for adults, children, and families of the organization or the
16 public; and

17 (iii) when offered, ends not later than midnight.

18 26–1616.

19 (a) There is a Class BLX license.

20 (b) The Board may issue the license for use in:

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

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

25 (ii) seating for at least 100 individuals; and

26 (2) subject to subsection (c) of this section, a movie theater if:

27 (i) the owner or operator of the movie theater has invested at least
28 \$5,000,000 in renovating or remodeling the movie theater;

1 (ii) excluding candy and popcorn, the average daily receipts from the
2 sale of food of the movie theater exceed the average daily receipts from the sale of alcoholic
3 beverages; and

4 (iii) any employee who serves alcoholic beverages is certified by an
5 approved alcohol awareness program.

6 (c) The Board may not issue a Class BLX license to a movie theater in the 26th
7 legislative district.

8 (d) The holder of a Class BLX license issued for a movie theater may serve only
9 customers who have proof of admission to the movie theater.

10 (e) (1) If the criteria under subsection (b)(1) of this section are met, the Board
11 may issue or transfer one Class BLX license for use in a luxury-type restaurant on behalf
12 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 (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 (3) The license authorizes the license holder to sell beer, wine, and liquor
26 for on-premises consumption.

27 (f) (1) Subject to paragraphs (2) and (3) of this subsection, a person may not
28 hold more than 15 Class BLX licenses.

29 (2) The Board may issue:

30 (i) a fifth license to a license holder only if the date of application for

1 the fifth license is at least 1 year after the date the license holder was issued the fourth
2 license; and

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

5 (3) In determining whether to issue a fifth, sixth, or subsequent license to
6 a single license holder, the Board:

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

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

12 (g) The profit realized from the sale of an alcoholic beverage under a license
13 issued under subsection (e)(1) of this section may be for the use and benefit of the license
14 holder.

15 (h) **(1) THIS SUBSECTION APPLIES ONLY TO A LICENSE THAT IS ISSUED**
16 **FOR AN ESTABLISHMENT THAT IS LOCATED ON THE CAMPUS OF THE UNIVERSITY OF**
17 **MARYLAND, COLLEGE PARK WITHIN AN AREA THAT IS BOUNDED AS FOLLOWS:**
18 **FROM THE INTERSECTION OF ROSSBOROUGH LANE AND DIAMONDBACK DRIVE,**
19 **NORTH ON DIAMONDBACK DRIVE TO THE INTERSECTION WITH CAMPUS DRIVE,**
20 **SOUTHEAST ON CAMPUS DRIVE TO THE POINT WHERE CAMPUS DRIVE RUNS**
21 **DIRECTLY PARALLEL TO ROSSBOROUGH LANE WHERE IT INTERSECTS WITH RHODE**
22 **ISLAND AVENUE, SOUTH FROM THE ROADWAY OF CAMPUS DRIVE TO THE**
23 **INTERSECTION OF ROSSBOROUGH LANE AND RHODE ISLAND AVENUE, THEN**
24 **NORTHWEST ALONG ROSSBOROUGH LANE BACK TO THE INTERSECTION OF**
25 **ROSSBOROUGH LANE AND DIAMONDBACK DRIVE.**

26 **(2) NOTWITHSTANDING § 26-1103.1 OF THIS TITLE, THE LICENSE**
27 **HOLDER MAY OFFER ENTERTAINMENT WHEN INDIVIDUALS UNDER THE AGE OF 21**
28 **YEARS ARE PRESENT IF:**

29 **(I) THE LICENSE HOLDER ENTERS INTO AN AGREEMENT WITH**
30 **THE COLLEGE PARK CITY-UNIVERSITY PARTNERSHIP, THE CITY OF COLLEGE**
31 **PARK, AND THE UNIVERSITY OF MARYLAND TO WORK TOGETHER TO PROVIDE A**
32 **QUALITY RESTAURANT EXPERIENCE AND APPROPRIATE COMMUNITY-ORIENTED**
33 **ENTERTAINMENT TARGETED TOWARD BOTH THE LOCAL AND CAMPUS**
34 **COMMUNITIES; AND**

35 **(II) THE LEASE OF THE PROPERTY ON WHICH THE LICENSED**
36 **PREMISES IS LOCATED INCLUDES PROVISIONS THAT REQUIRE THE LICENSE**

1 **HOLDER TO:**

2 **1. IMMEDIATELY NOTIFY THE LANDLORD OF ANY**
3 **VIOLATION OR CITATION RELATING TO THE LICENSE;**

4 **2. WORK CLOSELY WITH THE COLLEGE PARK**
5 **CITY-UNIVERSITY PARTNERSHIP AND ITS MEMBERS TO MAINTAIN A SAFE AND**
6 **HEALTHY COMMUNITY-ORIENTED ESTABLISHMENT;**

7 **3. PROVIDE TO THE COLLEGE PARK CITY-UNIVERSITY**
8 **PARTNERSHIP AND ITS MEMBERS EACH MONTH A LIST OF UPCOMING EVENTS;**

9 **4. PARTICIPATE IN REVIEWS;**

10 **5. MAINTAIN AND OPERATE THE FACILITY IN A MANNER**
11 **THAT IS SAFE, HEALTHY, AND COMMUNITY-ORIENTED; AND**

12 **6. REFRAIN FROM ADVERTISEMENTS OR INDUCEMENTS**
13 **THAT MAY BE INTERPRETED TO ENCOURAGE CONSUMPTION OF ALCOHOLIC**
14 **BEVERAGES BY UNDERAGE PATRONS.**

15 **(3) THE AGREEMENT UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION**
16 **SHALL PROVIDE THAT:**

17 **(I) LIVE MUSIC AND ENTERTAINMENT WILL GENERALLY START**
18 **BY 8:00 P.M. OR 9:00 P.M. AND END BY MIDNIGHT, BUT MAY ON OCCASION OCCUR**
19 **BETWEEN 8:00 A.M. AND 8:00 P.M.;**

20 **(II) IF AN EVENT IS ANTICIPATED TO EXTEND LATER THAN**
21 **MIDNIGHT, THE LICENSE HOLDER SHALL INFORM AND REQUEST COMMENT FROM**
22 **THE UNIVERSITY OF MARYLAND AND THE COLLEGE PARK CITY-UNIVERSITY**
23 **PARTNERSHIP; AND**

24 **(III) THE LICENSE HOLDER SHALL EMPLOY APPROPRIATE**
25 **LEVELS OF SECURITY FOR EVERY LIVE MUSIC AND ENTERTAINMENT EVENT.**

26 **(4) THE LICENSE HOLDER SHALL MEET WITH THE COLLEGE PARK**
27 **CITY-UNIVERSITY PARTNERSHIP BOARD OF DIRECTORS EVERY 6 MONTHS TO**
28 **REVIEW REPORTS AND SECURITY MEASURES AND TO ASSIST IN IMPROVEMENT OF**
29 **COMMUNITY-ORIENTED EVENTS.**

30 **(5) THE LICENSE HOLDER SHALL INDEMNIFY THE COLLEGE PARK**
31 **CITY-UNIVERSITY PARTNERSHIP FOR ANY RECOMMENDATIONS THE LICENSE**

1 **HOLDER MAKES TO THE BOARD.**

2 **(I)** The annual license fee is \$3,875.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.