

HOUSE BILL 293

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

Introduced and read first time: January 20, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Shopping Center**
3 **License**

4 **PG 303–20**

5 FOR the purpose of creating a Class B–SC (shopping center) alcoholic beverages license in
6 Prince George's County; authorizing the Board of License Commissioners for Prince
7 George's County to issue the license for use in a restaurant in a shopping center that
8 meets certain requirements; providing that the license authorizes the license holder
9 to sell beer, wine, and liquor for on–premises consumption; requiring an applicant
10 for the license to ensure that certain requirements are met and that the average
11 daily receipts of the restaurant from the sale of food and nonalcoholic beverages
12 exceed a certain amount; authorizing the Board to revoke a license under certain
13 circumstances; requiring a license holder to submit to the Board a certain report;
14 requiring the Board to make certain determinations; authorizing the Board to
15 approve certain license transfers; prohibiting the Board from issuing the license for
16 use by a certain type of restaurant; setting an annual license fee; exempting the
17 license from certain restrictions; and generally relating to alcoholic beverages
18 licenses in Prince George's County.

19 BY repealing and reenacting, without amendments,
20 Article – Alcoholic Beverages
21 Section 26–102
22 Annotated Code of Maryland
23 (2016 Volume and 2019 Supplement)

24 BY adding to
25 Article – Alcoholic Beverages
26 Section 26–1013.1
27 Annotated Code of Maryland
28 (2016 Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Alcoholic Beverages
3 Section 26–1604
4 Annotated Code of Maryland
5 (2016 Volume and 2019 Supplement)

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

8 **Article – Alcoholic Beverages**

9 26–102.

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

11 **26–1013.1.**

12 (A) **THERE IS A CLASS B–SC (SHOPPING CENTER) 7–DAY BEER, WINE, AND**
13 **LIQUOR LICENSE.**

14 (B) (1) **THE BOARD MAY ISSUE THE LICENSE FOR USE IN A RESTAURANT**
15 **IN A SHOPPING CENTER THAT HAS A MINIMUM AREA OF 50,000 SQUARE FEET AND**
16 **10 RETAIL UNITS.**

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

19 (C) (1) **AN APPLICANT FOR THE LICENSE SHALL ENSURE THAT:**

20 (I) **ALL OF THE REQUIREMENTS FOR A RESTAURANT SET OUT**
21 **IN PARAGRAPH (2) OF THIS SUBSECTION ARE MET; AND**

22 (II) **THE AVERAGE DAILY RECEIPTS OF THE RESTAURANT FROM**
23 **THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES EXCEED THE AVERAGE DAILY**
24 **RECEIPTS OF THE RESTAURANT FROM THE SALE OF ALCOHOLIC BEVERAGES.**

25 (2) **A RESTAURANT SHALL:**

26 (I) **BE LOCATED IN A PERMANENT BUILDING WITH SUFFICIENT**
27 **SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING HOT**
28 **MEALS TO THE PUBLIC DURING THE RESTAURANT’S HOURS OF OPERATION;**

29 (II) **HAVE THE MINIMUM SANITARY FACILITIES REQUIRED BY**

1 THE COUNTY HEALTH DEPARTMENT REGULATIONS;

2 (III) MEET THE MINIMUM HEALTH REQUIREMENTS ADOPTED BY
3 THE COUNTY HEALTH DEPARTMENT REGULATIONS;

4 (IV) HAVE A DINING AREA WITH SUFFICIENT TABLES, CHAIRS,
5 OR BOOTHS TO COMFORTABLY SEAT AND ACCOMMODATE NOT MORE THAN 150
6 INDIVIDUALS;

7 (V) BE EQUIPPED WITH A KITCHEN THAT HAS COMPLETE
8 FACILITIES AND UTENSILS FOR PREPARING HOT AND COLD MEALS FOR THE PUBLIC;

9 (VI) EMPLOY A SUFFICIENT NUMBER OF COOKS AND WAIT STAFF
10 TO SERVE THE PUBLIC USING THE DINING AREA;

11 (VII) MAINTAIN AND DISPLAY A MENU THAT ADVERTISES THE
12 SERVING OF A VARIETY OF HOT MEALS; AND

13 (VIII) MAINTAIN SUFFICIENT FOOD ON THE PREMISES AT ALL
14 TIMES TO FILL AN ORDER MADE FROM THE MENU.

15 (3) THE BOARD MAY REVOKE A LICENSE TO ENFORCE THIS
16 SUBSECTION.

17 (4) THE LICENSE HOLDER SHALL SUBMIT TO THE BOARD A MONTHLY
18 REPORT OF THE RESTAURANT'S AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD
19 AND NONALCOHOLIC BEVERAGES AND THE RESTAURANT'S AVERAGE DAILY
20 RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES TO VERIFY THAT THE
21 RESTAURANT HAS MET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS
22 SUBSECTION.

23 (D) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE BOARD
24 SHALL DETERMINE:

25 (1) THE NUMBER OF LICENSES TO BE ISSUED;

26 (2) TO WHOM THE LICENSES MAY BE ISSUED; AND

27 (3) THE NUMBER OF LICENSES EACH RECIPIENT MAY HOLD.

28 (E) THE BOARD MAY APPROVE THE TRANSFER OF THE OWNERSHIP OF A
29 LICENSE FOR USE AT THE SAME LOCATION BUT NOT FOR USE AT A DIFFERENT
30 LOCATION.

1 **(F) THE BOARD MAY NOT ISSUE THE LICENSE FOR USE BY A RESTAURANT**
2 **IN A CHAIN STORE, SUPERMARKET, DISCOUNT HOUSE, DRUG STORE, OR**
3 **CONVENIENCE STORE.**

4 **(G) THE ANNUAL LICENSE FEE IS \$3,025.**

5 26–1604.

6 (a) This section does not apply to:

7 (1) a holder of a Class B (RT) beer, wine, and liquor license, a Class BH
8 (hotel) license, a Class BLX license, a Class BCE license, a Class B–DD (development
9 district) license, **A CLASS B–SC (SHOPPING CENTER) LICENSE**, a Class B–TP (theme
10 park) license, a Class B–AE (arts and entertainment) license, or a per diem license;

11 (2) an establishment that is within:

12 (i) the 500–foot restricted distance of a place of worship, if the
13 governing body of the place of worship consents in writing to the issuance of the license and
14 the consent is filed with the license application; or

15 (ii) the 1,000–foot restricted distance of a private kindergarten or
16 nursery school;

17 (3) a renewal or extension of a license issued for an establishment that is
18 within the 500–foot restricted distance of a place of worship or the 1,000–foot restricted
19 distance of a school building;

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

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

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

26 (6) the renewal of a license if a place of worship or school was built within
27 1,000 feet of the establishment after the original issuance of the license.

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

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

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

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

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2020.