

HOUSE BILL 1041

A1

9lr2399

By: **Delegates Ramirez, Niemann, Barnes, Kramer, and Simmons**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Public Consumption and Open Containers - Penalties**

3 FOR the purpose of altering the penalties for violating certain prohibitions against the
4 public consumption of alcoholic beverages or the public possession of an open
5 container of alcoholic beverages to include the possibility of certain terms of
6 incarceration; making certain stylistic changes; and generally relating to
7 penalties for alcoholic beverages violations.

8 BY repealing and reenacting, without amendments,
9 Article 2B - Alcoholic Beverages
10 Section 19-202, 19-203, and 19-301(b)
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article 2B - Alcoholic Beverages
15 Section 19-204 and 19-302
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2008 Supplement)

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

20 **Article 2B - Alcoholic Beverages**

21 19-202.

22 (a) A person may not drink any alcoholic beverage, as defined in this article,
23 while:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) On public property, unless authorized by a governmental entity
2 that has jurisdiction over the property;

3 (2) On the mall, adjacent parking area, or other outside area of any
4 combination of privately owned retail establishments, like a shopping center, where
5 the general public is invited for business purposes, unless authorized by the owner of
6 the shopping center;

7 (3) On an adjacent parking area or other outside area of any other
8 retail establishment, unless authorized by the owner of the establishment; or

9 (4) In any parked vehicle located on any of the places enumerated in
10 this subsection, unless authorized.

11 (b) Subsection (a) of this section does not apply to the consumption of
12 alcoholic beverages by passengers in the living quarters of a motor home equipped
13 with a toilet and central heating or the passengers of a chartered bus in transit if the
14 owner or operator has consented to the consumption of the beverages.

15 19–203.

16 As to public property, any local governmental entity that owns or otherwise has
17 jurisdiction over the property may adopt by local law or ordinance, as appropriate,
18 standards providing for the authorization of the consumption of alcoholic beverages,
19 otherwise prohibited by this subtitle, and consistent with the intended use of the
20 property by the general public.

21 19–204.

22 [Any] **A** person who violates [the provisions of] this subtitle is guilty of a
23 misdemeanor and on conviction is subject to **IMPRISONMENT NOT EXCEEDING 10**
24 **DAYS OR** a fine not exceeding \$100 **OR BOTH**.

25 19–301.

26 (b) A person may not possess in an open container any alcoholic beverage, as
27 defined in this article, while:

28 (1) On the mall, adjacent parking area, or other outside area of any
29 combination of privately owned retail establishments, commonly known as a shopping
30 center, to which the general public is invited for business purposes, unless authorized
31 by the owner of the establishment;

32 (2) On an adjacent parking area or other outside area of any other
33 retail establishment, unless authorized by the owner of the establishment; or

1 (3) In any parked vehicle located on any of the places enumerated in
2 this section, unless authorized.

3 19-302.

4 [Any] **A** person who violates [the provisions of] this subtitle is guilty of a
5 misdemeanor and [upon] **ON** conviction is subject to **IMPRISONMENT NOT**
6 **EXCEEDING 10 DAYS OR** a fine not exceeding \$100 **OR BOTH**.

7 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
8 October 1, 2009.