

# HOUSE BILL 114

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11r0779

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By: **Delegates Tarrant, B. Robinson, and Rosenberg**

Introduced and read first time: January 24, 2011

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Wine Consumption – Restaurants and Class C License**  
3 **Facilities**

4 FOR the purpose of allowing an individual in a restaurant or facility for which a  
5 certain alcoholic beverages license is issued in Baltimore City to consume under  
6 certain circumstances wine not purchased from or provided by the restaurant or  
7 facility; authorizing a certain license holder to charge an individual a certain fee  
8 under certain circumstances; applying the sales tax to the fee; requiring a  
9 certain individual to dispose of or remove certain wine after finishing a meal;  
10 allowing the individual to remove from the licensed premises a bottle, the  
11 contents of which are only partially consumed, if the license holder or an  
12 employee of the license holder inserts a cork in or places a cap on the bottle;  
13 specifying that a certain bottle of wine is an “open container” for a certain  
14 purpose; altering a certain definition; and generally relating to alcoholic  
15 beverages in Baltimore City.

16 BY repealing and reenacting, with amendments,  
17 Article 2B – Alcoholic Beverages  
18 Section 12–107(b)(2)  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2010 Supplement)

21 BY adding to  
22 Article 2B – Alcoholic Beverages  
23 Section 12–107(b)(10)  
24 Annotated Code of Maryland  
25 (2005 Replacement Volume and 2010 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article – Tax – General  
28 Section 11–101(m)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2010 Replacement Volume)

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

5 **Article 2B – Alcoholic Beverages**

6 12–107.

7 (b) (2) [It] **EXCEPT AS PROVIDED IN PARAGRAPH (10) OF THIS**  
8 **SUBSECTION, IT** shall be unlawful for any person to drink on the licensed premises of  
9 any license holder any alcoholic beverages not purchased from the license holder on  
10 said premises and not permitted by this article to be consumed on the premises; and it  
11 shall be unlawful for any license holder to permit any person to drink any alcoholic  
12 beverage not purchased from the said license holder on the premises covered by the  
13 license which he holds and not permitted by this article to be consumed on the  
14 premises.

15 **(10) (I) THIS PARAGRAPH APPLIES ONLY IN BALTIMORE CITY.**

16 **(II) AN INDIVIDUAL IN A RESTAURANT FOR WHICH ANY**  
17 **CLASS B ALCOHOLIC BEVERAGES LICENSE IS ISSUED MAY CONSUME WINE NOT**  
18 **PURCHASED FROM OR PROVIDED BY THE LICENSE HOLDER OR IN A FACILITY**  
19 **FOR WHICH ANY CLASS C ALCOHOLIC BEVERAGES LICENSE IS ISSUED IF:**

20 **1. THE WINE IS CONSUMED WITH A MEAL; AND**

21 **2. THE INDIVIDUAL RECEIVES THE APPROVAL OF**  
22 **THE LICENSE HOLDER.**

23 **(III) A LICENSE HOLDER THAT ALLOWS AN INDIVIDUAL TO**  
24 **CONSUME WINE DESCRIBED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**  
25 **MAY CHARGE THE INDIVIDUAL A FEE FOR THE PRIVILEGE NOT EXCEEDING \$25,**  
26 **ON WHICH A SALES TAX SHALL BE IMPOSED.**

27 **(IV) 1. THE INDIVIDUAL SHALL DISPOSE OF OR REMOVE**  
28 **WINE DESCRIBED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH THAT**  
29 **REMAINS AFTER FINISHING THE MEAL.**

30 **2. THE INDIVIDUAL MAY REMOVE FROM THE**  
31 **LICENSED PREMISES A BOTTLE, THE CONTENTS OF WHICH ARE ONLY**  
32 **PARTIALLY CONSUMED WITH THE MEAL, IF THE LICENSE HOLDER OR AN**  
33 **EMPLOYEE OF THE LICENSE HOLDER INSERTS A CORK IN OR PLACES A CAP ON**  
34 **THE BOTTLE.**

1                   **3. A BOTTLE OF WINE THAT IS REMOVED FROM THE**  
2 **LICENSED PREMISES UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH IS**  
3 **AN “OPEN CONTAINER” FOR PURPOSES OF § 10–125 OF THE CRIMINAL LAW**  
4 **ARTICLE.**

5                                   **Article – Tax – General**

6 11–101.

7           (m) “Taxable service” means:

8                   (1) fabrication, printing, or production of tangible personal property by  
9 special order;

10                   (2) commercial cleaning or laundering of textiles for a buyer who is  
11 engaged in a business that requires the recurring service of commercial cleaning or  
12 laundering of the textiles;

13                   (3) cleaning of a commercial or industrial building;

14                   (4) cellular telephone or other mobile telecommunications service;

15                   (5) “900”, “976”, “915”, and other “900”–type telecommunications  
16 service;

17                   (6) custom calling service provided in connection with basic telephone  
18 service;

19                   (7) a telephone answering service;

20                   (8) pay per view television service;

21                   (9) credit reporting;

22                   (10) a security service, including:

23                           (i) a detective, guard, or armored car service; and

24                           (ii) a security systems service;

25                   (11) a transportation service for transmission, distribution, or delivery  
26 of electricity or natural gas, if the sale or use of the electricity or natural gas is subject  
27 to the sales and use tax; [or]

28                   (12) a prepaid telephone calling arrangement; **OR**

1                   **(13) IN BALTIMORE CITY, THE PRIVILEGE GIVEN TO AN**  
2 **INDIVIDUAL UNDER ARTICLE 2B, § 12-107(B)(10) OF THE CODE TO CONSUME**  
3 **WINE THAT IS NOT PURCHASED FROM OR PROVIDED BY A RESTAURANT OR**  
4 **FACILITY.**

5                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 July 1, 2011.