

Article - Alcoholic Beverages

§12-107.

(a) No retail dealer, other than the holder of a Class E, Class F or Class G license, shall purchase any alcoholic beverages except from a duly licensed manufacturer, wholesaler, or private bulk sale permit holder or nonresident winery permit holder under the provisions of this article, and no retail dealers shall sell to any other retail dealer any alcoholic beverages except to the holder of a special Class C beer, beer and wine and beer, wine and liquor license, and shall not at any time keep or permit to be kept upon the licensed premises any alcoholic beverages except those so purchased.

(b) (1) In this subsection, “pomace brandy” means brandy that is distilled from the pulpy residue of the wine press, including the skins, pips, and stalks of grapes.

(2) Except as provided in paragraphs (10) and (11) of this subsection, it shall be unlawful for any person to drink on the licensed premises of any license holder any alcoholic beverages not purchased from the license holder on said premises and not permitted by this article to be consumed on the premises; and it shall be unlawful for any license holder to permit any person to drink any alcoholic beverage not purchased from the said license holder on the premises covered by the license which he holds and not permitted by this article to be consumed on the premises.

(3) This subsection does not apply to special or temporary licenses in Carroll County.

(4) This subsection does not apply to licenses issued under § 7-101(k) of this article for a dance or social event:

(i) Advertised as being “bring your own” (BYO); or

(ii) Held on the premises of the licensee by a member or by a guest of a member of the club, fire department, or other organization which is licensed.

(5) Paragraph (2) of this subsection does not apply in Howard County to dances, weddings, fundraisers, or other social events held in a hall that is rented from and is located on the premises of a veterans organization which is licensed under this article. However, the veterans organization may not sell or otherwise provide alcoholic beverages to the attendees of the dance, wedding, fundraiser, or other social event.

(6) Notwithstanding any other provision of this article, paragraph (2) of this subsection does not apply to a Class 4 limited winery which brings wine and pomace brandy manufactured on its licensed premises onto a retail licensed premises under the following conditions:

(i) The product is being provided for a bona fide promotional activity

conducted by the limited winery, retail licensee, alcoholic beverages trade association, or nonprofit organization;

(ii) A representative of the limited winery, or a trade association representing Maryland wineries, is present at all times during the period of the promotional activity;

(iii) Any unopened or partially consumed containers of wine and pomace brandy are removed from the retail licensed premises at the conclusion of the promotional activity;

(iv) The limited winery or winery trade association complies with any rules or regulations promulgated by the Comptroller pertaining to on-premise promotions and product sampling; and

(v) The limited winery or winery trade association has the advance written permission of the retail licensee to bring wine products on the retail licensed premises for purposes of the promotional activity.

(7) This subsection does not apply to:

(i) Special licenses issued in St. Mary's County to any bona fide religious, fraternal, civic, veterans, hospital, or charitable organization under § 7-101(r) of this article; or

(ii) A license issued in St. Mary's County that applies to an outdoor motor sports facility that is located in Mechanicsville or Budds Creek.

(8) This subsection does not prevent residents and their guests in a continuing care retirement community in Prince George's County that holds a Class C (on-sale) beer, wine and liquor license from consuming wine not purchased from the continuing care retirement community, if:

(i) The wine is consumed with a meal in the dining room; and

(ii) The continuing care retirement community:

1. Is operated by a nonprofit organization for the continuing care retirement of persons at least 60 years old;

2. Has been incorporated for at least 1 year;

3. Has obtained a certificate of registration from the State Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and

4. Prepares and serves meals during regular operating hours to residents and their guests.

(9) This subsection does not prevent residents and their guests in a continuing care retirement community in Frederick County that holds a Class C (on-sale) beer, wine and liquor license from consuming wine not purchased from the continuing care retirement community, if:

(i) The wine is consumed with a meal in the dining room; and

(ii) The continuing care retirement community:

1. Is operated by a nonprofit organization for the continuing care retirement of persons at least 60 years old;

2. Has been incorporated for at least 1 year;

3. Has obtained a certificate of registration from the State Department of Aging under Title 10, Subtitle 4 of the Human Services Article; and

4. Prepares and serves meals during regular operating hours to residents and their guests.

(10) (i) This paragraph applies to an individual in:

1. A restaurant, club, or hotel for which a Class B or Class C license allowing the sale of wine is issued;

2. An establishment in Garrett County for which a Class B-B&B (bed and breakfast) license is issued; or

3. A restaurant, club, or hotel in Montgomery County for which a Class H license allowing the sale of wine is issued.

(ii) An individual covered under subparagraph (i) of this paragraph may consume wine not purchased from or provided by the license holder only if:

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

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

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

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

(iii) A local licensing board shall issue a permit at no charge to each license holder who seeks to allow an individual to consume wine under the conditions specified in subparagraph (ii) of this paragraph.

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

(v) Except as provided in subparagraph (vi) of this paragraph, the license holder shall dispose of wine described under subparagraph (ii) of this paragraph that remains after the meal is finished.

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

(vii) A bottle of wine that is removed from the licensed premises under subparagraph (vi) of this paragraph is an “open container” for purposes of § 10–125 of the Criminal Law Article.

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

(11) During a bona fide entertainment event held in the Arts and Entertainment District in Hagerstown and approved by the Mayor and City Council, an individual, within the approved event area and in a designated container unique to the event, may:

(i) Purchase beer or wine from the holder of a special Class C (on–sale) beer and wine street festival license, or purchase beer or wine from, and consume on the premises of, a license holder with on–sale privileges within the Arts and Entertainment District;

(ii) Transport the beer or wine in the designated container to the premises of another license holder with on–sale privileges in the Arts and Entertainment District and within the approved event area; and

(iii) Consume the beer or wine within the Arts and Entertainment District event area as approved by the Mayor and City Council, including on the premises of any license holder with on–sale privileges.