

HOUSE BILL 987

A1

3lr1234
CF SB 672

By: **Delegates Valderrama and Crosby**

Introduced and read first time: February 10, 2023

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2023

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Use of Alcoholic Beverages for Educational Purposes**

3 FOR the purpose of authorizing certain adult students who are under the legal drinking
4 age in the State to taste certain alcoholic beverages while participating in certain
5 educational classes at certain institutions of higher education without criminal
6 penalty to the student, instructor, or institution of higher education under certain
7 circumstances; and generally relating to tasting alcoholic beverages for educational
8 purposes.

9 BY repealing and reenacting, with amendments,
10 Article – Alcoholic Beverages
11 Section 1–401(c)
12 Annotated Code of Maryland
13 (2016 Volume and 2022 Supplement)

14 BY adding to
15 Article – Alcoholic Beverages
16 Section 1–411
17 Annotated Code of Maryland
18 (2016 Volume and 2022 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Criminal Law
21 Section 10–114(a) and 10–117(a) and (b)
22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–114(b)(1), 10–116, and 10–117(c)(1)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

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

Article – Alcoholic Beverages

1–401.

(c) **[An] EXCEPT AS PROVIDED IN § 1–411 OF THIS SUBTITLE, AN** individual
under the age of 21 years may not:

(1) buy, consume, possess, store, import, transport, or keep alcoholic
beverages for the individual’s own use; or

(2) buy, possess, store, import, transport, or keep alcoholic beverages for
any purpose in a jurisdiction where prohibited under State law.

1–411.

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.**

**(2) “AUTHORIZED INSTRUCTOR” MEANS AN INSTRUCTOR AT A
QUALIFIED INSTITUTION OF HIGHER EDUCATION WHO:**

**(I) TEACHES A COURSE OR PROGRAM IN ENOLOGY,
FERMENTING, BREWING, OR HOSPITALITY AND TOURISM; AND**

(II) IS AT LEAST 21 YEARS OLD.

**(3) “QUALIFIED INSTITUTION OF HIGHER EDUCATION” MEANS AN
INSTITUTION OF POSTSECONDARY EDUCATION THAT:**

**(I) GENERALLY LIMITS ENROLLMENT TO GRADUATES OF
SECONDARY SCHOOLS;**

**(II) AWARDS DEGREES AT THE ASSOCIATE, BACCALAUREATE,
OR GRADUATE LEVEL; AND**

(III) OFFERS COURSES OR PROGRAMS IN ENOLOGY, FERMENTING, BREWING, OR HOSPITALITY AND TOURISM.

(4) “QUALIFIED STUDENT” MEANS A STUDENT WHO IS:

(I) AT LEAST 18 YEARS OLD AND UNDER THE AGE OF 21 YEARS;
AND

(II) ENROLLED IN A COURSE OR PROGRAM IN ENOLOGY, FERMENTING, BREWING, OR HOSPITALITY AND TOURISM OFFERED BY A QUALIFIED INSTITUTION OF HIGHER EDUCATION.

(5) (I) “TASTE” MEANS TO DRAW AN ALCOHOLIC BEVERAGE INTO THE MOUTH.

(II) “TASTE” DOES NOT INCLUDE SWALLOWING OR OTHERWISE CONSUMING AN ALCOHOLIC BEVERAGE.

(B) A QUALIFIED STUDENT MAY TASTE AN ALCOHOLIC BEVERAGE IF:

(1) THE QUALIFIED STUDENT:

(I) TASTES THE ALCOHOLIC BEVERAGE:

1. FOR EDUCATIONAL PURPOSES AS PART OF A COURSE OR PROGRAM IN ENOLOGY, FERMENTING, BREWING, OR HOSPITALITY AND TOURISM THAT THE QUALIFIED STUDENT IS ENROLLED IN AT A QUALIFIED INSTITUTION OF HIGHER EDUCATION; AND

2. ONLY DURING THE DATES AND TIMES OF THE ENOLOGY, FERMENTING, BREWING, OR HOSPITALITY AND TOURISM COURSE OR PROGRAM; AND

(II) SPITS THE ALCOHOLIC BEVERAGE OUT AFTER TASTING THE ALCOHOLIC BEVERAGE;

(2) AN AUTHORIZED INSTRUCTOR OFFERS THE ALCOHOLIC BEVERAGE ONLY DURING THE DATES AND TIMES OF THE ENOLOGY, FERMENTING, BREWING, OR HOSPITALITY AND TOURISM COURSE OR PROGRAM; AND

(3) THE ALCOHOLIC BEVERAGE REMAINS UNDER THE CONTROL OF AN AUTHORIZED INSTRUCTOR.

(C) A QUALIFIED INSTITUTION OF HIGHER EDUCATION IS NOT REQUIRED TO OBTAIN A PERMIT OR LICENSE ISSUED UNDER THIS ARTICLE TO ALLOW A QUALIFIED STUDENT TO TASTE AN ALCOHOLIC BEVERAGE IN ACCORDANCE WITH THIS SECTION IF THE QUALIFIED INSTITUTION DOES NOT IMPOSE AN EXTRA FEE OR CHARGE FOR THE ALCOHOLIC BEVERAGE TASTED BY A QUALIFIED STUDENT.

Article – Criminal Law

10–114.

(a) Except as provided in subsection (b)(1) of this section, and subject to subsection (b)(2) of this section, an individual under the age of 21 years may not:

(1) possess or have under the individual's charge or control an alcoholic beverage unless the individual is a bona fide employee of the license holder as defined in § 1–101 of the Alcoholic Beverages Article and the alcoholic beverage is in the possession or under the charge or control of the individual in the course of the individual's employment and during regular working hours; or

(2) consume an alcoholic beverage.

(b) (1) The prohibitions set forth in subsection (a)(1) and (2) of this section do not apply if:

(i) 1. an adult furnishes the alcoholic beverage to the individual or allows the individual to possess or consume the alcoholic beverage;

2. the individual possessing or consuming the alcoholic beverage and the adult who furnished the alcoholic beverage to the individual or allowed the individual to possess or consume the alcoholic beverage are members of the same immediate family; and

3. the alcoholic beverage is furnished and consumed in a private residence of the adult or within the curtilage of the residence; [or]

(ii) the individual consumes the alcoholic beverage as a participant in a religious ceremony; OR

(III) THE INDIVIDUAL TASTES THE ALCOHOLIC BEVERAGE AS A STUDENT ENROLLED IN A COURSE OR PROGRAM IN ENOLOGY, FERMENTING, BREWING, OR HOSPITALITY AND TOURISM AT AN INSTITUTION OF HIGHER EDUCATION IN ACCORDANCE WITH § 1–411 OF THE ALCOHOLIC BEVERAGES ARTICLE.

10–116.

[An] EXCEPT AS PROVIDED IN § 1-411 OF THE ALCOHOLIC BEVERAGES ARTICLE, AN individual may not obtain, or attempt to obtain by purchase or otherwise, an alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by another who the individual obtaining or attempting to obtain the beverage knows is under the age of 21 years.

10-117.

(a) Except as provided in subsection (c) of this section, a person may not furnish an alcoholic beverage to an individual if:

(1) the person furnishing the alcoholic beverage knows that the individual is under the age of 21 years; and

(2) the alcoholic beverage is furnished for the purpose of consumption by the individual under the age of 21 years.

(b) Except as provided in subsection (c) of this section, an adult may not knowingly and willfully allow an individual under the age of 21 years actually to possess or consume an alcoholic beverage at a residence, or within the curtilage of a residence that the adult owns or leases and in which the adult resides.

(c) (1) The prohibition set forth in subsection (a) of this section:

(I) does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished:

[(i)] 1. are members of the same immediate family, and the alcoholic beverage is furnished and consumed in a private residence or within the curtilage of the residence; or

[(ii)] 2. are participants in a religious ceremony; OR

(II) DOES NOT APPLY TO:

1. AN INSTRUCTOR WHILE CONDUCTING IN-CLASS ACTIVITIES WHEN TEACHING A COURSE OR PROGRAM IN ENOLOGY, FERMENTING, BREWING, OR HOSPITALITY AND TOURISM AT AN INSTITUTION OF HIGHER EDUCATION IN ACCORDANCE WITH § 1-411 OF THE ALCOHOLIC BEVERAGES ARTICLE; OR

2. AN INSTITUTION OF HIGHER EDUCATION, WITH RESPECT TO THE IN-CLASS ACTIVITIES OF THE COURSE OR PROGRAM.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.