

SENATE BILL 725

A1, A2

6lr2042

By: **The President (By Request – Department of Legislative Services – Code Revision)**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to the Alcoholic Beverages Article
4 in the Annotated Code of Maryland; and generally relating to the Alcoholic
5 Beverages Article and cross-references to it.

6 BY repealing and reenacting, with amendments,
7 Article – Agriculture
8 Section 10–1201(e) and (f)
9 Annotated Code of Maryland
10 (2007 Replacement Volume and 2015 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Business Regulation
13 Section 15–203(a)(5)
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Courts and Judicial Proceedings
18 Section 7–409(a)(2)(xv)
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Criminal Law
23 Section 10–114(a)(1), 10–118(a)(1), 10–119(b)(1)(iii), 10–121(a), and 10–125(d)
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, with amendments,
2 Article – Criminal Procedure
3 Section 4–101(c)(1)(ii)1.
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2015 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Election Law
8 Section 16–207(a)
9 Annotated Code of Maryland
10 (2010 Replacement Volume and 2015 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 24–501(e)(2)
14 Annotated Code of Maryland
15 (2015 Replacement Volume)
- 16 BY repealing and reenacting, with amendments,
17 Article – Insurance
18 Section 2–401(c)(4)(vii) and 27–801(c)(3)(vii)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2015 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Local Government
23 Section 5–105(a) and 18–203(a)(5)
24 Annotated Code of Maryland
25 (2013 Volume and 2015 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article – Public Safety
28 Section 11–116(a)(2)(xii) and (b)(2)(xii)
29 Annotated Code of Maryland
30 (2011 Replacement Volume and 2015 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Article – Real Property
33 Section 14–123(e)(2)(iii), 14–124(e)(2)(iii), 14–125(e)(2)(iii), and 14–125.1(g)(2)(iii)
34 Annotated Code of Maryland
35 (2015 Replacement Volume)
- 36 BY repealing and reenacting, with amendments,
37 Article – State Government
38 Section 9–1A–24(b)(4), 9–1A–37(a), and 12–101(a)(9)
39 Annotated Code of Maryland
40 (2014 Replacement Volume and 2015 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article – Tax – General
3 Section 5–301(c), 5–302, 10–735(a)(5), 13–834(b)(2), and 13–841(a)(1)
4 Annotated Code of Maryland
5 (2010 Replacement Volume and 2015 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Tax – General
8 Section 11–101(m)(13)
9 Annotated Code of Maryland
10 (2010 Replacement Volume and 2015 Supplement)
11 (As enacted by Chapter 3 of the Acts of the General Assembly of 2016)

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 21–903(d)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2015 Supplement)

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

19 **Article – Agriculture**

20 10–1201.

21 (e) “Wine” has the meaning stated in [Article 2B, § 1–102 of the Code] **§ 1–101**
22 **OF THE ALCOHOLIC BEVERAGES ARTICLE.**

23 (f) “Winery” means an establishment that has a winery license or limited winery
24 license under [Article 2B, § 2–204 or § 2–205 of the Code] **§ 2–205 OR § 2–206 OF THE**
25 **ALCOHOLIC BEVERAGES ARTICLE.**

26 **Article – Business Regulation**

27 15–203.

28 (a) An innkeeper may refuse to provide lodging or services to or may remove from
29 a lodging establishment an individual who:

30 (5) the innkeeper reasonably believes is using the lodging establishment
31 for the unlawful possession or use of a controlled dangerous substance in violation of Title
32 5 of the Criminal Law Article or for the consumption of alcohol by an individual under the
33 age of 21 years in violation of [Article 2B, § 12–108 of the Code] **§ 6–304, § 6–307, §**
34 **6–308, OR § 6–309 OF THE ALCOHOLIC BEVERAGES ARTICLE;**

1 **Article – Courts and Judicial Proceedings**

2 7–409.

3 (a) (2) “Crime” means an act committed by a person in the State that is:

4 (xv) A crime under [Article 2B, Title 22 or § 18–104 of the Code] §
5 **6–301 OR § 33–2503 OF THE ALCOHOLIC BEVERAGES ARTICLE;**

6 **Article – Criminal Law**

7 10–114.

8 (a) Except as provided in subsection (b)(1) of this section, and subject to
9 subsection (b)(2) of this section, an individual under the age of 21 years may not:

10 (1) possess or have under the individual’s charge or control an alcoholic
11 beverage unless the individual is a bona fide employee of the license holder as defined in
12 [Article 2B, § 1–102 of the Code] § **1–101 OF THE ALCOHOLIC BEVERAGES ARTICLE**
13 and the alcoholic beverage is in the possession or under the charge or control of the
14 individual in the course of the individual’s employment and during regular working hours;
15 or

16 10–118.

17 (a) Except for a person licensed as an alcoholic beverages licensee under [Article
18 2B of the Code] **THE ALCOHOLIC BEVERAGES ARTICLE** who possesses a keg in the
19 course of that person’s business, a person may not knowingly:

20 (1) possess a keg that has not been registered under or does not have a
21 registration form affixed to it as required by [Article 2B, § 21–106 of the Code] § **5–303 OF**
22 **THE ALCOHOLIC BEVERAGES ARTICLE;** or

23 10–119.

24 (b) (1) A citation for a violation of §§ 10–113 through 10–115 or a violation of
25 § 10–118 of this part may be issued by:

26 (iii) subject to paragraphs (2) and (3) of this subsection, in Anne
27 Arundel County, Frederick County, Harford County, Kent County, Montgomery County,
28 Prince George’s County, and Talbot County, and only in the inspector’s jurisdiction, an
29 alcoholic beverages inspector who investigates license violations under [Article 2B of the
30 Code] **THE ALCOHOLIC BEVERAGES ARTICLE.**

31 10–121.

1 (a) This section does not apply to a person who:

2 (1) was acting in the capacity of a licensee, or an employee of a licensee,
3 under [Article 2B of the Code] **THE ALCOHOLIC BEVERAGES ARTICLE**; and

4 (2) has committed a violation of and is subject to the penalties under
5 [Article 2B, § 12–108 of the Code] **§ 6–304, § 6–307, § 6–308, OR § 6–309 OF THE**
6 **ALCOHOLIC BEVERAGES ARTICLE.**

7 10–125.

8 (d) Notwithstanding [Article 2B, Title 19 of the Code] **§ 6–320, § 6–321, OR §**
9 **6–322 OF THE ALCOHOLIC BEVERAGES ARTICLE**, or any other provision of law, the
10 prohibitions contained in this section apply throughout the State.

11 **Article – Criminal Procedure**

12 4–101.

13 (c) (1) (ii) Subject to paragraph (2) of this subsection, in addition to any
14 other law allowing a crime to be charged by citation, a police officer may charge by citation
15 for:

16 1. sale of an alcoholic beverage to an underage drinker or
17 intoxicated person under [Article 2B, § 12–108 of the Code] **§ 6–304, § 6–307, § 6–308,**
18 **OR § 6–309 OF THE ALCOHOLIC BEVERAGES ARTICLE;**

19 **Article – Election Law**

20 16–207.

21 (a) In this section, “alcoholic beverages” has the meaning provided in [Article 2B,
22 § 1–102 of the Code] **§ 1–101 OF THE ALCOHOLIC BEVERAGES ARTICLE.**

23 **Article – Health – General**

24 24–501.

25 (e) “Indoor area open to the public” means:

26 (2) An indoor area of any establishment licensed or permitted under
27 [Article 2B of the Code] **THE ALCOHOLIC BEVERAGES ARTICLE** for the sale or
28 possession of alcoholic beverages.

29 **Article – Insurance**

1 2–401.

2 (c) “Insurance fraud” means:

3 (4) any other fraudulent activity that is committed by or against a person
4 regulated under this article and is a violation of:

5 (vii) [Article 2B, Title 22 of the Code] **§ 6–301 OF THE ALCOHOLIC**
6 **BEVERAGES ARTICLE;**

7 27–801.

8 (c) “Insurance fraud” means:

9 (3) any other fraudulent activity that is committed by or against a person
10 regulated under this article and is a violation of:

11 (vii) [Article 2B, Title 22 of the Code] **§ 6–301 OF THE ALCOHOLIC**
12 **BEVERAGES ARTICLE;**

13 **Article – Local Government**

14 5–105.

15 (a) The legislative body of a municipality may adopt an ordinance regulating the
16 licensing, location, and operation in the municipality of a business establishment that
17 allows on its premises any activity involving nudity and sexual displays listed under
18 [Article 2B, § 10–405(c) through (f) of the Code] **§ 4–605 OF THE ALCOHOLIC**
19 **BEVERAGES ARTICLE.**

20 18–203.

21 (a) The Mayor and City Council of Ocean City may:

22 (5) grant, on the basis of competitive bidding, concessions on the premises
23 of the Convention Center for the sale of food or beverages, including, subject to [Article 2B
24 of the Code] **THE ALCOHOLIC BEVERAGES ARTICLE**, alcoholic beverages; and

25 **Article – Public Safety**

26 11–116.

27 (a) (2) Paragraph (1) of this subsection does not apply to a person who neither
28 intended to use nor used the explosives involved in violation of:

1 (xii) [Article 2B, Title 22 or § 18–104 of the Code] **§ 6–301 OR §**
2 **33–2503 OF THE ALCOHOLIC BEVERAGES ARTICLE;**

3 (b) (2) Paragraph (1) of this subsection does not apply to a person who had
4 probable cause to believe that the explosives involved would be used for a purpose other
5 than the violation of:

6 (xii) [Article 2B, Title 22 or § 18–104 of the Code] **§ 6–301 OR §**
7 **33–2503 OF THE ALCOHOLIC BEVERAGES ARTICLE;**

8 Article – Real Property

9 14–123.

10 (e) (2) This section may not be construed as to grant standing for an action:

11 (iii) Involving any violation of alcoholic beverages laws under [Article
12 2B of the Code] **THE ALCOHOLIC BEVERAGES ARTICLE;** or

13 14–124.

14 (e) (2) This section may not be construed as granting standing for an action:

15 (iii) Involving any violation of alcoholic beverages laws under [Article
16 2B of the Code] **THE ALCOHOLIC BEVERAGES ARTICLE;** or

17 14–125.

18 (e) (2) This section may not be construed as granting standing for an action:

19 (iii) Involving any violation of alcoholic beverages laws under [Article
20 2B of the Code] **THE ALCOHOLIC BEVERAGES ARTICLE;** or

21 14–125.1.

22 (g) (2) This section may not be construed as granting standing for an action:

23 (iii) Involving any violation of alcoholic beverages laws under [Article
24 2B of the Code] **THE ALCOHOLIC BEVERAGES ARTICLE;** or

25 Article – State Government

26 9–1A–24.

27 (b) (4) A video lottery operation licensee may provide food at no cost to
28 individuals to the same extent allowed under [Article 2B, § 12–106 of the Code] **§ 5–303**

1 **OF THE ALCOHOLIC BEVERAGES ARTICLE** for a person engaged in the sale or barter of
2 spirituous, malt, or intoxicating liquors and licensed under the laws of Maryland.

3 9–1A–37.

4 (a) (1) The Commission may consider and make recommendations on proposed
5 changes to this subtitle, Subtitle 1 of this title, and any provisions of [Article 2B of the
6 Code] **THE ALCOHOLIC BEVERAGES ARTICLE** that relate to the regulation of alcoholic
7 beverages at video lottery facilities.

8 (2) On request of the Governor or the presiding officer of either house of
9 the General Assembly, the Commission shall consider and make recommendations on
10 proposed changes to this subtitle, Subtitle 1 of this title, and any provisions of [Article 2B
11 of the Code] **THE ALCOHOLIC BEVERAGES ARTICLE** that relate to the regulation of
12 alcoholic beverages at video lottery facilities.

13 (3) A video lottery facility may request that the Commission consider and
14 make recommendations on proposed changes to this subtitle and any provisions of [Article
15 2B of the Code] **THE ALCOHOLIC BEVERAGES ARTICLE** that relate to the regulation of
16 alcoholic beverages at video lottery facilities.

17 12–101.

18 (a) In this subtitle, unless the context clearly requires otherwise, “State
19 personnel” means:

20 (9) a member of a board of license commissioners of a county or Baltimore
21 City appointed under the provisions of [Article 2B of the Code] **THE ALCOHOLIC**
22 **BEVERAGES ARTICLE**, or an employee of a board of license commissioners;

23 **Article – Tax – General**

24 5–301.

25 (c) A person who holds a nonresident winery permit under [Article 2B, § 2–101(u)
26 of the Code] **§ 2–135 OF THE ALCOHOLIC BEVERAGES ARTICLE** that sells or delivers
27 wine to retail dealers in the State shall pay the alcoholic beverage tax on that wine, in the
28 manner that the Comptroller requires, with the return that covers the period in which the
29 wine manufacturer who holds a nonresident winery permit sells or delivers that wine.

30 5–302.

31 Unless otherwise authorized in this title or in [Article 2B of the Code] **THE**
32 **ALCOHOLIC BEVERAGES ARTICLE**, a person may not buy, possess, sell, store, transport,
33 or allow another person to buy, store, sell, or transport an alcoholic beverage on which the
34 alcoholic beverage tax is not paid.

1 10-735.

2 (a) (5) "Winery" means an establishment licensed by the Comptroller as either
3 a Class 3 or Class 4 winery under [Article 2B, §§ 2-204 and 2-205 of the Code] **§ 2-205 OR**
4 **§ 2-206 OF THE ALCOHOLIC BEVERAGES ARTICLE.**

5 11-101.

6 (m) "Taxable service" means:

7 (13) the privilege given to an individual under [Article 2B, § 12-107(b)(10)
8 of the Code] **§ 4-1102 OF THE ALCOHOLIC BEVERAGES ARTICLE** to consume wine that
9 is not purchased from or provided by a restaurant, club, or hotel.

10 13-834.

11 (b) "Contraband alcoholic beverage" means an alcoholic beverage, as defined in §
12 5-101 of this article:

13 (2) that is delivered, possessed, sold, or transported in the State in a
14 manner not authorized under Title 5 of this article or [Article 2B of the Code] **THE**
15 **ALCOHOLIC BEVERAGES ARTICLE.**

16 13-841.

17 (a) (1) Contraband alcoholic beverages that are seized under this title and
18 forfeited may be disposed of or destroyed in the manner allowed under [Article 2B, §
19 1-201(f)(5) and (6) and (g) of the Code] **§§ 6-105, 6-106, AND 6-328 OF THE ALCOHOLIC**
20 **BEVERAGES ARTICLE.**

21 **Article – Transportation**

22 21-903.

23 (d) Notwithstanding [Article 2B, Title 19 of the Code] **§ 6-320, § 6-321, OR §**
24 **6-322 OF THE ALCOHOLIC BEVERAGES ARTICLE,** or any other provision of law, the
25 prohibition contained in this section applies throughout the State.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2016.