

SENATE BILL 711

Unofficial Copy
A2

1998 Regular Session
(8lr2583)

ENROLLED BILL

-- Economic and Environmental Affairs/Economic Matters --

Introduced by **Senator Della**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - Bottle Clubs**

3 FOR the purpose of requiring owners or employees of bottle clubs in Baltimore City to
4 be certified by an approved alcohol awareness program; requiring the alcohol
5 awareness program provider to provide certain information to the appropriate
6 local board; prohibiting bottle clubs in Baltimore City from serving or allowing
7 the consumption of alcoholic beverages after legal closing hours; requiring bottle
8 club owners or operators to register and provide certain information to the
9 Baltimore City Liquor Control Board; establishing a penalty; defining a certain
10 term; and generally relating to bottle clubs and alcoholic beverages in Baltimore
11 City.

12 BY renumbering

- 13 Article 2B - Alcoholic Beverages
- 14 Section 20-101 through 20-105, respectively
- 15 to be Section 20-102 through 20-106, respectively
- 16 Annotated Code of Maryland

1 (1996 Replacement Volume and 1997 Supplement)

2 BY repealing and reenacting, without amendments,

3 Article 2B - Alcoholic Beverages

4 Section 13-101(a)

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 1997 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article 2B - Alcoholic Beverages

9 Section 13-101(b) and (e)

10 Annotated Code of Maryland

11 (1996 Replacement Volume and 1997 Supplement)

12 BY adding to

13 Article 2B - Alcoholic Beverages

14 Section 13-101(c)(4) and 20-101

15 Annotated Code of Maryland

16 (1996 Replacement Volume and 1997 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That Section(s) 20-101 through 20-105, respectively, of Article 2B -
19 Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be
20 Section(s) 20-102 through 20-106, respectively.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
22 read as follows:

23 **Article 2B - Alcoholic Beverages**

24 13-101.

25 (a) In this section "alcohol awareness program" means a program:

26 (1) That:

27 (i) Is approved and certified by the State Comptroller; and

28 (ii) Has been issued an alcohol awareness program permit by the
29 State Comptroller;

30 (2) That includes instruction on how alcohol affects a person's:

31 (i) Body; and

32 (ii) Behavior;

33 (3) That provides education on the dangers of drinking and driving; and

- 1 (4) That defines effective methods for:
- 2 (i) Serving customers to minimize the chance of intoxication;
- 3 (ii) Ceasing service before the customer becomes intoxicated; and
- 4 (iii) Determining if a customer is under the drinking age.
- 5 (b) (1) The provisions of this section apply to:
- 6 (i) Licensed premises that are operated by selling alcoholic
7 beverages directly to a customer from a bar or service bar on the premises;
- 8 (ii) Premises licensed for off sale; [and]
- 9 (iii) In Montgomery County, a holder of a caterer's license issued
10 under § 6-706.1 of this article[.]; AND
- 11 (IV) IN BALTIMORE CITY, ANY BOTTLE CLUB ESTABLISHMENT, AS
12 DEFINED IN § 20-101(A) OF THIS ARTICLE.
- 13 (2) This section does not apply to:
- 14 (i) Temporary alcoholic beverages licenses issued under § 7-101 of
15 this article;
- 16 (ii) A Class E (on-sale) steamboat alcoholic beverages license;
- 17 (iii) A Class F (on-sale) railroad alcoholic beverages license; or
- 18 (iv) A Class G (on-sale) aircraft alcoholic beverages license.
- 19 (c) (4) (I) THIS PARAGRAPH APPLIES ONLY TO A BOTTLE CLUB AS
20 DEFINED IN § 20-101(A) OF THIS ARTICLE, IN BALTIMORE CITY.
- 21 (II) ANY BOTTLE CLUB OWNER OR A PERSON WHO IS EMPLOYED IN
22 A SUPERVISORY CAPACITY DESIGNATED BY THE OWNER SHALL BE CERTIFIED BY AN
23 APPROVED ALCOHOL AWARENESS PROGRAM AND SHALL BE PRESENT DURING THE
24 HOURS IN WHICH ALCOHOL IS SERVED OR CONSUMED.
- 25 (e) (1) The State Comptroller:
- 26 (i) Shall approve and certify each alcohol awareness program that
27 is in compliance with this section; and
- 28 (ii) May require recertification of the approved program to insure
29 compliance with any changes in the program.
- 30 (2) Any individual who is authorized or employed to teach an alcohol
31 awareness program must obtain an alcohol awareness instructor's permit.

1 (3) Each local licensing board is responsible for enforcing this section,
 2 including the penalty provision.

3 (4) (i) A certificate of completion shall be issued for each completion of
 4 a certified program and it shall be valid for 4 years from the date of issuance.

5 (ii) An up-to-date valid certificate shall be presented to the proper
 6 authority upon request.

7 (5) (i) Within 5 days after a licensee, BOTTLE CLUB OWNER, or an
 8 employee of a licensee OR BOTTLE CLUB OWNER is sent a certificate of completion, the
 9 program provider shall inform the appropriate local licensing board of:

10 1. The individual's name, address, and certification date; and

11 2. The name and address of the licensed establishment.

12 (ii) Any program provider who violates the provisions of this
 13 subsection is subject to a decertification of the program by the State Comptroller.

14 20-101.

15 (A) (1) IN THIS SECTION, "BOTTLE CLUB" MEANS ANY ~~CLUB~~
 16 ESTABLISHMENT THAT SERVES, GIVES, OR ALLOWS ALCOHOLIC BEVERAGES TO BE
 17 CONSUMED BY PATRONS:-

18 ~~(I) AFTER LEGAL CLOSING HOURS FOR ESTABLISHMENTS UNDER~~
 19 ~~§ 11-303 OF THIS ARTICLE; AND~~

20 ~~(II) FROM SUPPLIES THAT THE PATRONS PREVIOUSLY PURCHASED~~
 21 ~~OR RESERVED.~~

22 (2) "BOTTLE CLUB" DOES NOT INCLUDE ANY ESTABLISHMENT IF A
 23 LICENSE FOR THE PREMISES HAD BEEN ISSUED UNDER THE PROVISIONS OF THIS
 24 ARTICLE.

25 (B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.

26 (C) A BOTTLE CLUB MAY NOT GIVE, SERVE, DISPENSE, KEEP, OR ALLOW TO BE
 27 CONSUMED ON ITS PREMISES, OR ON PREMISES UNDER ITS CONTROL OR
 28 POSSESSION, ANY ALCOHOLIC BEVERAGES, SETUPS, OR OTHER COMPONENT PARTS
 29 OR MIXED ALCOHOLIC DRINKS AFTER LEGAL CLOSING HOURS FOR
 30 ESTABLISHMENTS UNDER ~~§ 11-303 §§ 6-102, 8-203(D), AND 11-303 § 8-203(D)~~ OF THIS
 31 ARTICLE.

32 (D) (1) ANY PERSON WHO OWNS OR OPERATES A BOTTLE CLUB SHALL
 33 REGISTER THE ESTABLISHMENT WITH THE BALTIMORE CITY LIQUOR CONTROL
 34 BOARD.

35 (2) THE REGISTRATION SHALL INCLUDE:

1 (I) THE NAME OF THE ESTABLISHMENT; AND

2 (II) THE ADDRESS WHERE THE ESTABLISHMENT IS DOING
3 BUSINESS.

4 ~~(D)~~ (E) A VIOLATION OF THIS SECTION IS A MISDEMEANOR, AND UPON
5 CONVICTION, THE COURT SHALL IMPOSE A FINE OF UP TO \$10,000 OR IMPRISONMENT
6 FOR UP TO 2 YEARS, OR BOTH.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1998.