

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

Committee Report: Favorable

Senate action: Adopted

Read second time: March 20, 2007

CHAPTER _____

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)

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.



1 BY repealing and reenacting, with amendments,
2 Article 2B – Alcoholic Beverages
3 Section 20–105.1
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2006 Supplement)

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

8 **Article 2B – Alcoholic Beverages**

9 **20–103.1.**

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

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

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

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

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

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

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

1 20-105.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **20-107.1.**

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

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

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

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

24 (C) (1) **A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE,
25 DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR
26 OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF
27 PUBLIC 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
4 INTO 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 **20-108.2.**

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

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

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

16 (B) THIS SECTION APPLIES ONLY IN QUEEN ANNE'S COUNTY.

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

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

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

28 **20-110.**

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

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

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

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

9 (C) (1) 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
12 PUBLIC ENTERTAINMENT.

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

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

20 **20-111.**

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.

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

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

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

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

13 **20-112.**

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

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

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

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

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

26 **(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR**
27 **PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY**
28 **ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION**
29 **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 **20-113.**

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