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HB 730/95 - JUD

1996 Regular Session
6r2010
CF 6r0028

By: ~~Senator Pica~~ Senators Pica, Ferguson, and Forehand

Introduced and read first time: January 29, 1996

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 1996

CHAPTER ____

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;
5 clarifying a certain exception to a prohibition of a person furnishing an alcoholic
6 beverage to an individual under a certain age; and generally relating to the
7 prohibition of furnishing an alcoholic beverage to an individual under a certain age
8 and prohibiting an adult from allowing the possession or consumption of an
9 alcoholic beverage by an individual under a certain age.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 401A
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1995 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 401A.

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

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

2

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

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

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

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

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

15 [(1)] (I) Are members of the same immediate family, and the beverage is
16 furnished and consumed in a private residence OR WITHIN THE CURTILAGE OF THE
17 RESIDENCE; or

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

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

23 (I) ARE MEMBERS OF THE SAME IMMEDIATE FAMILY, AND THE
24 BEVERAGE IS POSSESSED AND CONSUMED IN A PRIVATE RESIDENCE, OR WITHIN
25 THE CURTILAGE OF THE RESIDENCE, OF THE ADULT; OR

26 (II) ARE PARTICIPANTS IN A RELIGIOUS CEREMONY.

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