

# SENATE BILL 866

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By: **Senator Peters**

Introduced and read first time: February 26, 2015

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 6, 2015

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Licenses, Salaries, ~~and~~**  
3 **Inspectors, and Bottle Clubs**

4 FOR the purpose of altering in Prince George's County a certain requirement that must be  
5 included in certain regulations that define a catering establishment for the purpose  
6 of a certain license; altering the requirements relating to residency for an alcoholic  
7 beverages license applicant acting on behalf of a sole proprietorship, a partnership,  
8 a corporation, an unincorporated association, or a limited liability company;  
9 repealing a certain obsolete provision; providing that certain provisions of law  
10 prohibiting a license from being granted to sell alcoholic beverages in buildings  
11 within a certain distance of churches and schools do not apply to a certain license;  
12 establishing a special Sunday off-sale permit in Prince George's County; authorizing  
13 the Board of License Commissioners to issue the permit to certain license holders;  
14 authorizing the permit holder to sell certain alcoholic beverages during a certain  
15 time on Sunday for consumption off the licensed premises; establishing a certain fee  
16 for the permit; authorizing the Board to adopt certain regulations; increasing the  
17 annual salaries of the members, the ~~chair~~ chairman, and the attorney of the ~~County~~  
18 Board of License Commissioners; altering the number of part-time inspectors;  
19 altering the salary of a part-time inspector; providing that inspectors have the  
20 authority to order that a bottle club be closed under a certain provision of this Act;  
21 authorizing the Board or an inspector to order that a bottle club be closed  
22 immediately under certain circumstances; requiring, under certain circumstances,  
23 the Board or a certain inspector to give the owner or operator of a certain bottle club  
24 certain notice; requiring the Board to hold a certain hearing within a certain time

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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.



1 period; requiring the Board at a certain hearing to determine whether a certain  
 2 threat continues to exist; authorizing, except under certain circumstances, the  
 3 Board, after making a certain determination, to order a certain bottle club to  
 4 permanently close or impose certain conditions for reopening the bottle club;  
 5 requiring the Board, under certain circumstances, to order a certain bottle club to be  
 6 permanently closed; authorizing the Board to impose a certain fine on a certain  
 7 person; authorizing an owner or operator of a bottle club who is aggrieved by a  
 8 certain decision to petition for judicial review to a circuit court; making conforming  
 9 and technical changes; providing for the application of a certain provision of this Act;  
 10 and generally relating to alcoholic beverages in Prince George's County.

11 BY repealing and reenacting, with amendments,

12 Article 2B – Alcoholic Beverages

13 Section 6–201(r)(8), 9–101(a)(4) and (d), ~~9–217(e) and (f)(3)~~ 9–217(f)(3), 11–517(b)  
 14 and (f), 15–109(r), and ~~15–112(r)(3)~~ 15–112(r)(3), and 20–108.1

15 Annotated Code of Maryland

16 (2011 Replacement Volume and 2014 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article 2B – Alcoholic Beverages

19 Section 9–217(a) and (f)(5), 11–517(a), and 15–112(r)(1)

20 Annotated Code of Maryland

21 (2011 Replacement Volume and 2014 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article 2B – Alcoholic Beverages

24 Section 9–217(e)

25 Annotated Code of Maryland

26 (2011 Replacement Volume and 2014 Supplement)

27 (As enacted by Chapter 144 of the Acts of the General Assembly of 2013)

28 BY adding to

29 Article 2B – Alcoholic Beverages

30 Section 11–517(l)

31 Annotated Code of Maryland

32 (2011 Replacement Volume and 2014 Supplement)

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

35 **Article 2B – Alcoholic Beverages**

36 6–201.

37 (r) (8) (i) There is a Class BCE license.

38 (ii) The annual license fee is \$3,630.

1 (iii) The Board may issue a special Class B on-sale beer, wine and  
2 liquor license to be known as Class BCE which shall be issued only to catering  
3 establishments.

4 (iv) A catering establishment shall be defined by the regulations of  
5 the Board which shall require that:

6 1. The catering establishment have a minimum capital  
7 investment of ~~[\$500,000]~~ **\$1,000,000** for dining room facilities and kitchen equipment.  
8 This sum may not include the cost of land, buildings, or a lease; and

9 2. A minimum seating capacity of 150 persons.

10 (v) The Board shall prescribe regulations pertaining to the hours  
11 and days of sale.

12 (vi) Food shall be served with alcoholic beverages.

13 (vii) A Class BCE license is limited and restricted to the purpose of  
14 providing alcoholic beverages for consumption on the licensed premises by participants of  
15 catered events only, and off-sale privileges may not be exercised.

16 9-101.

17 (a) (4) In Prince George's County, if an application is made for a sole  
18 proprietorship or partnership, the license shall be applied for and issued to all partners as  
19 individuals, ~~[all]~~ **ONE** of whom shall have resided in ~~[Prince George's County for at least 2~~  
20 ~~years]~~ **THE STATE FOR AT LEAST 1 YEAR** prior to the application, ~~[are]~~ **IS A** registered  
21 ~~[voters]~~ **VOTER** in ~~[Prince George's County]~~ **THE STATE**, and shall continue to be ~~[bona~~  
22 ~~fide residents of Prince George's County]~~ **A BONA FIDE RESIDENT OF THE STATE** as long  
23 as the license is in effect.

24 (d) (1) This subsection applies only in Prince George's County.

25 (2) If the application is made for a corporation or a club, whether  
26 incorporated or unincorporated, or for a limited liability company, the license shall be  
27 applied for by and be issued to 3 of the officers of a corporation or club, or 3 of the authorized  
28 persons of a limited liability company, as individuals, for the use of the corporation, club,  
29 or limited liability company.

30 (3) In addition to the provisions of subsection (a)(3) of this section, a license  
31 may not be issued, renewed, or transferred to an individual applying on behalf of a  
32 corporation, unincorporated association, or limited liability company, unless bona fide  
33 residents of ~~[Prince George's County]~~ **THE STATE** own 25 percent of the total issued capital

1 stock of the corporation or unincorporated association or 25 percent of the interests of the  
2 limited liability company, as the case may be.

3 (4) The application for a license shall:

4 (i) Set forth the names and addresses of all the officers of the  
5 corporation or club or of all the authorized persons of a limited liability company;

6 (ii) Be signed by the president or vice president of a corporation or  
7 club or the 3 officers or authorized persons, as the case may be, to whom the license is  
8 issued;

9 (iii) Disclose the name and address of the corporation, club,  
10 partnership, association, or limited liability company as well as the names and addresses  
11 of the applicants; and

12 (iv) In the case of a corporation where there are less than 3 officers  
13 or directors of the corporation, or in the case of a limited liability company where there are  
14 less than 3 authorized persons, all officers, directors, or authorized persons, as the case  
15 may be, shall make the application.

16 (5) If a close corporation has no officers or directors, in order to make the  
17 application:

18 (i) At least 25 percent of the stock shall be held by [Prince George's  
19 County] STATE residents;

20 (ii) There shall be an affirmative vote of the stockholders holding a  
21 majority of the stock;

22 (iii) At least 1 stockholder shall apply for the license as provided in  
23 this section; and

24 (iv) The applicants or the corporation shall furnish annually to the  
25 Board of License Commissioners a sworn statement giving the name and address of each  
26 stockholder of the corporation and the number of shares that each stockholder owns in his  
27 name on which he has a right to vote at any stockholder meeting.

28 (6) This section does not apply to racetrack licenses, Class BLX licenses,  
29 arena licenses, Class BCE (catering) licenses, Class B-CC (convention center) licenses,  
30 Class B/ECF (educational conference facility) licenses, issuance, renewal, or transfer of  
31 Class B-DD (development district) licenses, or to businesses whose sales of stock or  
32 interests are authorized for sale by the Securities and Exchange Commission of the United  
33 States.

34 [(7) Current licensees shall comply with the provisions of this section by  
35 July 1, 1985.]

1 9-217.

2 (a) This section applies only in Prince George's County.

3 (e) (1) (i) Except as provided in subparagraphs (ii), (iii), and (iv) of this  
4 paragraph, a license may not be granted to sell alcoholic beverages in any building located  
5 within 1,000 feet of a school building, or within 500 feet of a place of worship. The 1,000  
6 feet, or the 500 feet, as the case may be, is to be measured from the front door or main  
7 entrance, whichever is nearest the street abutting the premises, of the proposed licensed  
8 establishment along the nearest usual pedestrian route to the door closest to the licensed  
9 premises which is used as an entrance or exit to any school, or to the main entrance of the  
10 place of worship.

11 (ii) In the part of the Gateway Arts and Entertainment District  
12 located in the City of Hyattsville, as designated by the Secretary of Business and Economic  
13 Development, the front door or main entrance of an establishment for which a Class D beer  
14 and wine license is issued may be used if the door or entrance is at least 350 feet from a  
15 place of worship.

16 (iii) In the City of College Park, a license may be granted to sell  
17 alcoholic beverages in a building located more than 400 feet from a school building if the  
18 land on which the proposed licensed establishment is located is in a commercial district.

19 (iv) In the City of Laurel, a license may be granted to sell alcoholic  
20 beverages in any building regardless of its distance from a place of worship.

21 (2) This restriction does not apply in the case of a place of worship if the  
22 governing body of the place of worship concerned consents in writing to the granting of the  
23 license. The consent shall be filed with the application. The license of any person or persons  
24 or for the use of a corporation or unincorporated association issued for any building located  
25 within the requisite distance from a place of worship or school building may be renewed or  
26 extended for the same building.

27 (3) This restriction does not apply to any transfer or assignment of a license  
28 located within the distance of 1,000 feet to another place of business within the specified  
29 distance or to an assignee of the license within the distance of the same place of worship or  
30 school building.

31 (4) This does not apply to the issuance of a license for a place of business,  
32 not having an alcoholic beverage license, to which an alcoholic beverage license had been  
33 issued and was in force and effect on June 1, 1965, as to a license of the same class which  
34 was in force and effect as of that date, applied for in the place of business nor to a renewal  
35 of a license of any establishment where, subsequent to the original granting of the license  
36 a school building or place of worship was erected within 1,000 feet.

1 (5) This subsection does not apply to any license issued under § 6–201(r)(3),  
2 (4), (6), **(8)**, (15), (16), or (18) or § 7–101 of this article.

3 (6) This restriction does not apply in the case of a private kindergarten or  
4 nursery school.

5 (f) (3) Notwithstanding other provisions of this subsection or other provisions  
6 of this article, the Board of License Commissioners may permit an individual, partnership,  
7 or corporation to hold or have an interest in [not more than four] **AN UNLIMITED NUMBER**  
8 **OF BH** licenses.

9 (5) (i) This paragraph does not apply to a restaurant located within a  
10 chain store, supermarket, discount house, drug store, or convenience store.

11 (ii) Notwithstanding any other provision of this article, the Board of  
12 License Commissioners may allow an individual, partnership, corporation, unincorporated  
13 association, or limited liability company to hold or have an interest in more than one Class  
14 B beer, wine and liquor license, if the restaurant for which the license is sought is located  
15 within:

16 1. Any of the following areas that are underserved by  
17 restaurants:

18 A. Suitland business district, consisting of properties  
19 fronting on or having access to Silver Hill Road between Suitland Parkway and Sunset  
20 Lane, and on Suitland Road between Arnold Road and Eastern Lane;

21 B. Part of the Port Towns business district, consisting of  
22 properties fronting on or having access to Rhode Island Avenue, Bladensburg Road,  
23 Annapolis Road, or 38th Street, in legislative district 22; or

24 C. Largo area, consisting of properties within the area  
25 bounded by the Capital Beltway (I–495) on the west, Central Avenue and Landover Road  
26 on the south and southeast, Campus Way North on the east and Route 214 and Landover  
27 Road on the north and northwest; or

28 2. A. A waterfront entertainment retail complex as  
29 defined by a county zoning ordinance; or

30 B. A commercial establishment on 100 or more acres that is  
31 designated by the County Executive as a recreational, destination, or entertainment  
32 attraction.

33 (iii) 1. Except as provided in sub–subparagraph 2 and 3 of this  
34 subparagraph, a license holder may not hold more than 4 Class B beer, wine and liquor  
35 licenses within all of the underserved areas described in subparagraph (ii)1 of this  
36 paragraph.

1                   2.     A license holder may be issued or transferred a fifth Class  
2 B beer, wine and liquor license only if the date of the application for the fifth license is at  
3 least 1 year after the date the license holder was issued or transferred the fourth license.

4                   3.     A license holder may be issued or transferred a sixth Class  
5 B beer, wine and liquor license only if the date of the application for the sixth license is at  
6 least 1 year after the date the license holder was issued or transferred the fifth license.

7                   (iv)   An individual, partnership, corporation, unincorporated  
8 association, or limited liability company that holds or has an interest in a license located in  
9 an underserved area described in subparagraph (ii)1 of this paragraph may not hold or  
10 have an interest in more than one license located outside of all the underserved areas.

11                  (v)     An individual, partnership, corporation, unincorporated  
12 association, or limited liability company may not hold or have an interest in more than one  
13 license in a commercial establishment described in subparagraph (ii)2 of this paragraph.

14                  (vi)    The annual license fee for a Class B license obtained under this  
15 paragraph is \$2,500.

16                  (vii)   A Class B license obtained under this paragraph does not confer  
17 off-sale privileges.

18                  (viii)   The residency requirements under § 9-101 of this title apply to  
19 an applicant for a Class B license under this paragraph.

20                  (ix)     The limit on the maximum number of Class B beer, wine and  
21 liquor licenses in the county under subsection (b) of this section applies to the issuance of  
22 licenses under this paragraph.

23 11-517.

24           (a)     This section applies only in Prince George's County.

25           (b)    (1)    (i)     A holder of any retail "on-sale" alcoholic beverage license or any  
26 agent, servant or employee of a holder of any "on-sale" alcoholic beverage license may not  
27 sell or serve any alcoholic beverages for consumption on the licensed premises or permit  
28 any alcoholic beverages to be consumed on the licensed premises between the hours of 2:00  
29 a.m. and 6:00 a.m., except as provided in subsection (c) of this section.

30                   (ii)   Holders of any "on-sale" retail alcoholic beverage license, their  
31 agents, servants, or employees may sell beer and light wine on Sunday for consumption on  
32 the licensed premises, except between the hours of 2:00 a.m. and 8:00 a.m.

33                   (iii)   Subject to paragraph (2) of this subsection, a holder of any Class  
34 B restaurant license, with or without [a] AN ON-SALE Sunday permit THAT AUTHORIZES

1 THE HOLDER TO SELL LIQUOR BY THE GLASS, may sell beer, wine and liquor on Sunday  
2 when it falls on Christmas Eve or New Year's Eve, except between the hours of 2:00 a.m.  
3 and 8:00 a.m.

4 (2) (i) Subject to subparagraph (ii) of this paragraph, a holder of a Class  
5 A retail "off-sale" alcoholic beverages license or a Class B or D alcoholic beverages license  
6 with off-sale privileges, or any agent, servant or employee of the holder, may not sell any  
7 alcoholic beverages for consumption off the licensed premises between the hours of 12:00  
8 a.m. and 6:00 a.m.

9 (ii) A holder of a Class A beer, wine and liquor license or any agent,  
10 servant or employee of a holder of a Class A beer, wine and liquor license may not make  
11 any sale on Sunday after 12:00 a.m. [except when] UNLESS:

12 1. December 24 and 31 fall on a Sunday; OR

13 2. THE HOLDER OF A CLASS A BEER, WINE AND LIQUOR  
14 LICENSE HOLDS A SPECIAL SUNDAY OFF-SALE PERMIT UNDER SUBSECTION (L) OF  
15 THIS SECTION.

16 (f) (1) (I) [Notwithstanding any other provisions of this article, but in  
17 addition thereto] EXCEPT AS PROVIDED IN SUBSECTION (L) OF THIS SECTION AND  
18 SUBPARAGRAPH (II) OF THIS PARAGRAPH, the holder of a CLASS B beer, wine and  
19 liquor license, [Class B, his agents, servants or employees] AND AN AGENT, A SERVANT,  
20 OR AN EMPLOYEE OF A HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE  
21 may not sell any alcoholic beverages for consumption off the licensed premises between the  
22 hours of 12:00 a.m. and 6:00 a.m. or on Sunday after 12:00 a.m. from any separate store  
23 established on the licensed premises as an "off-sale store" or to keep an "off-sale store"  
24 open for business on Sunday after 12:00 a.m. [except that beer]

25 (II) BEER and light wine only may be sold from an "off-sale" store  
26 which is attached to and a part of the licensed premises on Sunday after 8:00 a.m. until  
27 12:00 a.m. the day following.

28 (2) For the [purpose] PURPOSES of this [provision] SUBSECTION, the  
29 Board of License Commissioners shall determine by reasonable standards what shall  
30 constitute an "off-sale store".

31 (3) Nothing further herein shall be construed to permit sales at any time  
32 between 12:00 a.m. and 6:00 a.m. of any day.

33 (L) (1) THERE IS A SPECIAL SUNDAY OFF-SALE PERMIT.

34 (2) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE  
35 PERMIT TO THE HOLDER OF:



1                   **(I) ANY CLASS A LICENSE; OR**

2                   **(II) A CLASS B BEER, WINE AND LIQUOR LICENSE WITH AN**  
3 **OFF-SALE PRIVILEGE.**

4                   **(3) THE PERMIT AUTHORIZES THE SALE OF ALCOHOLIC BEVERAGES**  
5 **THAT THE HOLDER IS AUTHORIZED TO SELL:**

6                   **(I) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT; AND**

7                   **(II) FOR CONSUMPTION OFF THE LICENSED PREMISES ONLY.**

8                   **(4) THE ANNUAL PERMIT FEE FOR THE SPECIAL SUNDAY OFF-SALE**  
9 **PERMIT IS \$450, WHICH IS IN ADDITION TO THE ANNUAL FEE FOR THE CLASS A**  
10 **LICENSE OR CLASS B BEER, WINE AND LIQUOR LICENSE TO WHICH IT IS ATTACHED.**

11                   **(5) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**  
12 **REGULATIONS TO CARRY OUT THIS SUBSECTION.**

13 15-109.

14           (r)   (1)   This subsection applies only in Prince George's County.

15                   (2)   (i)   Each of the members of the Board shall receive an annual salary  
16 of [~~\$17,000~~] **\$20,000**.

17                   (ii)   The chairman shall receive an annual salary of [~~\$18,000~~]  
18 **\$22,000**.

19                   (3)   The Board shall meet at least two times per month.

20                   (4)   (i)   The administrator of the Board shall be appointed by and serve  
21 at the will of the Board and shall devote full time and attention to the duties of the Board.

22                   (ii)   The administrator may receive an annual salary of \$40,705 as  
23 determined by the Board of License Commissioners after a performance evaluation.

24                   (5)   (i)   The attorney for the Board shall be appointed by, and serve at  
25 the will of, the Board.

26                   (ii)   The attorney shall receive an annual salary of [~~\$15,500~~]  
27 **\$18,500**.

28                   (iii)   In addition to the annual salary designated in subparagraph (ii)  
29 of this paragraph, the County Council shall pay to the attorney for the Board:

1                                   1.     All court costs and expenses incurred therein by the  
2 attorney to the Board; and

3                                   2.     Legal fees that the Board approves for representing the  
4 Board in court.

5                                   (iv)   The Board shall establish the fee rate for representing the Board  
6 in court.

7                                   (6)   (i)     The County Council shall pay for all expenses of the Board of  
8 License Commissioners upon the submission of an annual budget.

9   (ii)   In that budget, the salary of the members of the Board, the salary  
10 of the attorney for the Board, and any additional compensation for legal fees for the  
11 attorney for the Board, shall be approved as hereinbefore set forth.

12    (iii)   Except as provided in subparagraph (iv) of this paragraph, all  
13 other expenses, including, but not restricted to, the salary of the administrator as limited  
14 herein, compensation of other personnel, who shall be qualified and employed under the  
15 county merit system, printing, supplies, and office space, shall be at the discretion of the  
16 County Council.

17                                   (7)   (i)     Members of the Board of Alcoholic Beverages License  
18 Commissioners and the attorney for the Board are eligible for:

19   1.     All county health benefits; and

20   2.     Membership in and retirement benefits of the State  
21 Employees' Pension System.

22    (ii)   The health benefits under this paragraph include:

23   1.     Hospitalization;

24   2.     Vision care;

25   3.     Prescriptions;

26   4.     Dental care;

27   5.     Life insurance; and

28   6.     Expense reimbursement.

29    (iii)   The administrator of the Board of License Commissioners is  
30 eligible to participate in the County's supplemental retirement plan.

1 (iv) The County Executive and the County Council may not adopt,  
 2 either through public local law or personnel law, any policy contrary to the provisions of  
 3 subparagraph (i) or (iii) of this paragraph.

4 15–112.

5 (r) (1) This subsection applies only in Prince George’s County.

6 (3) (i) The inspectors shall:

7 1. Each have all the powers of a peace officer or a constable  
 8 or sheriff of this State;

9 2. Make oath to faithfully perform the duties entrusted to  
 10 them, as provided in Article I, § 9 of the Maryland Constitution;

11 3. Be known as “alcoholic beverages inspectors for Prince  
 12 George’s County”;

13 4. Have the duty of visiting and inspecting every licensed  
 14 premises periodically; ~~and~~

15 **5. HAVE THE AUTHORITY TO ORDER THAT A BOTTLE**  
 16 **CLUB BE CLOSED IMMEDIATELY UNDER § 20–108.1 OF THIS ARTICLE; AND**

17 ~~5.~~ **6.** Carry on the other duties the Board prescribes.

18 (ii) There are three full–time and ~~[32]~~ **24** part–time inspectors, all  
 19 of whom shall be county residents. The three full–time inspector positions shall be  
 20 designated as the chief inspector and the deputy chief inspectors. The three full–time  
 21 inspectors who meet the standards set out by the Prince George’s County merit board and  
 22 who are certified by the personnel director as meeting these standards shall be entitled to  
 23 the provisions of the county merit system.

24 (iii) Each part–time inspector shall receive an annual salary of  
 25 ~~[\$10,900]~~ **\$13,900.**

26 (iv) The Board shall designate annually a chief inspector from among  
 27 the three full–time inspectors. The chief inspector, under the direction of the Board, shall  
 28 regulate the duties, hours, and assignments of the various inspectors.

29 20–108.1.

30 (a) (1) In this section the following words have the meanings indicated.

31 (2) (i) “Bottle club” means a premises or establishment that:

1                                   1.     Is subject to any license issued by the State or Prince  
2 George's County; and

3                                   2.     A.   Serves, gives, dispenses, keeps, or allows to be  
4 consumed by a patron alcoholic beverages from supplies that the patron purchased,  
5 reserved, or otherwise brought to the premises or establishment; or

6                                   B.   Serves, gives, dispenses, or allows to be consumed by a  
7 patron paying admission alcoholic beverages from supplies purchased or otherwise brought  
8 to the premises or establishment by an owner or operator or an agent of an owner or  
9 operator.

10                               (ii)   "Bottle club" includes a restaurant, hotel, club, room, dance  
11 studio, disco, place of public entertainment, or other place open to the public.

12                               (iii) "Bottle club" does not include any establishment for which a  
13 license for the premises has been issued under the provisions of this article.

14                               (3)   "Place of public entertainment" means a business establishment that  
15 does not hold a license under this article and that allows on its premises any form of attire  
16 or sexual display prohibited under § 10-405 of this article.

17                               (4)   "Setups" includes drinking containers and ice.

18                   (b)   This section applies only in Prince George's County.

19                   (c)   (1)   A person may not serve or dispense setups or serve, dispense, keep, or  
20 allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic  
21 drinks in a place of public entertainment.

22                               (2)   An owner or operator of a bottle club may not:

23                               (i)   Evade the alcoholic beverage license laws in the county,  
24 including laws governing the hours of operation; and

25                               (ii)   Sell, give, serve, dispense, keep, or allow to be consumed in the  
26 bottle club any alcoholic beverage, setups, or other component parts of mixed alcoholic  
27 drinks.

28                   (D)   (1)   THE BOARD OR AN INSPECTOR OF THE BOARD MAY ORDER THAT  
29 A BOTTLE CLUB BE CLOSED IMMEDIATELY IF THE BOARD OR THE INSPECTOR  
30 DETERMINES THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES  
31 EMERGENCY ACTION.

1           **(2) IF AN IMMEDIATE CLOSURE IS ORDERED, THE BOARD OR THE**  
2 **INSPECTOR WHO ORDERED THE CLOSURE SHALL GIVE THE OWNER OR OPERATOR**  
3 **OF THE BOTTLE CLUB:**

4           **(I) WRITTEN NOTICE OF AND THE REASONS FOR THE CLOSURE;**  
5 **AND**

6           **(II) WRITTEN NOTICE OF A HEARING ON THE CLOSURE AT**  
7 **WHICH THE OWNER OR OPERATOR MAY BE HEARD AND PRESENT EVIDENCE.**

8           **(3) THE BOARD SHALL HOLD THE HEARING WITHIN 3 BUSINESS DAYS**  
9 **AFTER THE CLOSURE.**

10           **(4) (I) AT THE HEARING, THE BOARD SHALL DETERMINE**  
11 **WHETHER THE THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE CAUSING**  
12 **THE CLOSURE CONTINUES TO EXIST.**

13           **(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF**  
14 **THE BOARD DETERMINES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT**  
15 **THE THREAT CONTINUES, THE BOARD MAY:**

16                   **1. ORDER THE PERMANENT CLOSURE OF THE BOTTLE**  
17 **CLUB; OR**

18                   **2. IMPOSE CONDITIONS UNDER WHICH THE BOTTLE**  
19 **CLUB MAY REOPEN.**

20           **(III) THE BOARD SHALL ORDER THE BOTTLE CLUB TO BE**  
21 **PERMANENTLY CLOSED IF:**

22                   **1. THE CLOSURE UNDER PARAGRAPH (1) OF THIS**  
23 **SUBSECTION FOR WHICH THE HEARING IS BEING HELD IS THE THIRD CLOSURE IN A**  
24 **2-YEAR PERIOD; AND**

25                   **2. THE PREVIOUS TWO CLOSURES UNDER PARAGRAPH**  
26 **(1) OF THIS SUBSECTION WERE NOT OVERTURNED BY THE BOARD OR ON JUDICIAL**  
27 **REVIEW.**

28           **(5) THE BOARD SHALL ISSUE A DECISION WITHIN 3 BUSINESS DAYS**  
29 **AFTER A HEARING IS HELD UNDER PARAGRAPH (4) OF THIS SUBSECTION.**

30           **(6) AN OWNER OR OPERATOR WHO IS AGGRIEVED BY A DECISION OF**  
31 **THE BOARD MAY PETITION FOR JUDICIAL REVIEW TO A CIRCUIT COURT.**

1 [(d)](E) (1) THE BOARD MAY IMPOSE A FINE OF NOT MORE THAN  
2 \$12,500 PER VIOLATION ON A PERSON WHO THE BOARD FINDS HAS VIOLATED THIS  
3 SECTION.

4 (2) [A] IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, A  
5 person who violates this section is guilty of a misdemeanor and on conviction is subject to  
6 imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

7 SECTION 2. AND BE IT FURTHER ENACTED, That Section 6-201(r)(8)(iv)1 of  
8 Article 2B of the Annotated Code of Maryland, as enacted by Section 1 of this Act, shall be  
9 construed to apply only prospectively and may not be applied or interpreted to have any  
10 effect on or application to a Class BCE license issued before the effective date of this Act.

11 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 July 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.