

Chapter 730

(House Bill 1021)

AN ACT concerning

**Prince George's County – Alcoholic Beverages – ~~Notice Requirements Licenses,~~
Notice Requirements, and Restrictions for Licenses Loitering Enforcement**

PG 303-16

FOR the purpose of ~~establishing that certain license and permit holders may only sell beer in cans or packages of at least a certain number in Prince George's County; prohibiting the Prince George's County Board of License Commissioners from issuing or transferring certain alcoholic beverages licenses into certain areas designated as food deserts or qualifying as target census tracts under certain circumstances; authorizing the Board to renew certain alcoholic beverages licenses issued in a food desert or a target census tract before a certain date; requiring the Prince George's County Board of License Commissioners to issue certain notice regarding public hearings to certain entities under certain circumstances; defining certain terms; providing for the application of this Act; authorizing certain entities that request to receive notice under a certain provision of this Act to elect to receive written or electronic notice; requiring the Board to obtain certain information related to violations of a certain provision of the Prince George's County Code from certain law enforcement agencies and maintain a certain comprehensive database; authorizing the Board to impose a fine under a certain provision of law if a certain number of citations are issued or arrests are made on the licensed premises for violations of a certain provision of the Prince George's County Code in a certain time period; 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; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

~~Section 4-208, 4-209, 4-406, 26-101(a) and (b), 26-1501, 26-1512, and 26-1801~~

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

Annotated Code of Maryland

(As enacted by Chapter ____ ~~(S.B. _____)(6hr1406)~~ (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

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)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

~~Section 26-601, 26-801, 26-901, 26-1104, 26-1511, 26-1702, and 26-1803~~

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)

Annotated Code of Maryland

(As enacted by Chapter ____ ~~(S.B. _____)(6hr1406)~~ (S.B. 724) of the Acts of the General Assembly of 2016)

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)

BY adding to

~~Article – Alcoholic Beverages~~

~~Section 26-2605~~

~~Annotated Code of Maryland~~

~~(As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)~~

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

Article – Alcoholic Beverages

4–208.

(a) Before a local licensing board may approve an application for a license, the local licensing board shall publish notice of the application two times in 2 successive weeks:

- (1) in two newspapers of general circulation in the jurisdiction; or
- (2) if only one newspaper of general circulation exists in the jurisdiction, in that newspaper.

(b) The notice shall state:

- (1) the name of the applicant;
- (2) the type of license for which the application is made;
- (3) the location described in the application; and
- (4) the date, time, and place set by the local licensing board for a hearing on the application.

4–209.

(a) The hearing on the application may not occur less than 7 days or more than 30 days after the date of the last publication of the notice of the license application.

(b) Any person may address any relevant issue at the hearing.

4–406.

(a) A protest against a license renewal may be made by:

- (1) at least 10 signatories who are:
 - (i) residents, commercial tenants who are not holders of or applicants for a license, or real estate owners; and
 - (ii) located in the immediate vicinity of the licensed premises; or
- (2) the local licensing board on its own initiative.

(b) (1) If a protest against renewing a license is filed at least 30 days before the license expires, the local licensing board may not approve the renewal without holding a hearing.

(2) The local licensing board shall hear and determine the protest in the same manner as it hears and determines an original application.

26-101.

(a) In this title:

(1) the definitions in § 1-101 of this article apply without exception or variation; and

(2) the following words have the meanings indicated.

(b) “Board” means the Board of License Commissioners for Prince George’s County.

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.

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

(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.

(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:

[(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.

(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.

(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.

~~26-601.~~

~~(a) There is a Class A beer license.~~

~~(b) (1) The license authorizes the license holder to sell beer at retail to consumers at the place described in the license.~~

~~(2) The license holder shall sell the beer in a sealed package or container.~~

~~(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer was sold.~~

~~(4) THE LICENSE HOLDER MAY SELL BEER ONLY IN PACKAGES OF AT LEAST SIX CANS OR BOTTLES.~~

~~(e) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(ii) "FOOD DESERT" MEANS AN AREA DESIGNATED BY THE U.S. DEPARTMENT OF AGRICULTURE AS A CENSUS TRACT WITH A SUBSTANTIAL SHARE OF RESIDENTS LIVING IN LOW INCOME AREAS WITH LOW LEVELS OF ACCESS TO GROCERY STORES OR HEALTHY, AFFORDABLE FOOD RETAIL OUTLETS.~~

~~(HH) "TARGET CENSUS TRACT" MEANS A CENSUS TRACT, AS ESTABLISHED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, THAT:~~

~~1. REFLECTS A POVERTY RATE THAT IS 20% OR GREATER, AS DETERMINED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS; OR~~

~~2. REFLECTS A MEDIAN FAMILY INCOME RATE, AS DETERMINED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, THAT IS AT OR BELOW 80% OF THE MEDIAN FAMILY INCOME RATE IN CONTIGUOUS CENSUS TRACTS.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE OR TRANSFER A CLASS A BEER LICENSE INTO:~~

~~(I) A FOOD DESERT, AS LONG AS IT IS DESIGNATED AS A FOOD DESERT; OR~~

~~(H) A TARGET CENSUS TRACT, AS LONG AS IT QUALIFIES AS A TARGET CENSUS TRACT.~~

~~(3) THE BOARD MAY RENEW A CLASS A BEER LICENSE THAT WAS ISSUED IN A FOOD DESERT OR A TARGET CENSUS TRACT BEFORE JULY 1, 2016.~~

~~(D) The annual license fee is \$245.~~

~~26-801.~~

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

~~(b) (1) The license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license.~~

~~(2) The license holder shall sell the beer and light wine in a sealed package or container.~~

~~(3) The package or container may not be opened and its contents may not be consumed on the premises where the beer or light wine is sold.~~

~~(4) THE LICENSE HOLDER MAY SELL BEER ONLY IN PACKAGES OF AT LEAST SIX CANS OR BOTTLES.~~

~~(c) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(ii) "FOOD DESERT" MEANS AN AREA DESIGNATED BY THE U.S. DEPARTMENT OF AGRICULTURE AS A CENSUS TRACT WITH A SUBSTANTIAL SHARE OF RESIDENTS LIVING IN LOW-INCOME AREAS WITH LOW LEVELS OF ACCESS TO GROCERY STORES OR HEALTHY, AFFORDABLE FOOD RETAIL OUTLETS.~~

~~(iii) "TARGET CENSUS TRACT" MEANS A CENSUS TRACT, AS ESTABLISHED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, THAT:~~

~~1. REFLECTS A POVERTY RATE THAT IS 20% OR GREATER, AS DETERMINED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS; OR~~

~~2. REFLECTS A MEDIAN FAMILY INCOME RATE, AS DETERMINED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, THAT IS AT OR BELOW 80% OF THE MEDIAN FAMILY INCOME RATE IN CONTIGUOUS CENSUS TRACTS.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE OR TRANSFER A CLASS A BEER AND LIGHT WINE LICENSE INTO:~~

~~(i) A FOOD DESERT, AS LONG AS IT IS DESIGNATED AS A FOOD DESERT; OR~~

~~(ii) A TARGET CENSUS TRACT, AS LONG AS IT QUALIFIES AS A TARGET CENSUS TRACT.~~

~~(3) THE BOARD MAY RENEW A CLASS A BEER AND LIGHT WINE LICENSE THAT WAS ISSUED IN A FOOD DESERT OR A TARGET CENSUS TRACT BEFORE JULY 1, 2016.~~

~~(D) The annual license fee is \$245.~~

~~26-901.~~

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

~~(b) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.~~

~~(2) The license holder shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises.~~

~~(3) A CLASS A BEER, WINE AND LIQUOR LICENSE HOLDER MAY SELL BEER ONLY IN PACKAGES OF AT LEAST SIX CANS OR BOTTLES.~~

~~(e) A license under this section may not be issued for a drugstore unless the applicant:~~

~~(1) has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license;~~

~~(2) is the assignee of a business established for at least 1 year before the date of the application for the license at the location applied for; or~~

~~(3) has been engaged in the retail drug business for at least 3 years.~~

~~(d) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(H) "FOOD DESERT" MEANS AN AREA DESIGNATED BY THE U.S. DEPARTMENT OF AGRICULTURE AS A CENSUS TRACT WITH A SUBSTANTIAL SHARE OF RESIDENTS LIVING IN LOW INCOME AREAS WITH LOW LEVELS OF ACCESS TO GROCERY STORES OR HEALTHY, AFFORDABLE FOOD RETAIL OUTLETS.~~

~~(HH) "TARGET CENSUS TRACT" MEANS A CENSUS TRACT, AS ESTABLISHED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, THAT:~~

~~1. REFLECTS A POVERTY RATE THAT IS 20% OR GREATER, AS DETERMINED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS; OR~~

~~2. REFLECTS A MEDIAN FAMILY INCOME RATE, AS DETERMINED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, THAT IS AT OR BELOW 80% OF THE MEDIAN FAMILY INCOME RATE IN CONTIGUOUS CENSUS TRACTS.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE OR TRANSFER A CLASS A BEER, WINE AND LIQUOR LICENSE INTO:~~

~~(i) A FOOD DESERT, AS LONG AS IT IS DESIGNATED AS A FOOD DESERT; OR~~

~~(H) A TARGET CENSUS TRACT, AS LONG AS IT QUALIFIES AS A TARGET CENSUS TRACT.~~

~~(3) THE BOARD MAY RENEW A CLASS A BEER, WINE AND LIQUOR LICENSE THAT WAS ISSUED IN A FOOD DESERT BEFORE JULY 1, 2016.~~

~~(E) The annual license fee is \$910.~~

~~26-1104.~~

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

~~(b) (1) Except as provided in paragraph (2) of this subsection, the Board may issue the permit to the holder of:~~

~~(i) a Class A beer, wine, and liquor license; or~~

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

~~(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.~~

~~(c) (1) The permit authorizes the holder to sell alcoholic beverages for off-premises consumption on Sunday from 8 a.m. to midnight.~~

~~(2) DURING THE HOURS FOR SALE THAT THE PERMIT AUTHORIZES, THE HOLDER MAY SELL BEER ONLY IN PACKAGES OF AT LEAST SIX CANS OR BOTTLES.~~

~~(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; and~~

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

~~(e) If the permit is issued to the holder of a Class B beer, wine, and liquor license with an off-sale privilege, the holder need not comply with any restaurant or food requirement.~~

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

~~(g) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(ii) "FOOD DESERT" MEANS AN AREA DESIGNATED BY THE U.S. DEPARTMENT OF AGRICULTURE AS A CENSUS TRACT WITH A SUBSTANTIAL SHARE OF RESIDENTS LIVING IN LOW INCOME AREAS WITH LOW LEVELS OF ACCESS TO GROCERY STORES OR HEALTHY, AFFORDABLE FOOD RETAIL OUTLETS.~~

~~(iii) "TARGET CENSUS TRACT" MEANS A CENSUS TRACT, AS ESTABLISHED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, THAT:~~

~~1. REFLECTS A POVERTY RATE THAT IS 20% OR GREATER, AS DETERMINED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS; OR~~

~~2. REFLECTS A MEDIAN FAMILY INCOME RATE, AS DETERMINED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, THAT IS AT OR BELOW 80% OF THE MEDIAN FAMILY INCOME RATE IN CONTIGUOUS CENSUS TRACTS.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE OR TRANSFER A SPECIAL SUNDAY OFF-SALE PERMIT INTO:~~

~~(i) A FOOD DESERT, AS LONG AS IT IS DESIGNATED AS A FOOD DESERT; OR~~

~~(ii) A TARGET CENSUS TRACT, AS LONG AS IT QUALIFIES AS A TARGET CENSUS TRACT.~~

~~(3) THE BOARD MAY RENEW A SPECIAL SUNDAY OFF-SALE PERMIT THAT WAS ISSUED IN A FOOD DESERT OR A TARGET CENSUS TRACT BEFORE JULY 1, 2016.~~

~~(H) (1) The application fee for the permit is \$750.~~

~~(2) The annual fees for the permit are:~~

~~(i) \$2,590 for the holder of a Class A beer, wine, and liquor license;~~
and

~~(ii) \$1,080 for the holder of a Class B beer, wine, and liquor license with an off-sale privilege.~~

~~(3) The fees listed in paragraphs (1) and (2) of this subsection are in addition to the annual fee for the Class A beer, wine, and liquor license or Class B beer, wine, and liquor license to which it is attached.~~

26-1501.

(a) Section 4-207 (“Licenses issued to minors”) of Division I of this article applies in the County without exception or variation.

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of License Applications”) do not apply in the County:

(1) § 4-206 (“Limitations on retail floor space”) and is superseded by § 26-1504 of this subtitle;

(2) § 4-210 (“Approval or denial of license application”) and is superseded by § 26-1513 of this subtitle; and

(3) § 4-214 (“Waiting periods after denial of license applications”) and is superseded by § 26-1516 of this subtitle.

(c) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the County:

(1) § 4-202 (“Authority of local licensing boards”), in addition to §§ 26-1502 and 26-1503 of this subtitle;

(2) § 4-203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to § 26-1505 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4-204 (“Prohibition against issuing multiple licenses for same premises”), subject to § 26-1505 of this subtitle and Subtitle 13, Part III of this title;

(4) § 4-205 (“Chain store, supermarket, or discount house”), subject to § 26-1509 of this subtitle;

(5) § 4-208 (“Notice of license application required”), subject to § 26-1512 of this subtitle;

(6) § 4-209 (“Hearing”), in addition to § 26-1511 of this subtitle;

(7) § 4-211 (“License forms; effective date; expiration”), in addition to § 26-1508 of this subtitle;

(8) § 4-212 (“License not property”), subject to § 26-1506 of this subtitle;
and

(9) § 4-213 (“Replacement licenses”), subject to § 26-1517 of this subtitle.

26-1511.

(a) (1) The Board may adopt a calendar that establishes:

(i) filing dates by which license applications are required to be filed;
and

(ii) hearing dates for license application hearings.

(2) A filing date for a license application shall be at least 60 days before the hearing at which the application is to be heard.

(b) (1) The Board shall determine the number of licenses of each class that may be applied for at a hearing.

(2) The number of licenses that the Board makes available for issuance at a hearing may be less than the total number of licenses in each class that remains unissued by the Board.

(3) If, after a hearing, the applicants who are qualified for the issuance of a license of a certain class outnumber the licenses of that class authorized to be issued at the hearing, the Board shall determine the applicants who are best qualified to be license holders.

(4) The Board may not issue additional licenses of any class that were not determined and published as available for the hearing.

(c) (1) Before holding a hearing, the Board shall publish a notice of the hearing in at least two newspapers of general circulation in the County.

(2) The notice shall be published at least 30 days before the date by which license applications are required to be filed for consideration at the hearing.

(3) The notice shall contain:

- (i) the number of licenses of each class that are available for issuance;
- (ii) a description of each class;
- (iii) the date by which license applications must be filed to be considered at the license application hearing; and
- (iv) the date of the hearing.

(D) (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED UNDER THIS ARTICLE, THE BOARD SHALL PROVIDE ~~WRITTEN AND ELECTRONIC~~ NOTICE OF THE DATE, TIME, AND LOCATION OF A HEARING, AS SOON AS PRACTICABLE AFTER THE HEARING IS SCHEDULED, TO ALL MUNICIPALITIES, CIVIC ASSOCIATIONS, HOMEOWNERS' ASSOCIATIONS, AND CONDOMINIUM ASSOCIATIONS THAT:

~~(1)~~ **(I) ARE WITHIN 1 MILE OF THE LOCATION OF THE PROPOSED PLACE OF BUSINESS OF THE APPLICANT; AND**

~~(2)~~ **(II) REQUEST TO RECEIVE NOTICE OF HEARINGS BY SIGNING UP ON A REGISTRY ON THE BOARD'S WEB SITE.**

(2) A MUNICIPALITY, CIVIC ASSOCIATION, HOMEOWNERS' ASSOCIATION, OR CONDOMINIUM ASSOCIATION THAT REQUESTS TO RECEIVE NOTICE OF HEARINGS UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MAY ELECT TO RECEIVE WRITTEN OR ELECTRONIC NOTICE.

26-1512.

(a) In addition to the newspaper notice required under § 4-208 of this article, the Board shall post a suitable notice in a conspicuous place at the location described in an application for at least 10 days before the application hearing.

(b) A notice under subsection (a) of this section shall state the class of license for which the application is made and the date, time, and location set by the Board for an application hearing.

(c) (1) If the location described in the application is in a municipality, written notice of the application shall be made to the governing body of the municipality.

(2) A municipality that receives written notice under this subsection has standing to appear at the application hearing.

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;
- (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

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;

(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;

(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.

26-1702.

(a) The Board may not approve the transfer of a license from one location to another:

(1) except as provided in subsection (b) of this section, for at least 2 years after the issuance of a new license; and

(2) unless the Board determines that:

(i) the transfer to the new location is necessary to accommodate the public; and

(ii) the transferee has complied with the residency requirements specified in § 26-1406(c) of this title.

(b) Subject to the approval of the Board, a receiver or trustee may transfer ownership and location of a license for the benefit of creditors of a license holder within 6 months after:

(1) appointment as the receiver or trustee; or

(2) the death of the license holder.

(c) (1) The Board may approve a transfer of location or ownership within 2 years after a transfer of location has been authorized.

(2) This paragraph does not prohibit a transfer of ownership for continuance of a business in the same location, unless there has been a transfer of location for the license within 2 years.

(d) A transfer of a license in accordance with a security agreement is subject to approval by the Board like any other license transfer, except that the written consent and cooperation of the existing license holder is not required.

(E) (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED UNDER THIS ARTICLE, THE BOARD SHALL PROVIDE ~~WRITTEN AND ELECTRONIC~~ NOTICE OF THE TIME, DATE, AND LOCATION OF A HEARING, AS SOON AS PRACTICABLE AFTER A HEARING FOR A LICENSE TRANSFER IS SCHEDULED, TO ALL MUNICIPALITIES, CIVIC ASSOCIATIONS, HOMEOWNERS' ASSOCIATIONS, AND CONDOMINIUM ASSOCIATIONS THAT:

~~(1)~~ (I) ARE WITHIN 1 MILE OF THE LOCATION OF THE PROPOSED PLACE OF BUSINESS OF THE APPLICANT; AND

~~(2)~~ (II) REQUEST TO RECEIVE NOTICE OF HEARINGS BY SIGNING UP ON A REGISTRY ON THE BOARD'S WEB SITE.

(2) A MUNICIPALITY, CIVIC ASSOCIATION, HOMEOWNERS' ASSOCIATION, OR CONDOMINIUM ASSOCIATION THAT REQUESTS TO RECEIVE NOTICE OF HEARINGS UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MAY ELECT TO RECEIVE WRITTEN OR ELECTRONIC NOTICE.

(a) The following sections of Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article apply in the County without exception or variation:

- (1) § 4–402 (“Eligibility for renewal; process”);
- (2) § 4–403 (“Renewal application”);
- (3) § 4–408 (“Issuance of renewed licenses”);
- (4) § 4–409 (“Multiple licenses”); and
- (5) § 4–410 (“Chain store, supermarket, or discount house”).

(b) Section 4–404 (“Filing period for renewal application”) of Division I of this article does not apply in the County and is superseded by § 26–1802 of this subtitle.

(c) The following sections of Title 4, Subtitle 4 (“Renewal of Local Licenses”) of Division I of this article apply in the County:

- (1) § 4–405 (“Contents of renewal application”), subject to § 26–1804 of this subtitle;
- (2) § 4–406 (“Protests”), subject to § 26–1803 of this subtitle; and
- (3) § 4–407 (“Denial of renewal application”), subject to § 26–1806 of this subtitle.

26–1803.

(a) A protest of a license renewal shall be filed with the Board on or before March 1.

(b) A municipality in which the licensed premises is located may make a protest of a license renewal after holding a public hearing concerning the protest.

(C) (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED UNDER THIS ARTICLE, THE BOARD SHALL PROVIDE ~~WRITTEN AND ELECTRONIC~~ NOTICE OF THE TIME, DATE, AND LOCATION OF A HEARING, AS SOON AS PRACTICABLE AFTER THE HEARING IS SCHEDULED, TO ALL MUNICIPALITIES, CIVIC ASSOCIATIONS, HOMEOWNERS’ ASSOCIATIONS, AND CONDOMINIUM ASSOCIATIONS THAT:

(1) (1) ARE WITHIN 1 MILE OF THE LOCATION OF THE PROPOSED PLACE OF BUSINESS OF THE APPLICANT; AND

~~(2)~~ **(II) REQUEST TO RECEIVE NOTICE OF HEARINGS BY SIGNING UP ON A REGISTRY ON THE BOARD'S WEB SITE.**

(2) A MUNICIPALITY, CIVIC ASSOCIATION, HOMEOWNERS' ASSOCIATION, OR CONDOMINIUM ASSOCIATION THAT REQUESTS TO RECEIVE NOTICE OF HEARINGS UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MAY ELECT TO RECEIVE WRITTEN OR ELECTRONIC NOTICE.

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:*

(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.

(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.

26-2605.**(A) THE BOARD SHALL:**

(1) OBTAIN FROM THE APPROPRIATE LAW ENFORCEMENT AGENCIES INFORMATION REGARDING CITATIONS ISSUED AND ARRESTS MADE ON LICENSED PREMISES FOR VIOLATIONS OF § 14-139.03 OF THE PRINCE GEORGE'S COUNTY CODE; AND

(2) MAINTAIN A COMPREHENSIVE DATABASE OF:

(I) THE INFORMATION OBTAINED UNDER ITEM (1) OF THIS SUBSECTION; AND

(II) FINES IMPOSED UNDER SUBSECTION (B) OF THIS SECTION.

(B) THE BOARD MAY IMPOSE A FINE UNDER § 26-2802 OF THIS TITLE ON A LICENSE HOLDER IF AT LEAST 3 CITATIONS ARE ISSUED OR ARRESTS ARE MADE ON THE LICENSED PREMISES FOR VIOLATIONS OF § 14-139.03 OF THE PRINCE GEORGE'S COUNTY CODE IN A 12-MONTH PERIOD.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any licenses issued in an area designated as a food desert or qualifying as a target census tract before the effective date of this Act.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.