

**HB1021/964638/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1021  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Notice Requirements” and substitute “Licenses, Notice Requirements,”; and in line 22, after “period,” insert “increasing the annual license fees for certain alcoholic beverages licenses in Prince George’s County; providing that a certain number of Sunday off-sale permits may be issued to holders of a certain license who acquired the license on or after a certain date; repealing the special Sunday “on-sale” permit attached to the Class B beer, wine, and liquor license; altering the maximum number of certain licenses that may be issued in Prince George’s County; altering the hour at which a holder of a Class B beer, wine, and liquor license may begin to sell beer, wine, and liquor; authorizing the Board to issue a certain number of Class B-DD (Development District) licenses to restaurants in certain locations; authorizing certain license holders in the County to file an application with the Board to convert the license to a certain license issued under a certain provision of law; requiring a license holder who files an application under a certain provision of this Act to submit a certain application fee; requiring the Board, under certain circumstances, to hold a certain public hearing; requiring the Board, in determining whether to approve a certain application, to consider certain privileges; requiring the Board, under certain circumstances, to restrict the privileges of a Class D beer and light wine license to allow certain license holders to sell beer and light wine only during certain days and hours and to allow certain license holders to sell beer and light wine only for off-premises consumption; making technical and conforming changes;”.

On page 2, strike in its entirety line 3 and substitute “Section 4-208, 4-209, 4-406, 26-101(a) and (b), 26-102, 26-601(a), 26-604(a), 26-801(a), 26-804(a), 26-902(a), 26-903(a), 26-1001(a), 26-1006(a), 26-1008(a), 26-1009(a), 26-1104(a) and (f), 26-1201(a), 26-1501, 26-1512, 26-1616(a), and 26-1801”; after line 6, insert:

“BY adding to

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Article - Alcoholic Beverages

Section 26-601(c), 26-604(c), 26-801(c), and 26-2605

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)”;

strike in its entirety line 9 and substitute “Section 26-601(c), 26-604(c), 26-801(c), 26-804(b) and (d), 26-902(f), 26-903(g), 26-1001(d), 26-1006(i), 26-1008(g), 26-1009(g), 26-1104(b) and (d), 26-1201(d), 26-1511, 26-1601(a)(1), 26-1614(a), 26-1616(e), 26-1702, 26-1803, 26-2003(d), 26-2004(b)(1), and 26-2006(b)”; after line 12, insert:

“BY repealing

Article - Alcoholic Beverages

Section 26-1105

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)”;

and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 3, after line 22, insert:

“26-102.

This title applies only in Prince George’s County.

26-601.

(a) There is a Class A beer license.

(C) (1) (I) A LICENSE HOLDER MAY FILE AN APPLICATION WITH THE BOARD TO CONVERT THE LICENSE TO A CLASS D BEER AND LIGHT WINE LICENSE.

(II) A LICENSE HOLDER WHO FILES AN APPLICATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL SUBMIT AN APPLICATION FEE OF \$750.

(2) IF A LICENSE HOLDER APPLIES FOR A CONVERSION UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL HOLD A PUBLIC HEARING IN THE SAME MANNER A PUBLIC HEARING IS HELD FOR THE ISSUANCE OF A NEW LICENSE.

(3) IN DETERMINING WHETHER TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL CONSIDER THE PRIVILEGES THE LICENSE HOLDER EXERCISES UNDER THE CLASS A BEER LICENSE.

(4) IF THE BOARD DECIDES TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL RESTRICT THE PRIVILEGES OF THE CLASS D BEER AND LIGHT WINE LICENSE TO ALLOW THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE ONLY:

(I) DURING THE DAYS AND HOURS SPECIFIED IN § 26-2002(A) OF THIS TITLE; AND

(II) FOR OFF-PREMISES CONSUMPTION.

[(c)] (D) The annual license fee is [\$245] \$500.

(Over)

26-604.

(a) There is a Class D beer license.

**(c) (1) (i) A LICENSE HOLDER MAY FILE AN APPLICATION WITH THE BOARD TO CONVERT THE LICENSE TO A CLASS D BEER AND LIGHT WINE LICENSE.**

**(ii) A LICENSE HOLDER WHO FILES AN APPLICATION UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH SHALL SUBMIT AN APPLICATION FEE OF \$750.**

**(2) IF A LICENSE HOLDER APPLIES FOR A CONVERSION UNDER PARAGRAPH (1)(i) OF THIS SUBSECTION, THE BOARD SHALL HOLD A PUBLIC HEARING IN THE SAME MANNER A PUBLIC HEARING IS HELD FOR THE ISSUANCE OF A NEW LICENSE.**

**(3) IN DETERMINING WHETHER TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(i) OF THIS SUBSECTION, THE BOARD SHALL CONSIDER THE PRIVILEGES THE LICENSE HOLDER EXERCISES UNDER THE CLASS D BEER LICENSE.**

**(4) IF THE BOARD DECIDES TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(i) OF THIS SUBSECTION, THE BOARD SHALL RESTRICT THE PRIVILEGES OF THE CLASS D BEER AND LIGHT WINE LICENSE TO ALLOW THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE ONLY DURING THE DAYS AND HOURS SPECIFIED IN § 26-2002(D) OF THIS TITLE.**

**[(c)] (D) The annual license fee is [\$365] \$500.**

26-801.

(a) There is a Class A beer and light wine license.

(c) (1) (i) A LICENSE HOLDER MAY FILE AN APPLICATION WITH THE BOARD TO CONVERT THE LICENSE TO A CLASS D BEER AND LIGHT WINE LICENSE.

(ii) A LICENSE HOLDER WHO FILES AN APPLICATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL SUBMIT AN APPLICATION FEE OF \$750.

(2) IF A LICENSE HOLDER APPLIES FOR A CONVERSION UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL HOLD A PUBLIC HEARING IN THE SAME MANNER A PUBLIC HEARING IS HELD FOR THE ISSUANCE OF A NEW LICENSE.

(3) IN DETERMINING WHETHER TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL CONSIDER THE PRIVILEGES THE LICENSE HOLDER EXERCISES UNDER THE CLASS A BEER AND LIGHT WINE LICENSE.

(4) IF THE BOARD DECIDES TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL RESTRICT THE PRIVILEGES OF THE CLASS D BEER AND LIGHT WINE LICENSE TO ALLOW THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE ONLY:

(i) DURING THE DAYS AND HOURS SPECIFIED IN § 26-2003(A) OF THIS TITLE; AND

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**(II) FOR OFF-PREMISES CONSUMPTION.**

**[(c)] (D) The annual license fee is [\$245] \$500.**

26-804.

(a) There is a Class D beer and light wine license.

(b) **[The] UNLESS THE LICENSE IS RESTRICTED UNDER § 26-601(C) OR § 26-604(C) OF THIS TITLE OR § 26-801(C) OF THIS SUBTITLE, THE license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on- and off-premises consumption.**

(d) The annual license fee is [\$365] \$500.

26-902.

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

(f) The annual license fee is [\$1,455] \$2,305.

26-903.

(a) There is a Class B-Plus beer, wine, and liquor license.

(g) The annual license fee is [\$2,420] \$3,270.

26-1001.

(a) There is a Class B-AE (arts and entertainment) beer, wine, and liquor license.

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(d) The annual license fee is [~~\$2,750~~] **\$3,600**.

26-1006.

(a) There is a Class B-CI license.

(i) The annual license fee is [~~\$1,515~~] **\$2,365**.

26-1008.

(a) There is a Class B/ECF (educational conference facility) beer, wine, and liquor license for the University College Center of Adult Education of the University of Maryland.

(g) The annual license fee is [~~\$4,325~~] **\$5,175**.

26-1009.

(a) There is a Class B-ECF/DS (Education Conference Facility/Dining Service) beer, wine, and liquor license.

(g) The annual license fee is [~~\$7,425~~] **\$8,275**.

26-1104.

(a) There is a Sunday off-sale permit.

(b) (1) **(I) [~~Except~~] SUBJECT TO SUBSECTION (F) OF THIS SECTION AND SUBPARAGRAPH (II) OF THIS PARAGRAPH AND EXCEPT** as provided in paragraph (2) of this subsection, the Board may issue the permit to the holder of:

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[(i)] 1. a Class A beer, wine, and liquor license; or

[(ii)] 2. a Class B beer, wine, and liquor license with an off-sale privilege.

**(II) SUNDAY OFF-SALE PERMITS MAY BE ISSUED TO HOLDERS OF A CLASS A BEER, WINE, AND LIQUOR LICENSE THAT ACQUIRED THE LICENSE ON OR AFTER JANUARY 1, 2016.**

(2) The Board may not issue a Sunday off-sale permit to a license holder that the Board finds to have sold liquor on Sunday without a Sunday off-sale permit.

(d) (1) Except as provided in paragraph (2) of this subsection, an applicant for the permit shall commit in the application to reinvesting a minimum of \$50,000 in the business within 1 year after the permit is issued.

(2) The Board may waive the reinvestment requirement.

(3) The Board shall revoke the permit if:

(i) the Board did not waive the reinvestment requirement under [item (ii) of this paragraph] PARAGRAPH (2) OF THIS SUBSECTION; and

(ii) the permit holder fails to make the required reinvestment.

(f) Not more than 100 special Sunday off-sale permits may be in effect at any one time.

[26-1105.

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- (a) There is a Sunday on-sale permit.
  
- (b) The Board may issue the permit to a holder of a Class B beer, wine, and liquor license who meets the standards set out in §§ 26-902 and 26-903 of this title.
  
- (c) The permit authorizes the permit holder on Sunday to sell beer, wine, and liquor by the drink from the bar or a cocktail lounge for on-premises consumption.
  
- (d) The hours of sale are from noon to 2 a.m. the following day.
  
- (e) (1) Except as provided in paragraph (2) of this subsection, for the Board to issue the permit, the average daily receipts from the sale of food shall be at least 40% of the total daily receipts from the sale of "on-sale" food and alcoholic beverages at the applicant's licensed premises for at least 6 months before the application is submitted.
  
- (2) The Board may immediately issue the permit for a newly licensed establishment if:
  - (i) the Board determines that the applicant meets the specifications of §§ 26-902 and 26-903 of this title for the preparation, serving, and sale of food; and
  
  - (ii) the license holder complies with this section.
  
- (3) An applicant for the permit shall provide the Board with the evidence that the Board requires indicating the qualifications of the applicant.
  
- (f) A permit holder shall provide the Board, at regular intervals that the Board establishes, a statement indicating in detail the ratio of food sales to the sales of alcoholic beverages.

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(g) If the average daily receipts from the sale of food fail for 3 successive months to at least equal 40% of the total daily receipts from the sale of food and alcoholic beverages, the Board shall revoke the permit.

(h) The annual permit fee is \$850.]

26-1201.

(a) There is a Class BCE (on-sale) beer, wine, and liquor license.

(d) The annual license fee is [~~\$3,630~~ **\$4,480**].

On page 12, after line 7, insert:

“26-1601.

(a) (1) Except as otherwise provided in this title, the number of licenses in a class issued by the Board may not exceed:

(i) Class A beer, [~~19~~ **4**];

(ii) Class B beer, ~~23~~;

(iii) Class C beer, ~~3~~;

(iv) Class D beer, [~~76~~ **33**];

(v) Class A beer and light wine, [~~26~~ **7**];

(vi) Class B beer and light wine, ~~45~~;

(vii) Class B-GC beer and light wine, ~~4~~;

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- (viii) Class B–Stadium beer and light wine, 1;
- (ix) Class C beer and light wine, 8;
- (x) Class D beer and light wine, **[55] 99;**
- (xi) Class A beer, wine, and liquor, 143;
- (xii) Class B beer, wine, and liquor, 185;
- (xiii) Class B–AE beer, wine, and liquor, **[8] 15;**
- (xiv) Class BCE beer, wine, and liquor, 8;
- (xv) Class B–CI beer, wine, and liquor, 2;
- (xvi) Class B–DD beer, wine, and liquor:
  - 1. under § 26–1614(a)(1) of this subtitle, 4;
  - 2. under § 26–1614(a)(2) of this subtitle, 4;
  - 3. under § 26–1614(a)(3) of this subtitle, 6; **[and]**
  - 4. subject to paragraph (3) of this subsection, under § 26–1614(a)(4) of this subtitle, 6;
  - 5. UNDER § 26-1614(A)(5) OF THIS SUBTITLE, 4;**
  - 6. UNDER § 26-1614(A)(6) OF THIS SUBTITLE, 10; AND**

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**7. UNDER § 26-1614(A)(7) OF THIS SUBTITLE, 3;**

(xvii) Class B/ECF beer, wine, and liquor, 1;

(xviii) Class B–ECF/DS beer, wine, and liquor, 1;

(xix) Class B–ECR beer, wine, and liquor, 1;

(xx) Class B–Stadium beer, wine, and liquor, 1; and

(xxi) Class C beer, wine, and liquor:

1. under § 26–1002 of this title, 30;

2. under § 26–1005 of this title, 25;

3. under § 26–1011 of this title, 12;

4. under § 26–1017 of this title, 1; and

5. under § 26–1019 of this title, 4.

26–1614.

(a) The Board may issue:

(1) up to four Class B–DD (Development District) licenses for restaurants located within the Capital Plaza commercial area, consisting of commercial properties within the area bounded by the Baltimore–Washington Parkway on the west and northwest, Maryland Route 450 on the south, and Cooper Lane on the east and northeast;

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(2) up to four Class B-DD (Development District) licenses for restaurants located within the area of Greenbelt Station, located inside the Capital Beltway and adjacent to the Greenbelt Metro Station;

(3) up to six Class B-DD (Development District) licenses for restaurants located within the area of Ritchie Station Marketplace; [and]

(4) subject to subsection (b) of this section, up to six Class B-DD (Development District) licenses for restaurants located within the Towne Centre at Laurel;

**(5) UP TO TWO CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES TO RESTAURANTS LOCATED WITHIN THE BUENA VISTA WEST MIXED-USE DEVELOPMENT, LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF MD-704/MARTIN LUTHER KING JR. HIGHWAY AND MD-450/ANNAPOLIS ROAD;**

**(6) UP TO FIVE CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES TO RESTAURANTS LOCATED WITHIN THE KARINGTON MIXED-USED DEVELOPMENT, LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF MD-214/CENTRAL AVENUE AND US-301/CRAIN HIGHWAY;**

**(7) UP TO TWO CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES TO RESTAURANTS LOCATED WITHIN THE CLINTON MARKETPLACE MIXED-USE DEVELOPMENT, LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF MD-223/PISCATAWAY ROAD AND BRANDYWINE ROAD;**

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**(8) ONE CLASS B-DD (DEVELOPMENT DISTRICT) LICENSE TO A RESTAURANT LOCATED WITHIN 1.5 MILES SURROUNDING RIVERTOWNE COMMONS, AT THE INTERSECTION OF LIVINGSTON ROAD AND OXON HILL ROAD;**

**(9) ONE CLASS B-DD (DEVELOPMENT DISTRICT) LICENSE TO A RESTAURANT LOCATED AT THE INTERSECTION OF ROUTE 373 AND ROUTE 210/INDIAN HEAD HIGHWAY;**

**(10) ONE CLASS B-DD (DEVELOPMENT DISTRICT) LICENSE TO A RESTAURANT LOCATED WITHIN 1.5 MILES SURROUNDING IVERSON MALL, AT THE INTERSECTION OF IVERSON STREET AND BRANCH AVENUE; AND**

**(11) ONE CLASS B-DD (DEVELOPMENT DISTRICT) LICENSE TO A RESTAURANT LOCATED WITHIN 1 MILE SURROUNDING THE INTERSECTION OF EAST-WEST HIGHWAY AND BELCREST ROAD.**

26-1616.

- (a) There is a Class BLX license.
- (e) The annual license fee is [~~\$3,025~~] **\$3,875.**

On page 14, after line 17, insert:

“26-2003.

**(d) (1) Subject to paragraph (2) of this subsection, UNLESS THE LICENSE IS RESTRICTED UNDER § 26-601(C), § 26-604(C), OR § 26-801(C) OF THIS TITLE, a holder of a Class D beer and light wine license may sell beer and light wine:**

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(i) for on-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for off-premises consumption, from 6 a.m. to midnight.

(2) The license holder may not sell beer or light wine from 2 a.m. to 6 a.m.

26-2004.

(b) (1) Subject to paragraph (3) of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) except as provided in § 26-2005 of this subtitle, for on-premises consumption, on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;

(ii) [if issued a Sunday on-sale permit under § 26-1105 of this title.] from [noon] 8 A.M. on Sunday to 2 a.m. the following day; and

(iii) for off-premises consumption, on Monday through Saturday, from 6 a.m. to midnight.

26-2006.

(b) [(1) Subject to paragraph (2) of this subsection, a holder of a Class B restaurant license with or without a Sunday permit that allows the holder to sell liquor by the glass for on-premises consumption may sell beer, wine, and liquor on Sunday from 8 a.m. to 2 a.m. the following day if the Sunday is December 24 or December 31.

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(2) A holder of a Class B restaurant license that allows the sale of alcoholic beverages for off-premises consumption may not sell alcoholic beverages for off-premises consumption Monday through Sunday from midnight to 8 a.m.”.