
By: Delegates Menes, M. Burns, Cadden, Genn, Grosfeld, Jacobs, T. Murphy, O'Donnell, Perry, Petzold, Rosapepe, Turner, Valderrama, Vallario, Conroy, Hecht, and Pitkin

Introduced and read first time: January 24, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Possession or Consumption - Adult Responsibility**

3 FOR the purpose of prohibiting an adult from allowing an individual under a certain age
4 to actually possess or consume alcoholic beverages under certain circumstances; and
5 generally relating to prohibiting an adult from allowing the possession or
6 consumption of an alcoholic beverage by an individual under a certain age.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 401A
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1995 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 401A.

16 (a) Except as provided in subsection [(b)] (C) of this section, a person may not
17 furnish any alcoholic beverage to another person if:

18 (1) The person furnishing the beverage knows that the person is under 21
19 years of age; and

20 (2) The alcoholic beverage is furnished for the purpose of consumption by
21 the person under 21 years of age.

22 (b) [The prohibition in subsection (a) of this section does not apply if the
23 individual furnishing the alcoholic beverage and the individual to whom the beverage is
24 served:] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN ADULT MAY
25 NOT KNOWINGLY AND WILLFULLY ALLOW AN INDIVIDUAL UNDER 21 YEARS OF AGE
26 TO ACTUALLY POSSESS OR CONSUME AN ALCOHOLIC BEVERAGE AT THE
27 RESIDENCE, OR WITHIN THE CURTILAGE OF THE RESIDENCE, THAT:

28 (1) THE ADULT OWNS AND IN WHICH THE ADULT RESIDES; OR

2

1 (2) THE ADULT LEASES AS A TENANT AND IN WHICH THE ADULT
2 RESIDES.

3 (C) (1) THE PROHIBITION SET FORTH IN SUBSECTION (A) OF THIS SECTION
4 DOES NOT APPLY IF THE PERSON FURNISHING THE ALCOHOLIC BEVERAGE AND THE
5 PERSON TO WHOM THE ALCOHOLIC BEVERAGE IS SERVED:

6 [(1)] (I) Are members of the same immediate family, and the beverage is
7 furnished and consumed in a private residence; or

8 [(2)] (II) Are participants in a religious ceremony.

9 (2) THE PROHIBITION SET FORTH IN SUBSECTION (B) OF THIS SECTION
10 DOES NOT APPLY IF THE ADULT ALLOWING THE POSSESSION OR CONSUMPTION OF
11 THE ALCOHOLIC BEVERAGE AND THE INDIVIDUAL UNDER THE AGE OF 21 YEARS
12 WHO POSSESSES OR CONSUMES THE ALCOHOLIC BEVERAGE:

13 (I) ARE MEMBERS OF THE SAME IMMEDIATE FAMILY, AND THE
14 BEVERAGE IS POSSESSED AND CONSUMED IN A PRIVATE RESIDENCE OF THE ADULT;
15 OR

16 (II) ARE PARTICIPANTS IN A RELIGIOUS CEREMONY.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1996.