

Chapter 93

(House Bill 436)

AN ACT concerning

**Prince George’s County – Alcoholic Beverages – ~~Development District License~~
Licensing**

PG 305–23

FOR the purpose of authorizing the Board of License Commissioners for Prince George’s County, notwithstanding a certain prohibition on the transfer of a license with an off-sale privilege, to approve the transfer of a Class A beer, wine, and liquor license to a premises located in a certain alcoholic beverages district if there is no Class A beer, wine, and liquor license operating within a certain distance of the premises; authorizing the Board to issue a Class B–DD beer, wine, and liquor license with an off-sale privilege to certain restaurants in certain areas; repealing a certain prohibition on the issuance of Class B–DD beer, wine, and liquor licenses; authorizing the Board to issue Class B–DD licenses for restaurants located within a certain area on Central Avenue; and generally relating to alcoholic beverages licenses in Prince George’s County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 26–102 and 26–1613(a)
Annotated Code of Maryland
(2016 Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section ~~26–1603(a) and 26–1614(a)(13) and (14)~~ 26–1603(a), 26–1613(b), (c)(1), (d)(2),
and (h), and 26–1614(a)(8), (13), and (14)
Annotated Code of Maryland
(2016 Volume and 2022 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 26–1614(a)(15)
Annotated Code of Maryland
(2016 Volume and 2022 Supplement)

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.

26–1603.

(a) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this subsection, the Board may not issue a new license with an off–sale privilege in, or approve the transfer of a license with an off–sale privilege into, a part of the 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, or 47th alcoholic beverages district in the county.

(2) The Board may issue a license in or approve the transfer of a license into an area specified in paragraph (1) of this subsection if the off–sale privilege of the license is waived.

(3) The Board may convert one Class D (on–sale) beer and wine license issued for premises in the 7100 block of Baltimore Avenue in College Park to a Class D (on– and off–sale) beer and wine license for premises in the 7100 to 7200 block of Baltimore Avenue in College Park.

(4) THE BOARD MAY APPROVE THE TRANSFER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE TO A PREMISES LOCATED IN ANY AREA SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS NO CLASS A BEER, WINE, AND LIQUOR LICENSE OPERATING WITHIN 1 MILE OF THE PREMISES.

26–1613.

(a) There is a Class B–DD (Development District) 7–day beer, wine, and liquor license.

(b) (1) The Board may issue the license for use in a restaurant in any single area designated in § 26–1614 of this subtitle.

(2) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(3) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, FOR EACH AREA DESIGNATED IN § 26–1614 OF THIS SUBTITLE THAT IS NOT LOCATED INSIDE THE CAPITAL BELTWAY, THE BOARD MAY ISSUE THE LICENSE WITH AN OFF–SALE PRIVILEGE FOR USE IN ONE RESTAURANT IN THE AREA IF:

1. THE RESTAURANT HAS AT LEAST 100 PERMANENT SEATS;

2. THE COMBINED AREA OF THE KITCHEN, BAR, AND DINING AREA OF THE RESTAURANT, INCLUDING PERMANENT YEAR-ROUND OUTDOOR SEATING, IS GREATER THAN 3,500 SQUARE FEET;

3. THE RESTAURANT IS LOCATED AT LEAST 1 MILE AWAY FROM ANY OTHER ESTABLISHMENT THAT HOLDS A CLASS A BEER, WINE, AND LIQUOR LICENSE OR A CLASS B-PLUS BEER, WINE, AND LIQUOR LICENSE THAT IS EXERCISING ITS OFF-SALE PRIVILEGES;

4. THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF MORE THAN \$1,000,000, EXCLUDING THE COSTS OF THE LAND, BUILDING, OR LEASE;

5. THE INDIVIDUAL APPLICANTS HOLDING A COMBINED OWNERSHIP INTEREST OF AT LEAST 75% IN THE RESTAURANT HAVE OPERATED A RESTAURANT IN THE COUNTY THAT HAS HELD AN ALCOHOLIC BEVERAGES LICENSE UNDER THIS TITLE FOR AT LEAST 7 YEARS PRIOR TO THE FILING OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION;

6. THE RESTAURANT IS OPEN AT LEAST 5 DAYS PER WEEK AND SERVES LUNCH AND DINNER AT LEAST FIVE TIMES PER WEEK; AND

7. THE RESTAURANT DOES NOT HOLD AN OWNERSHIP INTEREST IN MORE THAN TWO RESTAURANTS THAT HOLD A LICENSE UNDER THIS SECTION WITH AN OFF-SALE PRIVILEGE.

(II) A HOLDER OF A LICENSE UNDER THIS SECTION WITH AN OFF-SALE PRIVILEGE SHALL MAINTAIN "OFF-SALE" SHELVES OR COUNTERS IN AN AREA OF THE LICENSED PREMISES THAT IS:

1. PARTITIONED OR OTHERWISE SEPARATED FROM THE MAIN BAR AND THE USUAL SERVING AREA FOR ON-PREMISES CONSUMPTION; AND

2. CONTIGUOUS TO THE RESTAURANT.

(III) THE PORTION OF THE RESTAURANT DEDICATED TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION MAY NOT:

1. BE CONSIDERED WHEN CALCULATING THE SQUARE FOOTAGE OF THE RESTAURANT UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH; AND

2. BE GREATER THAN 3,500 SQUARE FEET.

(IV) OFF-SALE PRIVILEGES UNDER THE LICENSE AUTHORIZE THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY, FROM 9:00 A.M. TO 10:00 P.M.

(c) (1) An applicant for a license for a restaurant in a single area described in § 26-1614 of this subtitle is not eligible for a Class B-DD license unless:

(i) the restaurant meets all of the requirements set out in paragraph (2) of this subsection; and

(ii) the average daily receipts of the restaurant from the sale of food and nonalcoholic beverages exceed the average daily receipts of the restaurant from the sale of alcoholic beverages **FOR ON-PREMISES CONSUMPTION ONLY.**

(d) (2) The Board may not issue the license for use by a restaurant in a single area described in § 26-1614 of this subtitle if[:

(i) six restaurants are operating with a Class B-DD license in the area; or

(ii)] the applicant is the license holder of three Class B-DD licenses.

(h) (1) [The] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** annual license fee is \$3,025.

(2) **THE ANNUAL LICENSE FEE FOR A LICENSE WITH AN OFF-SALE PRIVILEGE ISSUED UNDER SUBSECTION (C)(3) OF THIS SECTION IS \$5,000.**

26-1614.

(a) The Board may issue:

(8) up to five Class B-DD (Development District) licenses to restaurants located within the [Karrington] **SOUTH LAKE** mixed-use development, located in the southwest quadrant of the intersection of MD-214/Central Avenue and US-301/Crain Highway;

(13) one Class B-DD (Development District) license to a restaurant located within 1 mile surrounding the intersection of East-West Highway and Belcrest Road; [and]

(14) up to 10 Class B-DD (Development District) licenses to restaurants located within the Carillon development, located near the Arena Drive exit of the Capital Beltway; **AND**

(15) ~~ANY NUMBER OF~~ UP TO 50 CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES TO RESTAURANTS LOCATED ON CENTRAL AVENUE, WITHIN THE AREA FROM THE CAPITAL BELTWAY TO THE DISTRICT OF COLUMBIA BORDER.

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

Approved by the Governor, April 11, 2023.