

Bill No.: _____
Requested: _____
Committee: _____

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Stored – 11/12/19
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By: **Senator Lam**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages – Prohibited Acts Waiver**

3 **Ho. Co. 30–20**

4 FOR the purpose of authorizing the Board of License Commissioners for Howard County to
5 waive certain prohibitions on the consumption of alcoholic beverages in public and
6 the possession of open containers within the Historic District of Ellicott City;
7 requiring an applicant to apply for a waiver in a certain manner; authorizing the
8 Board to adopt certain regulations; and generally relating to alcoholic beverages in
9 Howard County.

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages
12 Section 6–321, 6–322, and 23–102
13 Annotated Code of Maryland
14 (2016 Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages
17 Section 23–2701 and 23–2704
18 Annotated Code of Maryland
19 (2016 Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

3 **Article – Alcoholic Beverages**

4 6–321.

5 (a) In this section, “public property” includes property that is:

6 (1) a structure, road, parking area, or grounds; and

7 (2) located on land owned, leased, or operated by:

8 (i) the State;

9 (ii) a county;

10 (iii) a municipality;

11 (iv) the Washington Suburban Sanitary Commission;

12 (v) the Maryland–National Capital Park and Planning Commission;

13 (vi) the Montgomery County Revenue Authority; or

14 (vii) the Washington Metropolitan Area Transit Authority.

15 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
16 individual may not consume an alcoholic beverage:

17 (i) on public property;

18 (ii) on the mall, adjacent parking area, or other outside area of a
19 shopping center;

20 (iii) on an adjacent parking area or other outside area of any other
21 retail establishment; and

1 (iv) in a parked vehicle located in an area described under item (i),
2 (ii), or (iii) of this paragraph.

3 (2) An individual may consume an alcoholic beverage on:

4 (i) public property if authorized by the governmental entity that has
5 authority over the property; or

6 (ii) private property described under paragraph (1)(ii) through (iv) of
7 this subsection if authorized by the owner of the property.

8 (3) If the owner or operator of a motor home or chartered bus has consented
9 to the consumption of the alcoholic beverages, paragraph (1) of this subsection does not
10 apply to passengers:

11 (i) in the living quarters of a motor home equipped with a toilet and
12 central heating; or

13 (ii) of a chartered bus in transit.

14 (c) (1) A violation of this section is a Code violation and a civil offense.

15 (2) A person who violates this section:

16 (i) shall be issued a citation under § 10–119 of the Criminal Law
17 Article; and

18 (ii) is subject to a fine not exceeding \$100.

19 6–322.

20 (a) (1) Except as provided in paragraph (2) of this subsection, an individual
21 may not possess an alcoholic beverage in an open container while:

22 (i) on the mall, adjacent parking area, or other outside area of a
23 shopping center;

1 (ii) on an adjacent parking area or other outside area of any other
2 retail establishment; or

3 (iii) in a parked vehicle located in an area described under item (i) or
4 (ii) of this paragraph.

5 (2) An individual may possess an alcoholic beverage in an open container
6 on private property described under paragraph (1) of this subsection if the individual is
7 authorized by the owner of the establishment.

8 (b) (1) A violation of this section is a Code violation and a civil offense.

9 (2) A person who violates this section:

10 (i) shall be issued a citation under § 10–119 of the Criminal Law
11 Article; and

12 (ii) is subject to a fine not exceeding \$100.

13 23–102.

14 This title applies only in Howard County.

15 23–2701.

16 (a) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of
17 this article apply in the county without exception or variation:

18 (1) § 6–305 (“Proof of age for sale of alcoholic beverages”);

19 (2) § 6–306 (“Defense to prosecution for sale to underage individual”);

20 (3) § 6–309 (“Allowing on–premises consumption or possession of alcoholic
21 beverages by individual under the age of 21 years”);

22 (4) § 6–310 (“Providing free food”);

23 (5) § 6–311 (“Restrictions on purchases and sales by retail dealer”);

- 1 (6) § 6–312 (“Beverage misrepresentation”);
- 2 (7) § 6–313 (“Tampering with alcoholic beverage container”);
- 3 (8) § 6–314 (“Sale of alcoholic beverage container with detachable metal
- 4 tab”);
- 5 (9) § 6–315 (“Alcoholic beverage in container without regular label
- 6 presumed illicit”);
- 7 (10) § 6–316 (“Maximum alcohol content”);
- 8 (11) § 6–320 (“Disorderly intoxication”);
- 9 (12) [§ 6–321 (“Consumption of alcoholic beverages in public”);
- 10 (13) § 6–322 (“Possession of open container”);
- 11 (14)] § 6–323 (“Possession or use of alcohol without liquid machine”);
- 12 [(15)] (13) § 6–326 (“Unlicensed out-of-state sale of alcoholic beverages”);
- 13 [(16)] (14) § 6–327 (“Tax evasion”);
- 14 [(17)] (15) § 6–328 (“Destruction of evidence”); and
- 15 [(18)] (16) § 6–329 (“Perjury”).

16 (b) The following sections of Title 6, Subtitle 3 (“Prohibited Acts”) of Division I of
17 this article apply in the county:

- 18 (1) § 6–304 (“Selling or providing alcoholic beverages to individual under
- 19 the age of 21 years”), subject to § 23–2702 of this subtitle;
- 20 (2) § 6–307 (“Selling or providing alcoholic beverages to intoxicated
- 21 individual”), subject to § 23–2703 of this subtitle; [and]

1 (3) §§ 6–308 (“Allowing on–premises consumption of alcoholic beverages
2 not purchased from license holder”) and 6–319 (“On–premises consumption of alcoholic
3 beverages not purchased from license holder”), subject to § 23–2704 of this subtitle; AND

4 **(4) §§ 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
5 PUBLIC”) AND 6–322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 23–2704
6 OF THIS SUBTITLE.**

7 23–2704.

8 (a) (1) The prohibitions in §§ 6–308 and 6–319 of this article concerning the
9 on–premises consumption of alcoholic beverages not purchased from a license holder do not
10 apply to a social event, including a dance, wedding, or fundraiser, that is held in a hall
11 rented from and located on the premises of a veterans organization that holds a license.

12 (2) The veterans organization may not sell or provide alcoholic beverages
13 to the individuals attending the social event.

14 (b) Residents and guests of residents in a continuing care retirement community
15 that holds a Class C (continuing care retirement community) beer, wine, and liquor license
16 may consume beer, wine, or liquor not purchased from the continuing care retirement
17 community if:

18 (1) the beer, wine, or liquor is consumed with a meal in the dining room;
19 and

20 (2) the continuing care retirement community:

21 (i) is operated by a nonprofit organization for the continuing care
22 retirement of individuals at least 60 years old;

23 (ii) has been incorporated for at least 1 year;

24 (iii) has obtained a certificate of registration from the Department of
25 Aging under Title 10, Subtitle 4 of the Human Services Article; and

26 (iv) prepares and serves meals during regular operating hours to
27 residents and their guests.

1 **(C) (1) THE PROHIBITIONS IN §§ 6-321 AND 6-322 OF THIS ARTICLE**
2 **CONCERNING THE ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES IN**
3 **PUBLIC AND THE POSSESSION OF OPEN CONTAINERS MAY BE WAIVED WITHIN THE**
4 **HISTORIC DISTRICT OF ELLICOTT CITY BY THE BOARD.**

5 **(2) AN APPLICANT FOR THE WAIVER SHALL COMPLETE THE FORM**
6 **THAT THE BOARD PROVIDES.**

7 **(3) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS**
8 **SUBSECTION INCLUDING A LIMIT ON THE NUMBER OF WAIVERS TO BE ISSUED.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2020.