

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 789

(Delegate Cane, *et al.*)

Economic Matters

Education, Health, and Environmental Affairs

Wicomico County - Alcoholic Beverages - Open Container Law

This bill prohibits in Wicomico County, unless authorized in writing by the owner of an establishment, the possession of an open container of any alcoholic beverage in specified areas including shopping centers, retail establishments, and any parked vehicle at a shopping center or retail establishment.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to cases heard in the District Court.

Local Effect: Enforcement of open container laws could be handled with existing resources.

Small Business Effect: Potential meaningful. The county's 75 Class A (off-sale) licensed establishments could benefit from the prohibition against open containers due to less loitering in front of retail off-sale establishments.

Analysis

Current Law: In Allegany, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Howard, Montgomery, St. Mary's, and Somerset counties, it is illegal to possess in an open container any alcoholic beverage while in specified areas. However, open containers are permitted in specified areas in some of these counties if the person possesses and presents written consent of the property owner. A violator is guilty of a misdemeanor and upon conviction is subject to a fine not to

exceed \$100. If the individual is under 18, the individual will be prosecuted as a juvenile. If the individual is 18 or over, the individual will be prosecuted as an adult in District Court. The vast majority of alcoholic beverages violations (for persons at least 18 years old) are adjudicated in the District Court.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Wicomico County, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2004
ncs/jr Revised - Correction - April 1, 2004

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