
By: **Delegates Love, Boschert, Cadden, Costa, Doory, Dwyer, Gilleland,
Haynes, Jameson, Kullen, McConkey, McIntosh, McMillan, Minnick, and
Sophocleus**

Introduced and read first time: January 31, 2006

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages - Removal of a Partially Consumed Bottle of Wine from**
3 **a Licensed Premises**

4 FOR the purpose of allowing a person who purchases at a licensed premises a meal
5 and a bottle of wine, the contents of which are partially consumed with the meal,
6 to remove the bottle and its contents from the licensed premises under certain
7 circumstances; stating that a bottle of wine removed from a licensed premises in
8 accordance with this Act is an open container for purposes of a certain provision
9 of law concerning the possession of open containers of alcohol in a motor vehicle;
10 and generally relating to the consumption of wine.

11 BY adding to
12 Article 2B - Alcoholic Beverages
13 Section 12-107.1
14 Annotated Code of Maryland
15 (2005 Replacement Volume)

16 BY repealing and reenacting, without amendments,
17 Article - Criminal Law
18 Section 10-123(i) and (j) and 10-125
19 Annotated Code of Maryland
20 (2002 Volume and 2005 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article - Transportation

1 Section 21-903(a)(3)
2 Annotated Code of Maryland
3 (2002 Replacement Volume and 2005 Supplement)

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

6 **Article 2B - Alcoholic Beverages**

7 12-107.1.

8 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A PERSON
9 WHO PURCHASES AT A LICENSED PREMISES A MEAL AND A BOTTLE OF WINE, THE
10 CONTENTS OF WHICH ARE PARTIALLY CONSUMED WITH THE MEAL, MAY REMOVE
11 THE BOTTLE AND ITS CONTENTS FROM THE LICENSED PREMISES IF THE LICENSE
12 HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER INSERTS A CORK IN ~~THE~~
13 ~~BOTTLE SO THAT THE TOP OF THE CORK IS LEVEL WITH THE LIP OF~~ OR PLACES A CAP
14 ON THE BOTTLE.

15 (B) A BOTTLE OF WINE THAT IS REMOVED FROM THE LICENSED PREMISES
16 UNDER SUBSECTION (A) OF THIS SECTION IS AN "OPEN CONTAINER" FOR PURPOSES
17 OF § 10-125 OF THE CRIMINAL LAW ARTICLE.

18 **Article - Criminal Law**

19 10-123.

20 (i) "Open container" means a bottle, can, or other receptacle:

21 (1) that is open;

22 (2) that has a broken seal; or

23 (3) from which the contents are partially removed.

24 (j) "Passenger area" has the meaning stated in § 21-903 of the Transportation
25 Article.

26 10-125.

27 (a) (1) Except as otherwise provided in subsection (c) of this section, an
28 occupant of a motor vehicle may not possess an open container that contains any
29 amount of an alcoholic beverage in a passenger area of a motor vehicle on a highway.

30 (2) A driver of a motor vehicle may not be subject to prosecution for a
31 violation of this subsection based solely on possession of an open container that
32 contains any amount of an alcoholic beverage by another occupant of the motor
33 vehicle.

34 (b) (1) This subsection does not apply to the driver of a motor vehicle.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2006.