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**By: Senator Trotter**

Requested: October 5, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Possession or Drinking in Public - Penalties**

3 FOR the purpose of altering the penalties for drinking alcoholic beverages, or possessing  
4 alcoholic beverages in open containers, in certain public places; and generally  
5 relating to the possession or drinking of alcoholic beverages in public places.

6 BY repealing and reenacting, without amendments,  
7 Article 2B - Alcoholic Beverages  
8 Section 19-202, 19-301, and 19-303  
9 Annotated Code of Maryland  
10 (1994 Replacement Volume and 1995 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article 2B - Alcoholic Beverages  
13 Section 19-204 and 19-302  
14 Annotated Code of Maryland  
15 (1994 Replacement Volume and 1995 Supplement)

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

18 **Article 2B - Alcoholic Beverages**

19 19-202.

20 (a) A person may not drink any alcoholic beverage, as defined in this article,  
21 while:

22 (1) On public property, unless authorized by a governmental entity that has  
23 jurisdiction over the property;

24 (2) On the mall, adjacent parking area, or other outside area of any  
25 combination of privately owned retail establishments, like a shopping center, where the  
26 general public is invited for business purposes, unless authorized by the owner of the  
27 shopping center;

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1 (3) On an adjacent parking area or other outside area of any other retail  
2 establishment, unless authorized by the owner of the establishment; or

3 (4) In any parked vehicle located on any of the places enumerated in this  
4 subsection, unless authorized.

5 (b) Subsection (a) does not apply to the consumption of alcoholic beverages by  
6 passengers in the living quarters of a motor home equipped with a toilet and central  
7 heating or the passengers of a chartered bus in transit if the owner or operator has  
8 consented to the consumption of the beverages.

9 19-204.

10 Any person who violates the provisions of this subheading is guilty of a  
11 misdemeanor and on conviction is subject to a fine not exceeding \$100 OR A TERM OF  
12 IMPRISONMENT NOT EXCEEDING 3 DAYS OR BOTH.

13 19-301.

14 (a) (1) This definition applies only in Carroll, Harford, and Montgomery  
15 Counties.

16 (2) In this section "unless authorized" means the possession and  
17 presentation of a written consent by the owner of the property.

18 (b) A person may not possess in an open container any alcoholic beverage, as  
19 defined in this article, while:

20 (1) On the mall, adjacent parking area, or other outside area of any  
21 combination of privately owned retail establishments, commonly known as a shopping  
22 center, to which the general public is invited for business purposes, unless authorized by  
23 the owner of the establishment;

24 (2) On an adjacent parking area or other outside area of any other retail  
25 establishment, unless authorized by the owner of the establishment; or

26 (3) In any parked vehicle located on any of the places enumerated in this  
27 section, unless authorized.

28 19-302.

29 Any person who violates the provisions of this subheading is guilty of a  
30 misdemeanor and upon conviction is subject to a fine not exceeding \$100 OR A TERM OF  
31 IMPRISONMENT NOT EXCEEDING 3 DAYS OR BOTH.

32 19-303.

33 This subheading applies only in the following counties:

34 (1) Allegany County;

35 (2) Baltimore County, including motorcycles located on any of the places  
36 enumerated in § 19-301 of this subheading, unless authorized;

37 (3) Calvert County;

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1 (4) Carroll County, including motorcycles located on any of the places  
2 enumerated in § 19-301 of this subheading, unless authorized;

3 (5) Cecil County;

4 (6) Charles County;

5 (7) Frederick County;

6 (8) Garrett County;

7 (9) Harford County;

8 (10) Howard County;

9 (11) Montgomery County;

10 (12) St. Mary's County; and

11 (13) Somerset County.

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