

# HOUSE BILL 74

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3lr0803  
CF SB 260

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By: **Delegate Feldman**

Introduced and read first time: January 11, 2013

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2013

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

1 AN ACT concerning

2 **Alcoholic Beverages – Consumption of Wine Not Bought from License Holder**

3 FOR the purpose of expanding the application of a certain provision of law to allow an  
4 individual in a restaurant, club, or hotel for which any license allowing the sale  
5 of wine is issued to consume wine not purchased from or provided by the license  
6 holder only under certain circumstances, including a requirement that the  
7 license holder obtain a certain corkage permit; requiring each local licensing  
8 board to issue a corkage permit at no charge; clarifying language; and generally  
9 relating to the consumption of wine in ~~Montgomery County~~ the State.

10 BY repealing and reenacting, with amendments,  
11 Article 2B – Alcoholic Beverages  
12 Section 12–107(b)(10)  
13 Annotated Code of Maryland  
14 (2011 Replacement Volume and 2012 Supplement)

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

17 **Article 2B – Alcoholic Beverages**

18 12–107.

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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 (b) (10) (i) An individual in a restaurant, club, or hotel for which [a  
2 Class B or Class C] ANY license allowing the sale of wine is issued may consume wine  
3 not purchased from or provided by the license holder only if:

4 1. The wine is consumed with a meal during the hours of  
5 sale specified by the license;

6 2. The individual receives the approval of the license  
7 holder;

8 3. The wine is not available for sale on the license  
9 holder's wine list; and

10 4. The license holder obtains a **CORKAGE** permit from  
11 the local licensing board before allowing an individual the privilege of consuming wine  
12 not purchased from or provided by the license holder.

13 (ii) [A] **EACH** local licensing board shall issue a **CORKAGE**  
14 permit at no charge to each license holder who seeks to allow an individual to consume  
15 wine under the conditions specified in subparagraph (i) of this paragraph.

16 (iii) A license holder that allows an individual the privilege of  
17 consuming wine described under subparagraph (i) of this paragraph may determine  
18 and charge the individual a fee for the privilege, on which a sales tax shall be imposed.

19 (iv) Except as provided in subparagraph (v) of this paragraph,  
20 the license holder shall dispose of wine described under subparagraph (i) of this  
21 paragraph that remains after the meal is finished.

22 (v) The individual may remove from the licensed premises a  
23 bottle of wine, the contents of which are only partially consumed with the meal, if the  
24 license holder or an employee of the license holder inserts a cork in or places a cap on  
25 the bottle.

26 (vi) A bottle of wine that is removed from the licensed premises  
27 under subparagraph (v) of this paragraph is an "open container" for purposes of §  
28 10-125 of the Criminal Law Article.

29 (vii) A license holder may not allow an individual who is under  
30 21 years old or who is visibly under the influence of an alcoholic beverage the privilege  
31 of consuming wine described under subparagraph (i) of this paragraph.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 July 1, 2013.