

SENATE BILL 711

Unofficial Copy
A2

1998 Regular Session
8lr2583

By: **Senator Della**

Introduced and read first time: February 16, 1998

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 19, 1998

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 1998

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 provide certain information to the Baltimore City
9 Liquor Control Board; establishing a penalty; defining a certain term; and
10 generally relating to bottle clubs and alcoholic beverages in Baltimore City.

11 BY renumbering

12 Article 2B - Alcoholic Beverages

13 Section 20-101 through 20-105, respectively

14 to be Section 20-102 through 20-106, respectively

15 Annotated Code of Maryland

16 (1996 Replacement Volume and 1997 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article 2B - Alcoholic Beverages

19 Section 13-101(a)

20 Annotated Code of Maryland

21 (1996 Replacement Volume and 1997 Supplement)

22 BY repealing and reenacting, with amendments,

1 Article 2B - Alcoholic Beverages
 2 Section 13-101(b) and (e)
 3 Annotated Code of Maryland
 4 (1996 Replacement Volume and 1997 Supplement)

5 BY adding to
 6 Article 2B - Alcoholic Beverages
 7 Section 13-101(c)(4) and 20-101
 8 Annotated Code of Maryland
 9 (1996 Replacement Volume and 1997 Supplement)

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

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

16 **Article 2B - Alcoholic Beverages**

17 13-101.

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

19 (1) That:

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

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

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

24 (i) Body; and

25 (ii) Behavior;

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

27 (4) That defines effective methods for:

28 (i) Serving customers to minimize the chance of intoxication;

29 (ii) Ceasing service before the customer becomes intoxicated; and

30 (iii) Determining if a customer is under the drinking age.

31 (b) (1) The provisions of this section apply to:

1 (i) Licensed premises that are operated by selling alcoholic
2 beverages directly to a customer from a bar or service bar on the premises;

3 (ii) Premises licensed for off sale; [and]

4 (iii) In Montgomery County, a holder of a caterer's license issued
5 under § 6-706.1 of this article[.]; AND

6 (IV) IN BALTIMORE CITY, ANY BOTTLE CLUB ESTABLISHMENT.

7 (2) This section does not apply to:

8 (i) Temporary alcoholic beverages licenses issued under § 7-101 of
9 this article;

10 (ii) A Class E (on-sale) steamboat alcoholic beverages license;

11 (iii) A Class F (on-sale) railroad alcoholic beverages license; or

12 (iv) A Class G (on-sale) aircraft alcoholic beverages license.

13 (c) (4) (I) THIS PARAGRAPH APPLIES ONLY IN BALTIMORE CITY.

14 (II) ANY BOTTLE CLUB OWNER OR A PERSON WHO IS EMPLOYED IN
15 A SUPERVISORY CAPACITY DESIGNATED BY THE OWNER SHALL BE CERTIFIED BY AN
16 APPROVED ALCOHOL AWARENESS PROGRAM AND SHALL BE PRESENT DURING THE
17 HOURS IN WHICH ALCOHOL IS SERVED OR CONSUMED.

18 (e) (1) The State Comptroller:

19 (i) Shall approve and certify each alcohol awareness program that
20 is in compliance with this section; and

21 (ii) May require recertification of the approved program to insure
22 compliance with any changes in the program.

23 (2) Any individual who is authorized or employed to teach an alcohol
24 awareness program must obtain an alcohol awareness instructor's permit.

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

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

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

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

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

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

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

5 20-101.

6 (A) (1) IN THIS SECTION, "BOTTLE CLUB" MEANS ANY CLUB THAT SERVES,
7 GIVES, OR ALLOWS ALCOHOLIC BEVERAGES TO BE CONSUMED BY PATRONS:

8 (I) AFTER LEGAL CLOSING HOURS FOR ESTABLISHMENTS UNDER
9 § 11-303 OF THIS ARTICLE; AND

10 (II) FROM SUPPLIES THAT THE PATRONS PREVIOUSLY PURCHASED
11 OR RESERVED.

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

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

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

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

24 (2) THE REGISTRATION SHALL INCLUDE:

25 (I) THE NAME OF THE ESTABLISHMENT; AND

26 (II) THE ADDRESS WHERE THE ESTABLISHMENT IS DOING
27 BUSINESS.

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

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

