

Chapter 223

(Senate Bill 377)

AN ACT concerning

Alcoholic Beverages – Baltimore City – False Advertising

FOR the purpose of prohibiting an alcoholic beverages licensee in Baltimore City from advertising falsely; requiring the Baltimore City Board of License Commissioners to enforce a prohibition on advertising falsely; defining a certain term; and generally relating to alcoholic beverages licensees in Baltimore City and false advertising.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 21–105
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

21–105.

(a) This section applies only in Baltimore City.

(b) In this section, “publicly visible locations” include outdoor billboards, sides of buildings, and freestanding signboards.

(c) (1) The Mayor and City Council of Baltimore may adopt an ordinance restricting the placement of signs, posters, placards, devices, graphic displays, or any other forms of advertising or on the sides of the building of the licensed premises that advertise alcoholic beverages in publicly visible locations if:

(i) The ordinance is necessary for the promotion of the welfare and temperance of minors exposed to advertisements for alcoholic beverages placed in publicly visible locations; and

(ii) The restrictions do not unduly burden legitimate business activities of persons licensed under this article to sell alcoholic beverages on a retail basis.

(2) The ordinance adopted by the Mayor and City Council of Baltimore City may not restrict:

- (i) The placement of signs, including advertisements:
 - 1. Inside licensed premises;
 - 2. On commercial vehicles used for transporting alcoholic beverages; or
 - 3. In conjunction with a 1-day alcoholic beverages license or a temporary license granted by the Board of License Commissioners;
- (ii) Any sign that contains the name or slogan of the licensed premises that has been placed for the purpose of identifying the licensed premises;
- (iii) Except for billboards and freestanding signboards, any sign for which zoning board approval or a minor privilege permit is required;
- (iv) Any sign that contains a generic description of beer, wine, liquor, or spirits, or any other generic description of alcoholic beverages;
- (v) Any neon or electrically charged sign on licensed premises that is provided as part of a promotion of a particular brand of alcoholic beverage;
- (vi) Any sign on an MTA vehicle or a taxicab;
- (vii) Any sign on property owned, leased, or operated by the Maryland Stadium Authority;
- (viii) Any sign at Memorial Stadium;
- (ix) Any sign at a facility that operates in accordance with a license issued under § 11-304 of the Business Regulation Article; or
- (x) Any sign on property adjacent to an interstate highway.

(D) (1) (I) IN THIS SUBSECTION, “ADVERTISE FALSELY” MEANS TO USE ANY ADVERTISEMENT THAT IS UNTRUE, DECEPTIVE, OR MISLEADING IN A MATERIAL RESPECT.

(II) “ADVERTISE FALSELY” INCLUDES THE USE AND PLACEMENT OF AN ADVERTISEMENT BY A PERSON ON THE INTERNET THAT CONTAINS AN AFFIRMATIVE REPRESENTATION THAT AN ALCOHOLIC

BEVERAGES LICENSEE MAY OFFER FOR SALE A CONTAINER OF ALCOHOLIC BEVERAGES THAT THE LICENSEE IS NOT AUTHORIZED TO SELL.

(2) AN ALCOHOLIC BEVERAGES LICENSEE MAY NOT ADVERTISE FALSELY IN THE CONDUCT OF ANY BUSINESS.

(3) THE BOARD OF LICENSE COMMISSIONERS SHALL ENFORCE THIS SUBSECTION.

[(d)] (E) A person who violates the provisions of this section is guilty of a misdemeanor and may be fined no more than \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.