

HOUSE BILL 1014

A2

3lr2513

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

Introduced and read first time: February 10, 2023

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages Licenses – Prohibition on**
3 **Transfer of Class A Beer, Wine, and Liquor License**

4 **PG 307–23**

5 FOR the purpose of prohibiting the Board of License Commissioners for Prince George's
6 County from approving the transfer or sale of a Class A beer, wine, and liquor license;
7 requiring a certain license holder to return a certain license to the Board if the license
8 expires or the license holder no longer wishes to hold the license; prohibiting the
9 Board from reissuing a Class A beer, wine, and liquor license under certain
10 circumstances; and generally relating to alcoholic beverages 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 2022 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Alcoholic Beverages
19 Section 26–901 and 26–1702
20 Annotated Code of Maryland
21 (2016 Volume and 2022 Supplement)

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

24 **Article – Alcoholic Beverages**

25 26–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 This title applies only in Prince George's County.

2 26-901.

3 (a) There is a Class A beer, wine, and liquor license.

4 (b) (1) The license authorizes the license holder to sell beer, wine, and liquor
5 at retail at the place described in the license.

6 (2) The license holder shall sell the beer, wine, or liquor in a sealed package
7 or container that may not be opened or its contents consumed on the licensed premises.

8 (c) A license under this section may not be issued for a drugstore unless the
9 applicant:

10 (1) has been doing business at the location applied for in the license for at
11 least 1 year before the date of the application for the license;

12 (2) is the assignee of a business established for at least 1 year before the
13 date of the application for the license at the location applied for; or

14 (3) has been engaged in the retail drug business for at least 3 years.

15 **(D) (1) A LICENSE ISSUED UNDER THIS SECTION MAY NOT BE**
16 **TRANSFERRED OR SOLD TO ANOTHER PERSON OR LOCATION.**

17 **(2) IF A LICENSE ISSUED UNDER THIS SECTION EXPIRES OR THE**
18 **LICENSE HOLDER NO LONGER WISHES TO HOLD THE LICENSE, THE LICENSE HOLDER**
19 **SHALL RETURN THE LICENSE TO THE BOARD.**

20 **(3) THE BOARD MAY NOT REISSUE A LICENSE THAT HAS BEEN**
21 **RETURNED TO THE BOARD IN ACCORDANCE WITH THIS SUBSECTION.**

22 **[(d)] (E)** The annual license fee is \$910.

23 26-1702.

24 (a) The Board may not approve the transfer of a license from one location to
25 another:

26 (1) except as provided in subsection (b) of this section, for at least 2 years
27 after the issuance of a new license; and

28 (2) unless the Board determines that:

1 (i) the transfer to the new location is necessary to accommodate the
2 public; and

3 (ii) the transferee has complied with the residency requirements
4 specified in § 26–1406(c) of this title.

5 (b) Subject to the approval of the Board, a receiver or trustee may transfer
6 ownership and location of a license for the benefit of creditors of a license holder within 6
7 months after:

8 (1) appointment as the receiver or trustee; or

9 (2) the death of the license holder.

10 (c) (1) The Board may approve a transfer of location or ownership within 2
11 years after a transfer of location has been authorized.

12 (2) This paragraph does not prohibit a transfer of ownership for
13 continuance of a business in the same location, unless there has been a transfer of location
14 for the license within 2 years.

15 (d) A transfer of a license in accordance with a security agreement is subject to
16 approval by the Board like any other license transfer, except that the written consent and
17 cooperation of the existing license holder is not required.

18 (e) (1) In addition to any other notice required under this article, the Board
19 shall provide notice of the time, date, and location of a hearing, as soon as practicable after
20 a hearing for a license transfer is scheduled, to all municipalities, civic associations,
21 homeowners' associations, and condominium associations that:

22 (i) are within 1 mile of the location of the proposed place of business
23 of the applicant; and

24 (ii) request to receive notice of hearings by signing up on a registry
25 on the Board's Web site.

26 (2) A municipality, civic association, homeowners' association, or
27 condominium association that requests to receive notice of hearings under paragraph (1)(ii)
28 of this subsection may elect to receive written or electronic notice.

29 **(F) THE BOARD MAY NOT APPROVE THE TRANSFER OR SALE OF A CLASS A**
30 **BEER, WINE, AND LIQUOR LICENSE.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
32 1, 2023.