

Article - Alcoholic Beverages

§11-304.

(a) (1) Between 2 a.m. and 6 a.m. on any day, a person may not consume any alcoholic beverages on any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article, and an owner, operator or manager of the premises or places may not knowingly permit such consumption.

(2) Except as provided in this section, any person found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50 and not less than \$5.

(i) In Anne Arundel County the fine may not be more than \$250.

(ii) In Worcester County the fine may not be more than \$4,000.

(b) (1) (i) This subsection applies only in Allegany County.

(ii) In subparagraphs (iv) and (v) of this paragraph and paragraph (2) of this subsection, “premises” means:

1. A restaurant, tavern, hotel, club, dance studio, or disco;
2. A place of public entertainment;
3. A place open to the general public; or
4. A place that is licensed by the State or the county.

(iii) The prohibitions of subparagraphs (iv) and (v) of this paragraph and paragraph (2) of this subsection apply after 1 a.m. on Sunday or between the hours of 1 a.m. and 7 a.m. on other days.

(iv) A person may not consume any alcoholic beverages on any:

1. Premises open to the general public;
2. Place operated as a club;
3. Place of public entertainment; or
4. Place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of this article.

(v) An owner, operator, or manager of the premises may not permit that consumption.

(2) (i) A person may not possess or consume any alcoholic beverage on any premises which is not licensed under this article but which is open to the general public and is operated as a club, a place of public entertainment, or a place where setups or other component parts of mixed alcoholic drinks are sold.

(ii) An owner, operator, or manager of the premises may not permit that consumption or possession.

(3) (i) Notwithstanding any other provisions of this subsection, a person may consume alcoholic beverages on the licensed premises of a video lottery facility only during the hours of operation established under § 9–1A–23(a) of the State Government Article.

(ii) A video lottery facility licensee or a concessionaire licensee or an employee of a video lottery facility licensee or a concessionaire licensee may not knowingly allow a person to consume alcoholic beverages on the licensed premises of a video lottery facility except during the hours of operation established under § 9–1A–23(a) of the State Government Article.

(4) Any person who violates the provisions of this subsection is guilty of a misdemeanor and may be fined not less than \$50 nor more than \$500 for each offense.

(c) (1) (i) This subsection applies only in Anne Arundel County.

(ii) In this paragraph, “premises” means a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment, or a place open to the general public or in a place in any way licensed by this State or the county.

(iii) 1. A person, corporation, club, or organization may not give or allow to be consumed on the premises or on premises under its possession or control any alcoholic beverages other than as specifically permitted or provided in this article.

2. This does not apply to the room of a registered guest in any hotel, motel, or hospice.

(2) (i) A person may consume alcoholic beverages on the licensed premises of a video lottery facility only during the hours of operation established under § 9–1A–23 of the State Government Article.

(ii) A holder of an entertainment facility license or an entertainment concessionaire license or an employee of the license holder may not knowingly allow a person to consume alcoholic beverages on the licensed premises of a video lottery facility except during the hours of operation established under § 9–1A–23 of the State Government Article.

(3) Any owner, operator, manager, or employee of the premises who knowingly permits consumption in violation of this subsection is guilty of a misdemeanor and upon conviction may be fined not more than \$250.

(d) (1) Except as provided in this subsection, this section does not apply to premises conducted on New Year's Day by on-sale licensees in Baltimore City.

(2) In Baltimore City, a licensed premises shall cease all operations, including the serving of alcoholic beverages or food and providing entertainment, at the closing hour for that class of licensed premises specified in this article.

(3) Notwithstanding paragraph (2) of this subsection, the Board of Liquor License Commissioners may grant an exemption for remaining open after hours to:

(i) A holder of a Class B restaurant license, only for serving food to patrons seated for dining;

(ii) A pharmacy that fills prescriptions; or

(iii) A holder of a Class D beer, wine and liquor license that operates a restaurant, if:

1. It is used only for serving food to patrons seated in a dining room that is not adjacent to a bar; and

2. The restaurant is located in the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

(4) A pharmacy that receives an exemption under paragraph (3) of this subsection may also sell products other than alcohol after normal closing hours.

(5) Notwithstanding the hour restrictions under paragraph (2) of this subsection, a hotel that holds a Class B license and that serves food to seated customers or to private functions or guest rooms may continue to provide food service.

(e) (1) This subsection applies only in Baltimore County.

(2) This section does not apply to activities on premises that are conducted on New Year's Day by on-sale licensees in the county.

(3) (i) Alcoholic beverages may not be brought onto any premises and consumed or transferred if the premises constitute a place of public entertainment and the entertainment is of the type prohibited under § 10-405 of this article.

(ii) Any person who operates a place of public entertainment who knowingly permits any violation of this subsection on the premises is guilty of a misdemeanor and on conviction may be fined up to \$5,000 for each violation.

(iii) Each day of operation in violation of this subsection is a separate violation.

(f) Reserved. (Calvert County)

(g) Reserved. (Caroline County)

(h) Reserved. (Carroll County)

(i) Reserved. (Cecil County)

(j) (1) This subsection applies only in Charles County.

(2) (i) Alcoholic beverages may not be brought onto any premises and consumed or transferred if the premises constitute a place of public entertainment and the entertainment is of the type listed under § 10-405(c) through (f) of this article.

(ii) Any person who operates a place of public entertainment who knowingly permits any violation of this subsection on the premises is guilty of a misdemeanor and on conviction may be fined up to \$5,000 for each violation.

(iii) Each day of operation in violation of this subsection is a separate violation.

(k) Reserved. (Dorchester County)

(l) (1) (i) This subsection applies only in Frederick County.

(ii) Between 2 a.m. and 6 a.m. on any day, a person may not consume any alcoholic beverages on any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article, and any owner, operator, employee, or manager of those premises or places may not knowingly permit such consumption.

(2) Unless otherwise specifically provided, any person violating the provisions of this subsection is subject to the general penalty provisions provided for in this section.

(m) Reserved. (Garrett County)

(n) (1) (i) This subsection applies only in Harford County.

(ii) 1. In this subsection the following words have the meanings indicated.

2. "Premises" means a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment.

3. "Person" means a person, club, organization, or place of public entertainment.

(iii) A person may not knowingly allow the consumption, possession, or transfer of alcoholic beverages on its premises except in a manner specifically permitted or provided for by this article if:

1. The person is in possession or control of the place or premises as owner, lessee, or user;

2. The place or premises is open to the general public or in any way licensed by this State or by the county; and

3. The place or premises is not the room of a registered guest in a hotel, motel, or hospice or the property of a volunteer fire company, bona fide catering establishment, community or civic association, swim club, or bona fide social, civic, nonprofit, charitable, fraternal, patriotic, educational, or public service organization, or bona fide religious institution which has been in existence for a minimum of 3 years.

(2) The Liquor Control Board may exempt from the provisions of this subsection places similar to those listed in sub-subparagraph 3 of subparagraph (iii) of paragraph (1) of this subsection on a case-by-case basis.

(3) The Liquor Control Board shall adopt uniform rules for the administration of exceptions specified in paragraph (1) of this subsection.

(4) Any owner, operator, manager, or employee of premises or places subject to the prohibitions of this subsection who knowingly permits the prohibited consumption in violation of this subsection is guilty of a misdemeanor and upon conviction may be fined not more than \$1,000.

(o) (1) This subsection applies only in Howard County.

(2) (i) Alcoholic beverages may not be brought onto any premises and consumed or transferred if the premises constitute a place of public entertainment and the entertainment is of the type listed under § 10-405(c) through (f) of this article.

(ii) A person operating a place of public entertainment also violates the provisions of this subsection if a female entertainer exhibits her breasts below the top of the areola or exhibits the cleft of her buttocks.

(iii) Any person who operates a place of public entertainment who knowingly permits any violation of this subsection on the premises is guilty of a misdemeanor and on conviction may be fined up to \$5,000 for each violation.

(iv) Each day of operation in violation of this subsection is a separate violation.

(p) In Kent County the hours of sale under Classes B and D (on-sale) beer, wine and liquor licenses are as provided under § 11-515 of this article.

(q) (1) This subsection applies only in Montgomery County.

(2) (i) A person may not consume any alcoholic beverages between 1:30 a.m. and the next succeeding hour authorized by law for sales to begin on any premises open to the general public, or any place of public entertainment, which holds a:

1. Class B, Class C, Class D or Class H beer license;
2. Class B, Class C, Class D or Class H beer and light wine license; or
3. Class B beer, wine and liquor license.

(ii) An owner, operator, or manager of the premises or place may not knowingly permit the consumption of alcoholic beverages between 1:30 a.m. and the next succeeding hour authorized by law for sales to begin under the respective licenses listed in subparagraph (i) of this paragraph.

(3) All containers of alcoholic beverages shall be removed from the table or tables prior to 1:30 a.m., except on Fridays and Saturdays when all containers of alcoholic beverages shall be removed prior to 2:30 a.m.

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

(2) (i) Alcoholic beverages may not be brought onto any unlicensed premises and consumed or transferred if the unlicensed premises constitute a place of public entertainment and the entertainment is of the type listed under § 10-405(c) through (f) of this article.

(ii) Any person who operates a place of public entertainment who knowingly permits any violation of this subsection on the unlicensed premises is guilty of a misdemeanor and on conviction may be fined up to \$5,000 for each violation or imprisoned up to 1 year, or both.

(iii) Each day of operation in violation of this subsection is a separate violation.

(s) Reserved. (Queen Anne's County)

(t) Reserved. (St. Mary's County)

(u) Reserved. (Somerset County)

(v) Reserved. (Talbot County)

(w) In Washington County, this section is applicable from 1 a.m. to 6 a.m. and

in all other respects as provided.

(x) Reserved. (Wicomico County)

(y) (1) This subsection applies only in Worcester County.

(2) Except as otherwise provided by this article and except as provided in paragraph (3) of this subsection, a person may not consume any alcoholic beverages at any time on any day of the week, including Saturday and Sunday, in any of the following premises:

- (i) Restaurant;
- (ii) Tavern;
- (iii) Hotel;
- (iv) Club;
- (v) Dance studio;
- (vi) Disco; and
- (vii) Any other place of public entertainment.

(3) (i) The following are exempt from paragraph (2) of this subsection:

- 1. The room of a registered guest in a hotel, motel, or hospice;
- 2. The property of a volunteer fire company.

or

(ii) The following are exempt from paragraph (2) of this subsection if they have been in existence for a minimum of 3 years:

- 1. A bona fide catering establishment;
- 2. A community or civic association;
- 3. A swim club;
- 4. A bona fide social, civic, nonprofit, charitable, fraternal, patriotic, educational, or public service organization; or
- 5. A bona fide religious institution.

(iii) A fishing club that was established prior to January 1, 1970 is exempt from paragraph (2) of this subsection.

(4) The Board of License Commissioners shall adopt uniform regulations for the administration of the provisions of this subsection.

(5) Any owner, operator, manager, or employee of premises or places subject to the prohibitions of this subsection who knowingly permits consumption in violation of this subsection is guilty of a misdemeanor and, on conviction, shall be fined not more than \$10,000.