

HOUSE BILL 672

A2

3lr0674

By: **Montgomery County Delegation**

Introduced and read first time: February 1, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

4 **MC 17–13**

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

16 BY repealing and reenacting, with amendments,
17 Article 2B – Alcoholic Beverages
18 Section 12–107(b)(10)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2012 Supplement)

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

23 **Article 2B – Alcoholic Beverages**

24 12–107.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

10 1. The wine is consumed with a meal during the hours of
11 sale specified by the license;

12 2. The individual receives the approval of the license
13 holder;

14 3. The wine is not available for sale on the license
15 holder's wine list; and

16 4. The license holder obtains a permit from the local
17 licensing board before allowing an individual the privilege of consuming wine not
18 purchased from or provided by the license holder.

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

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

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

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

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

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

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