

# SENATE BILL 564

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6lr2051  
CF HB 409

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By: ~~Senators Feldman, Kagan, King, Lee, Manno, and Raskin~~ Brochin, Cassilly, Gladden, Hough, Kagan, King, Lee, Manno, Muse, Norman, Ramirez, Raskin, Ready, and Zirkin

Introduced and read first time: February 4, 2016  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 1, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Providing Alcohol to Underage Drinkers – Penalties**

3 FOR the purpose of increasing penalties for certain violations of prohibitions relating to  
4 obtaining or furnishing alcoholic beverages for individuals under a certain age or  
5 allowing an individual under a certain age to possess or consume alcoholic beverages  
6 under certain circumstances; and generally relating to underage consumption of  
7 alcohol.

8 BY repealing and reenacting, without amendments,  
9 Article – Criminal Law  
10 Section 10–116 and 10–117  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Criminal Law  
15 Section 10–121  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume and 2015 Supplement)

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

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### 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.



1 **Article – Criminal Law**

2 10–116.

3 An individual may not obtain, or attempt to obtain by purchase or otherwise, an  
4 alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by  
5 another who the individual obtaining or attempting to obtain the beverage knows is under  
6 the age of 21 years.

7 10–117.

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

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

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

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

18 (c) (1) The prohibition set forth in subsection (a) of this section does not apply  
19 if the person furnishing the alcoholic beverage and the individual to whom the alcoholic  
20 beverage is furnished:

21 (i) are members of the same immediate family, and the alcoholic  
22 beverage is furnished and consumed in a private residence or within the curtilage of the  
23 residence; or

24 (ii) are participants in a religious ceremony.

25 (2) The prohibition set forth in subsection (b) of this section does not apply  
26 if the adult allowing the possession or consumption of the alcoholic beverage and the  
27 individual under the age of 21 years who possesses or consumes the alcoholic beverage:

28 (i) are members of the same immediate family, and the alcoholic  
29 beverage is possessed and consumed in a private residence, or within the curtilage of the  
30 residence, of the adult; or

31 (ii) are participants in a religious ceremony.

32 10–121.

1 (a) This section does not apply to a person who:

2 (1) was acting in the capacity of a licensee, or an employee of a licensee,  
3 under Article 2B of the Code; and

4 (2) has committed a violation of and is subject to the penalties under  
5 Article 2B, § 12–108 of the Code.

6 (b) An adult who violates § 10–116 or § 10–117 of this subtitle is guilty of a  
7 misdemeanor and on conviction is subject to:

8 (1) [a fine not exceeding \$2,500] for a first offense, **IMPRISONMENT NOT**  
9 **EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH**; or

10 (2) [a fine not exceeding \$5,000] for a second or subsequent offense,  
11 **IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$7,500 OR**  
12 **BOTH**.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2016.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.