

Chapter 133

(House Bill 672)

AN ACT concerning

Montgomery County – Consumption of Wine Not Bought from License Holder – Class H Licenses

MC 17-13

FOR the purpose of allowing an individual in a restaurant, club, or hotel in Montgomery County for which a Class H alcoholic beverages license is issued the privilege of consuming wine not purchased from or provided by the license holder only under certain circumstances; imposing a certain duty on the Montgomery County Board of License Commissioners; allowing the license holder under this Act to charge the individual a certain fee for the privilege allowed under this Act; requiring the license holder under this Act to dispose of any unfinished wine; allowing the individual to remove partially consumed wine if the license holder inserts a cork or places a cap on the bottle; imposing a certain restriction on the license holder; making certain stylistic changes; and generally relating to the consumption of wine in Montgomery County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 12-107(b)(10)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

Article 2B – Alcoholic Beverages

12-107.

(b) (10) (i) **THIS PARAGRAPH APPLIES ONLY TO A RESTAURANT, CLUB, OR HOTEL FOR WHICH:**

1. IN ANY JURISDICTION IN THE STATE, A CLASS B OR CLASS C LICENSE ALLOWING THE SALE OF WINE IS ISSUED; OR

2. IN MONTGOMERY COUNTY, A CLASS H LICENSE ALLOWING THE SALE OF WINE IS ISSUED.

(II) An individual in a restaurant, club, or hotel [for which a Class B or Class C license allowing the sale of wine is issued] may consume wine not purchased from or provided by the license holder only if:

1. The wine is consumed with a meal during the hours of sale specified by the license;
2. The individual receives the approval of the license holder;
3. The wine is not available for sale on the license holder's wine list; and
4. The license holder obtains a permit from the local licensing board before allowing an individual the privilege of consuming wine not purchased from or provided by the license holder.

[(ii)](III) A local licensing board shall issue a permit at no charge to each license holder who seeks to allow an individual to consume wine under the conditions specified in subparagraph **[(i)](II)** of this paragraph.

[(iii)](IV) A license holder that allows an individual the privilege of consuming wine described under subparagraph **[(i)](II)** of this paragraph may determine and charge the individual a fee for the privilege, on which a sales tax shall be imposed.

[(iv)](V) Except as provided in subparagraph **[(v)](VI)** of this paragraph, the license holder shall dispose of wine described under subparagraph **[(i)](II)** of this paragraph that remains after the meal is finished.

[(v)](VI) The individual may remove from the licensed premises a bottle of wine, the contents of which are only partially consumed with the meal, if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle.

[(vi)](VII) A bottle of wine that is removed from the licensed premises under subparagraph **[(v)](VI)** of this paragraph is an "open container" for purposes of § 10–125 of the Criminal Law Article.

[(vii)](VIII) A license holder may not allow an individual who is under 21 years old or who is visibly under the influence of an alcoholic beverage the privilege of consuming wine described under subparagraph **[(i)](II)** of this paragraph.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

Approved by the Governor, April 9, 2013.