

SENATE BILL 459

A1

71r1025

By: **Senators Colburn, Pipkin, and Stoltzfus**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Places of Public Entertainment and Unlicensed**
3 **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 certain counties from knowingly allowing customers
11 to bring alcoholic beverages for consumption into the establishment; defining
12 certain terms; establishing certain penalties; and generally relating to alcoholic
13 beverages in places of public entertainment and unlicensed establishments in
14 Caroline County, Dorchester County, Kent County, Queen Anne’s County,
15 Somerset County, Talbot County, Wicomico County, and Worcester County.

16 BY adding to

17 Article 2B – Alcoholic Beverages
18 Section 20–103.1, 20–107.1, 20–108.2, 20–110, 20–111, 20–112, and 20–113
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2006 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article 2B – Alcoholic Beverages
23 Section 20–105.1
24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2005 Replacement Volume and 2006 Supplement)

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

4 **Article 2B – Alcoholic Beverages**

5 **20–103.1.**

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

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

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

13 (B) THIS SECTION APPLIES ONLY IN CAROLINE COUNTY.

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

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

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

25 **20–105.1.**

26 (a) (1) In this [section,] SECTION THE FOLLOWING WORDS HAVE THE
27 MEANINGS INDICATED.

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

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

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

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

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

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

15 (3) **“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 (4) **“SETUPS” INCLUDES DRINKING CONTAINERS AND ICE.**

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

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

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

29 (2) **A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE,**
30 **DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR**

1 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF**
2 **PUBLIC ENTERTAINMENT.**

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

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

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

10 **20-107.1.**

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

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

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

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

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

23 (2) **A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR**
24 **PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY**
25 **ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION**
26 **INTO 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 **20-108.2.**

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 QUEEN ANNE'S 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
16 PUBLIC 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
20 INTO 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 **20-110.**

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

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

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

6 **(B) THIS SECTION APPLIES ONLY IN SOMERSET COUNTY.**

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

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

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

18 **20-111.**

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

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

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

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

27 (C) (1) **A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE,**
28 **DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR**

1 OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF
2 PUBLIC ENTERTAINMENT.

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

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

10 **20-112.**

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

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

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

18 (B) THIS SECTION APPLIES ONLY IN WICOMICO COUNTY.

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

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

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

1 **20-113.**

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

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

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

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

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

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

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

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