(1994 Replacement Volume)

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

Article 2B – Alcoholic Beverages

9–217.

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

(M) (1) (I)   IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II)   "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS.

(III)   "FOOD STORES" INCLUDES SUPERMARKETS.

(IV)   "OFF–SALE" MEANS THE SALE OF ALCOHOLIC BEVERAGES THAT ARE TO BE CONSUMED OFF THE LICENSED PREMISES.

(V)   "ON–SALE" MEANS THE SALE OF ALCOHOLIC BEVERAGES THAT ARE TO BE CONSUMED ONLY ON THE LICENSED PREMISES.

(2)   WITHOUT REGARD TO ITS CLASS OF LICENSE, A LICENSEE MAY NOT DEVOTE MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE TO OFF–SALE USE.

(3)   EXCEPT AS TO FOOD STORES THAT HAD AN ALCOHOLIC BEVERAGES LICENSE ON OR BEFORE JANUARY 1, 1995, FLOOR SPACE SHALL BE CONSIDERED THE SPACE DEVOTED TO THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR OFF–SALE CONSUMPTION WHICH, IN THE CASE OF ALL LICENSES WITHOUT ON–PREMISES CONSUMPTION PRIVILEGES, IS LOCATED WITHIN THE FOUR WALLS OF THE BUILDING FROM WHICH THE LICENSED BUSINESS OPERATES OR, IN THE CASE OF LICENSES WITH ON–SALE AND OFF–SALE PRIVILEGES, IS ACTUALLY USED FOR THE SALE, DISPLAY OR STORAGE OF THOSE BEVERAGES. IN ALL CASES, FLOOR SPACE INCLUDES:

(I)   BASEMENTS ON LICENSED PREMISES; AND

(II)   WHATEVER OTHER AREA OFF THE LICENSED PREMISES UPON WHICH THE BEVERAGES ARE AT ANY TIME LAWFULLY STORED.

(4) (I)   THIS SUBSECTION DOES NOT PROHIBIT THE RENEWAL OR TRANSFER OF OWNERSHIP OR LOCATION OF A LICENSE ISSUED IN CONJUNCTION WITH ANY BUSINESS THAT ON OR BEFORE JANUARY 1, 1995, HAS IN EXCESS OF 10,000 SQUARE FEET DEVOTED TO OFF–SALE USE.

(II)   THE SQUARE FOOTAGE OF FLOOR SPACE USED FOR THE SALE, DISPLAY, OR STORAGE OF THE BEVERAGES MAY NOT BE EXPANDED BEYOND 10,000 SQUARE FEET.

(III)   FOOD STORES HAVING AN ALCOHOLIC BEVERAGES LICENSE ON OR BEFORE JANUARY 1, 1995, MAY NOT EXPAND THE ACTUAL SQUARE FOOTAGE OF THEIR ALCOHOLIC BEVERAGES DEPARTMENTS, INCLUDING SALES, DISPLAY,