

# HOUSE BILL 68

A2

(7lr1382)

## ***ENROLLED BILL***

— *Economic Matters / Education, Health, and Environmental Affairs* —

Introduced by **Delegates Cane, Eckardt, Elmore, Haddaway, and Mathias**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

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Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Wicomico County—Alcoholic Beverages – Places of Public Entertainment**  
3 **and Unlicensed Establishments**

4 FOR the purpose of prohibiting a person in Caroline County, Dorchester County, Kent  
5 County, Queen Anne's County, Somerset County, Talbot County, Wicomico  
6 County, or Worcester County from serving or dispensing certain items or  
7 serving, dispensing, keeping, or allowing to be consumed alcoholic beverages or  
8 other component parts of mixed alcoholic drinks in certain places of public  
9 entertainment; prohibiting a person who operates a certain business  
10 establishment for profit in Wicomico County certain counties from knowingly  
11 allowing customers to bring alcoholic beverages for consumption into the

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber / conference committee amendments.



1 establishment; defining certain terms; establishing ~~a certain penalty~~ *certain*  
2 *penalties*; and generally relating to alcoholic beverages in places of public  
3 entertainment and unlicensed establishments in Caroline County, Dorchester  
4 County, Kent County, Queen Anne's County, Somerset County, Talbot County,  
5 Wicomico County, and Worcester County.

6 BY adding to

7 Article 2B – Alcoholic Beverages  
8 Section 20-103.1, 20-107.1, 20-108.2, 20-110, 20-111, 20-112, and 20-113  
9 Annotated Code of Maryland  
10 (2005 Replacement Volume and 2006 Supplement)

11 *BY repealing and reenacting, with amendments,*

12 Article 2B – Alcoholic Beverages  
13 Section 20-105.1  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2006 Supplement)

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

18 **Article 2B – Alcoholic Beverages**

19 **20-103.1.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
21 **MEANINGS INDICATED.**

22 **(2) “PLACE OF PUBLIC ENTERTAINMENT” MEANS A BUSINESS**  
23 **ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND**  
24 **THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY**  
25 **LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.**

26 **(3) “SETUPS” INCLUDES DRINKING CONTAINERS AND ICE.**

27 **(B) THIS SECTION APPLIES ONLY IN CAROLINE COUNTY.**

28 **(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE,**  
29 **DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR**  
30 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC**  
31 **ENTERTAINMENT.**

1                   **(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR**  
2 **PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY**  
3 **ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO**  
4 **THE ESTABLISHMENT.**

5                   **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**  
6 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
7 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

8                   20-105.1.

9                   (a) (1) In this [section,] SECTION THE FOLLOWING WORDS HAVE THE  
10 **MEANINGS INDICATED.**

11                   **(2) [“bottle] “BOTTLE club” means a club, room, or premises:**

12                   [(1)] (I) That serves, sells, gives, or dispenses alcoholic beverages to  
13 its members or guests;

14                   [(2)] (II) That keeps for its members or guests any alcoholic beverages;

15                   [(3)] (III) That allows to be consumed by its members or guests on its  
16 premises any alcoholic beverages that have been reserved or purchased by the members  
17 or guests;

18                   [(4)] (IV) At which patrons are served, given, or allowed to consume  
19 alcoholic beverages after legal closing hours from the supplies that the patrons have  
20 previously purchased or reserved; or

21                   [(5)] (V) That sells, dispenses, or serves to, keeps for, or allows to be  
22 consumed any setups or other component parts of mixed alcoholic drinks by its  
23 members or guests.

24                   **(3) “PLACE OF PUBLIC ENTERTAINMENT” MEANS A BUSINESS**  
25 **ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND**  
26 **THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY**  
27 **LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.**

28                   **(4) “SETUPS” INCLUDES DRINKING CONTAINERS AND ICE.**

29                   (b) This section applies only in Dorchester County.

1        (c) A bottle club may not evade the alcoholic beverage license laws, including  
2 those laws relating to hours of operation and the sale, giving, serving, dispensing,  
3 keeping, and allowing to be consumed on the premises of the club or on premises under  
4 its control or in its possession any alcoholic beverage, setups, or other component parts  
5 of mixed alcoholic drinks.

6        (d) (1) A person who operates a business establishment for profit that is  
7 not licensed under this article may not knowingly allow customers to bring alcoholic  
8 beverages for consumption into an unlicensed building.

9        **(2) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE,**  
10 **DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR**  
11 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC**  
12 **ENTERTAINMENT.**

13        (e) On the filing of an application for a waiver of this section, the Board of  
14 License Commissioners may grant the waiver.

15        (f) The Board of License Commissioners shall adopt regulations to implement  
16 this section.

17        (g) A person who violates this section is guilty of a misdemeanor and on  
18 conviction is subject to **IMPRISONMENT NOT EXCEEDING 2 YEARS OR** a fine not  
19 exceeding \$10,000 **OR BOTH.**

20 **20-107.1.**

21        **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
22 **MEANINGS INDICATED.**

23        **(2) “PLACE OF PUBLIC ENTERTAINMENT” MEANS A BUSINESS**  
24 **ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND**  
25 **THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY**  
26 **LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.**

27        **(3) “SETUPS” INCLUDES DRINKING CONTAINERS AND ICE.**

28        **(B) THIS SECTION APPLIES ONLY IN KENT COUNTY.**

1        **(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE,**  
2 **DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR**  
3 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC**  
4 **ENTERTAINMENT.**

5        **(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR**  
6 **PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY**  
7 **ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO**  
8 **THE ESTABLISHMENT.**

9        **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**  
10 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
11 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

12        **20-108.2.**

13        **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
14 **MEANINGS INDICATED.**

15        **(2) “PLACE OF PUBLIC ENTERTAINMENT” MEANS A BUSINESS**  
16 **ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND**  
17 **THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY**  
18 **LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.**

19        **(3) “SETUPS” INCLUDES DRINKING CONTAINERS AND ICE.**

20        **(B) THIS SECTION APPLIES ONLY IN QUEEN ANNE’S COUNTY.**

21        **(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE,**  
22 **DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR**  
23 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC**  
24 **ENTERTAINMENT.**

25        **(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR**  
26 **PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY**  
27 **ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO**  
28 **THE ESTABLISHMENT.**

1        (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
2        MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
3        EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

4        **20-110.**

5        (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
6        MEANINGS INDICATED.

7        (2) "PLACE OF PUBLIC ENTERTAINMENT" MEANS A BUSINESS  
8        ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND  
9        THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY  
10        LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.

11        (3) "SETUPS" INCLUDES DRINKING CONTAINERS AND ICE.

12        (B) THIS SECTION APPLIES ONLY IN SOMERSET COUNTY.

13        (C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE,  
14        DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR  
15        OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC  
16        ENTERTAINMENT.

17        (2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR  
18        PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY  
19        ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO  
20        THE ESTABLISHMENT.

21        (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
22        MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
23        EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

24        **20-111.**

25        (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
26        MEANINGS INDICATED.

27        (2) "PLACE OF PUBLIC ENTERTAINMENT" MEANS A BUSINESS  
28        ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND

1 **THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY**  
2 **LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.**

3 **(3) “SETUPS” INCLUDES DRINKING CONTAINERS AND ICE.**

4 **(B) THIS SECTION APPLIES ONLY IN TALBOT COUNTY.**

5 **(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE,**  
6 **DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR**  
7 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC**  
8 **ENTERTAINMENT.**

9 **(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR**  
10 **PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY**  
11 **ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO**  
12 **THE ESTABLISHMENT.**

13 **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**  
14 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
15 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

16 **20-110. 20-112.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
18 **MEANINGS INDICATED.**

19 **(2) “PLACE OF PUBLIC ENTERTAINMENT” MEANS A BUSINESS**  
20 **ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND**  
21 **THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY**  
22 **LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.**

23 **(3) “SETUPS” INCLUDES DRINKING CONTAINERS AND ICE.**

24 **(B) THIS SECTION APPLIES ONLY IN WICOMICO COUNTY.**

25 **(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE,**  
26 **DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR**  
27 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF**  
28 **PUBLIC ENTERTAINMENT.**

(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

## 20-113.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

**(2) "PLACE OF PUBLIC ENTERTAINMENT" MEANS A BUSINESS ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.**

**(3) "SETUPS" INCLUDES DRINKING CONTAINERS AND ICE.**

**(B) THIS SECTION APPLIES ONLY IN WORCESTER COUNTY.**

**(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC ENTERTAINMENT.**

**(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007.