

Bill No.: _____
Requested: _____
Committee: _____

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Section 26–102
2 Annotated Code of Maryland
3 (2016 Volume and 2019 Supplement)

4 BY adding to
5 Article – Alcoholic Beverages
6 Section 26–1013.1
7 Annotated Code of Maryland
8 (2016 Volume and 2019 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Alcoholic Beverages
11 Section 26–1604
12 Annotated Code of Maryland
13 (2016 Volume and 2019 Supplement)

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

16 **Article – Alcoholic Beverages**

17 26–102.

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

19 **26–1013.1.**

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

22 (B) (1) **THE BOARD MAY ISSUE THE LICENSE FOR USE IN A RESTAURANT**
23 **IN A SHOPPING CENTER THAT HAS A MINIMUM AREA OF 50,000 SQUARE FEET AND**
24 **10 RETAIL UNITS.**

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

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

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

3 **(II) THE AVERAGE DAILY RECEIPTS OF THE RESTAURANT FROM**
4 **THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES EXCEED THE AVERAGE DAILY**
5 **RECEIPTS OF THE RESTAURANT FROM THE SALE OF ALCOHOLIC BEVERAGES.**

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

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

10 **(II) HAVE THE MINIMUM SANITARY FACILITIES REQUIRED BY**
11 **THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

12 **(III) MEET THE MINIMUM HEALTH REQUIREMENTS ADOPTED BY**
13 **THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

14 **(IV) HAVE A DINING AREA WITH SUFFICIENT TABLES, CHAIRS,**
15 **OR BOOTHS TO COMFORTABLY SEAT AND ACCOMMODATE NOT MORE THAN 150**
16 **INDIVIDUALS;**

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

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

21 **(VII) MAINTAIN AND DISPLAY A MENU THAT ADVERTISES THE**
22 **SERVING OF A VARIETY OF HOT MEALS; AND**

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

25 **(3) THE BOARD MAY REVOKE A LICENSE TO ENFORCE THIS**
26 **SUBSECTION.**

1 **(4) THE LICENSE HOLDER SHALL SUBMIT TO THE BOARD A MONTHLY**
2 **REPORT OF THE RESTAURANT'S AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD**
3 **AND NONALCOHOLIC BEVERAGES AND THE RESTAURANT'S AVERAGE DAILY**
4 **RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES TO VERIFY THAT THE**
5 **RESTAURANT HAS MET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS**
6 **SUBSECTION.**

7 **(D) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE BOARD**
8 **SHALL DETERMINE:**

9 **(1) THE NUMBER OF LICENSES TO BE ISSUED;**

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

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

12 **(E) THE BOARD MAY APPROVE THE TRANSFER OF THE OWNERSHIP OF A**
13 **LICENSE FOR USE AT THE SAME LOCATION BUT NOT FOR USE AT A DIFFERENT**
14 **LOCATION.**

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

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

19 26-1604.

20 (a) This section does not apply to:

21 (1) a holder of a Class B (RT) beer, wine, and liquor license, a Class BH
22 (hotel) license, a Class BLX license, a Class BCE license, a Class B-DD (development
23 district) license, **A CLASS B-SC (SHOPPING CENTER) LICENSE**, a Class B-TP (theme
24 park) license, a Class B-AE (arts and entertainment) license, or a per diem license;

25 (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.

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

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

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2020.

DRAFT