

HOUSE BILL 374

A2

4lr0900

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

Introduced and read first time: January 17, 2024

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Cigar Lounge License**

3 **PG 303–24**

4 FOR the purpose of establishing a Class B–CL (cigar lounge) beer, wine, and liquor license
5 in Prince George's County; excluding the license from certain distance restrictions;
6 excluding a certain business that operates in the county under the license from the
7 requirements of the Clean Indoor Air Act; and generally relating to alcoholic
8 beverages licenses in Prince George's County.

9 BY repealing and reenacting, without amendments,
10 Article – Alcoholic Beverages and Cannabis
11 Section 26–102
12 Annotated Code of Maryland
13 (2016 Volume and 2023 Supplement)

14 BY adding to
15 Article – Alcoholic Beverages and Cannabis
16 Section 26–1001.1
17 Annotated Code of Maryland
18 (2016 Volume and 2023 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Alcoholic Beverages and Cannabis
21 Section 26–1604
22 Annotated Code of Maryland
23 (2016 Volume and 2023 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article – Health – General
26 Section 24–504

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2023 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article – Health – General
5 Section 24–505(3)
6 Annotated Code of Maryland
7 (2023 Replacement Volume)

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

10 **Article – Alcoholic Beverages and Cannabis**

11 26–102.

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

13 **26–1001.1.**

14 **(A) THERE IS A CLASS B–CL (CIGAR LOUNGE) BEER, WINE, AND LIQUOR**
15 **LICENSE.**

16 **(B) THE BOARD MAY ISSUE THE LICENSE FOR USE AT A CIGAR LOUNGE.**

17 **(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE,**
18 **AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

19 **(D) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
20 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
21 **UNDER § 26–2004 OF THIS TITLE.**

22 **(E) THE ANNUAL LICENSE FEE IS \$900.**

23 26–1604.

24 (a) This section does not apply to:

25 (1) a holder of a Class B (RT) beer, wine, and liquor license, a Class BH
26 (hotel) license, a Class BLX license, a Class BCE license, a Class B–DD (development
27 district) license, a Class B–TP (theme park) license, a Class B–AE (arts and entertainment)
28 license, **A CLASS B–CL (CIGAR LOUNGE) BEER, WINE, AND LIQUOR LICENSE**, or a per
29 diem license;

30 (2) an establishment that is within:

1 (i) the 500-foot restricted distance of a place of worship, if the
2 governing body of the place of worship consents in writing to the issuance of the license and
3 the consent is filed with the license application; or

4 (ii) the 1,000-foot restricted distance of a private kindergarten or
5 nursery school;

6 (3) a renewal or extension of a license issued for an establishment that is
7 within the 500-foot restricted distance of a place of worship or the 1,000-foot restricted
8 distance of a school building;

9 (4) (i) a transfer of a license within 1,000 feet of a place of worship or a
10 school building to another establishment within the same restricted distance; or

11 (ii) an assignee of a license within the same distance of the same
12 place of worship or school building;

13 (5) the issuance of a license for an establishment to which a license of the
14 same class had been issued and was in effect on June 1, 1965; and

15 (6) the renewal of a license if a place of worship or school was built within
16 1,000 feet of the establishment after the original issuance of the license.

17 (b) (1) Except as provided in subsections (c) and (d) of this section, the Board
18 may not issue a license for an establishment that is within 500 feet of a place of worship or
19 within 1,000 feet of a school building.

20 (2) The distance from an establishment to a place of worship or school is to
21 be measured from the front door or main entrance of the establishment, whichever is
22 nearest the street abutting the site, along the nearest usual pedestrian route to:

23 (i) the closest door that is used as an entrance or exit to the school;
24 or

25 (ii) the main entrance of the place of worship.

26 (c) The restriction on the distance between the location of a school and a licensed
27 premises does not apply to a Class B-ECF/DS license.

28 (d) (1) In the part of the Gateway Arts and Entertainment District located in
29 Hyattsville, as designated by the Secretary of Commerce, the front door or main entrance
30 of an establishment for which a Class D beer and wine license is issued may be used if the
31 door or entrance is at least 350 feet from a place of worship.

32 (2) In College Park, the Board may issue a license for an establishment
33 that is more than 400 feet from a school building if the land on which the establishment is
34 located is in a commercial district.

1 (3) In Laurel, the Board may issue a license for an establishment
2 regardless of its distance from a place of worship.

3 **Article – Health – General**

4 24–504.

5 Except as provided in § 24–505 of this subtitle, beginning on February 1, 2008, a
6 person may not smoke in:

7 (1) An indoor area open to the public;

8 (2) An indoor place in which meetings are open to the public in accordance
9 with Title 3 of the General Provisions Article;

10 (3) A government–owned or government–operated means of mass
11 transportation including buses, vans, trains, taxicabs, and limousines; or

12 (4) An indoor place of employment.

13 24–505.

14 This subtitle does not apply to:

15 (3) A retail tobacco business that is a sole proprietorship, limited liability
16 company, corporation, partnership, or other enterprise[, in which]:

17 (i) **IN WHICH:**

18 1. The primary activity is the retail sale of tobacco products
19 and accessories; and

20 [(ii)] 2. The sale of other products is incidental; **OR**

21 (ii) **THAT OPERATES IN PRINCE GEORGE’S COUNTY UNDER A**
22 **CLASS B–CL (CIGAR LOUNGE) BEER, WINE, AND LIQUOR LICENSE ISSUED IN**
23 **ACCORDANCE WITH § 26–1001.1 OF THE ALCOHOLIC BEVERAGES AND CANNABIS**
24 **ARTICLE;**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2024.