

SENATE BILL 995

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CF HB 1266

By: **Senator Rosapepe**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2017

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Class BLX License – Movie**
3 **Theaters**

4 FOR the purpose of authorizing the Prince George's County Board of License
5 Commissioners to issue a Class BLX (on-premises) beer, wine, and liquor license for
6 use in a movie theater with average daily receipts from the sale of certain food that
7 exceed the average daily receipts from the sale of alcoholic beverages; establishing
8 an investment requirement for a license applicant if the movie theater is located in
9 a certain area; establishing the hours for sale under the Class BLX movie theater
10 license; providing that the holder of a Class BLX movie theater license may serve
11 only certain customers; making certain conforming changes; and generally relating
12 to the issuance of Class BLX beer, wine, and liquor licenses for use in movie theaters.

13 BY repealing and reenacting, without amendments,
14 Article – Alcoholic Beverages
15 Section 26–102
16 Annotated Code of Maryland
17 (2016 Volume and 2016 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Alcoholic Beverages
20 Section 26–1606, 26–1616, and 26–2004(f)
21 Annotated Code of Maryland
22 (2016 Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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.

26–1606.

(a) Except as provided in subsection (b) of this section **AND § 26–1616 OF THIS SUBTITLE**, the Board may not issue a license for use on the site of a movie theater.

(b) This section does not prohibit the issuance of a Class B–DH (draffthouse) license for use on the site of a draffthouse, as defined in § 26–1007 of this title.

26–1616.

(a) There is a Class BLX license.

(b) (1) The Board may issue the license for use in:

(I) a luxury–type restaurant, as defined in regulations of the Board,
that has:

[(i)] 1. a minimum capital investment of \$1,000,000 for a dining room facility and kitchen equipment, not including the cost of the land, building, or lease; and

[(ii)] 2. seating for at least 100 individuals; **OR**

(II) **A MOVIE THEATER WITH AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, EXCLUDING CANDY AND POPCORN, THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

(2) If the criteria under paragraph [(1)] **(1)(I)** of this subsection are met, the Board may issue or transfer one Class BLX **RESTAURANT** license on behalf of:

(i) the county;

(ii) the Maryland–National Capital Park and Planning Commission;

or

(iii) a private concessionaire under contract with:

- 1 1. the county; or
- 2 2. the Maryland–National Capital Park and Planning
- 3 Commission.

4 (3) The Board may determine:

5 (i) the number of licenses to be issued;

6 (ii) to whom the license may be issued; and

7 (iii) whether a holder of an alcoholic beverages license may have an

8 interest in one Class BLX license.

9 (4) The license authorizes the license holder to sell beer, wine, and liquor

10 for on–premises consumption.

11 (c) (1) Subject to paragraphs (2) and (3) of this subsection, a person may not

12 hold more than 10 Class BLX licenses.

13 (2) The Board may issue:

14 (i) a fifth license to a license holder only if the date of application for

15 the fifth license is at least 1 year after the date the license holder was issued the fourth

16 license; and

17 (ii) a sixth license only if the date of application for the sixth license

18 is at least 1 year after the date the license holder was issued the fifth license.

19 (3) In determining whether to issue a fifth, sixth, seventh, eighth, ninth, or

20 tenth license to a single license holder, the Board:

21 (i) shall consider the number of licensed establishments existing in

22 the area surrounding the site of the proposed licensed establishment; and

23 (ii) may issue an additional license only if the Board determines that

24 the proposed licensed establishment will enhance the recreational, business, and economic

25 development of the area.

26 (d) The profit realized from the sale of an alcoholic beverage under a license

27 issued under subsection (b)(2) of this section may be for the use and benefit of the license

28 holder.

29 (e) The annual license fee is \$3,875.

1 (f) (1) ~~(H)~~ Subject to paragraph (2) of this subsection, the holder of a Class
 2 BLX RESTAURANT license may sell beer, wine, and liquor for on-premises consumption
 3 from 6 a.m. to 2 a.m. the following day.

4 ~~(H) THE HOLDER OF A CLASS BLX MOVIE THEATER LICENSE~~
 5 ~~MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ONLY~~
 6 ~~DURING THE HOURS THAT MOVIES ARE SHOWN IN THE MOVIE THEATER.~~

7 (2) A CLASS BLX RESTAURANT license holder may not sell beer, wine, or
 8 liquor for on-premises consumption:

9 (i) except as provided in § 26-2005 of this subtitle, from 2 a.m. to 6
 10 a.m.; or

11 (ii) at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following
 12 day, unless the Sunday is December 24 or December 31.

13 (3) (I) AN APPLICANT FOR A CLASS BLX MOVIE THEATER LICENSE
 14 SHALL SUBMIT DOCUMENTATION TO THE BOARD THAT THE OWNER OR OPERATOR
 15 OF THE MOVIE THEATER HAS INVESTED A MINIMUM OF \$2,000,000 IN RENOVATING
 16 OR REMODELING THE MOVIE THEATER IF THE MOVIE THEATER IS LOCATED WITHIN
 17 AN AREA BOUNDED BY:

18 1. BREEZEWOOD DRIVE, EDMONSTON ROAD,
 19 GREENBELT ROAD, AND CHERRYWOOD LANE; OR

20 2. THE CAPITAL BELTWAY, LIVINGSTON ROAD, AND
 21 OXON HILL ROAD.

22 (II) THE HOLDER OF A CLASS BLX MOVIE THEATER LICENSE
 23 MAY:

24 1. SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES
 25 CONSUMPTION FROM NOON TO 12:30 A.M. THE FOLLOWING DAY; AND

26 2. SERVE ONLY CUSTOMERS WHO HAVE PROOF OF
 27 ADMISSION TO THE THEATER.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 29 1, 2017.