Alabama

Section 32-5A-330 — Definitions; applicability; violations.

(a) As used in this section, the following terms are defined:

(1) OPEN CONTAINER. A container which is other than in the manufacturer's sealed condition.

(2) PUBLIC HIGHWAY or RIGHT-OF-WAY OF A PUBLIC HIGHWAY. The entire width between and immediately adjacent to the boundary lines of any public road, street, highway, interstate, or other publicly maintained way when any part is open to the use of the public for purposes of motor vehicle travel.

(b) It is unlawful for a person to have in his or her possession alcoholic beverages in an open container in the passenger area of a motor vehicle of any kind on a public highway or right-of-way of a public highway of this state.

(c) This section shall not apply to:

(1) A passenger of a motor vehicle designed, maintained, or primarily used for the transportation of persons for compensation and the driver holds a valid commercial driver's license.

(2) A passenger of a bus for which the driver holds a valid commercial driver's license.

(3) A passenger of a motorized or non-motorized self-contained camper, motor home, house coach, or house trailer.

(4) A motor vehicle trunk, storage, or luggage compartment or a truck bed, storage, or cargo compartment.

(5) A locked case placed in an area that is not readily accessible behind the front seat of a pickup truck which has no trunk or separate enclosed area other than the cab of the truck.

(6) A driver who does not have knowledge of and cannot access alcoholic beverages in an open container in the passenger area of the vehicle.

(Act 2000-670, p. 1336, §1.)

Alaska

13 AAC 104.410. Resealing wine served with a meal for removal from licensed premises

For purposes of AS 04.16.120 (c), one opened bottle of wine served with a meal may be removed from licensed premises if

(1) the original cork or a similar type of cork is reinserted by the licensee into the bottle so that the top of the cork is flush with the bottle opening and can only be removed by a corkscrew or other similar device;

(2) the original or a similar screw-on cap is placed tightly on the bottle and sealed with tamper-evident tape; or

(3) the resealed bottle is placed in a single-use bag that has a tamper-evident seal and that is manufactured expressly for the removal of partially consumed bottles of wine from licensed premises.

Source: http://www.legis.state.ak.us/basis/foliproxy.asp?url=http://wwwjnu01.legis.state.ak.us/cgi-bin/folioisad.dll/aac/query=[JUMP:'Title13Chap104\[2C+a\[2E+4']]/doc/{@1}?firsthit
Arizona

4-244 Unlawful Acts Section 32:

32. For a licensee or employee to knowingly permit spirituous liquor to be removed from the licensed premises, except in the original unbroken package. This paragraph shall not apply to either of the following:

(a) A person who removes a bottle of wine which has been partially consumed in conjunction with a purchased meal from licensed premises if a cork is inserted flush with the top of the bottle or the bottle is otherwise securely closed.

(b) A person who is in licensed premises that have noncontiguous portions that are separated by a public or private walkway or driveway and who takes spirituous liquor from one portion of the licensed premises across the public or private walkway or driveway directly to the other portion of the licensed premises.

Source: http://www.azleg.state.az.us/ars/4/00244.htm

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Arkansas

Alcoholic Beverage Control Title 1, Subtitle G – Prohibited Conduct and Activities and Procedure for Cancellation, Suspension and Revocation of Permits

Section 27:

(27) Allowing Alcoholic Beverages to be Carried From Any On Premises Alcoholic Beverage Outlet or Private Club.

The permittee allowed any patron to exit the permitted premises carrying any open container of alcoholic beverages or allowed any patron to exit any on premises retail beer outlet carrying sealed alcoholic beverages in any combination not authorized by the Director for off-premises sales. Private clubs and hotel-motel-restaurant mixed drink permitted outlets are not allowed to sell any alcoholic beverages to be taken off the permitted premises.

Provided, (1) those establishments holding an on-premises wine restaurant or café permit, a combined restaurant beer and wine permit, hotel-motel-restaurant mixed drink permit, or private club permit, may allow a customer, who purchases an unsealed package of wine in conjunction with a food purchase and consumes a portion of the wine on the premises with the meal, to replace the cork and remove the partially filled package from the premises and (2) patrons may walk back and forth with an alcoholic beverage between a private club permitted premises and another contiguous permitted premises when both premises are a part of the same business operation and the alcoholic beverage is a type permitted by both premises; (Amended 8-19-09)

Source: http://www.dfa.arkansas.gov/offices/abc/rules/Pages/title1SubtitleG.aspx
California

Alcoholic Beverage Control Act - Business and Professions Code

Section 27:

§ 23396.5. Removal of partially consumed beverage

Notwithstanding any other law, any on-sale licensee that maintains a bona fide eating place in conjunction with such license, any on-sale beer and wine public premises licensee, or any winegrower that is exercising a privilege pursuant to Section 23358 or 23390 may allow any person who has purchased and partially consumed a bottle of wine to remove the partially consumed bottle from the premises upon departure.

Colorado

Liquor Code – Article 47, Title 12


(1) Notwithstanding any provision of this article to the contrary, a licensee described in subsection (2) of this section may permit a customer of the licensee to reseal and remove from the licensed premises one opened container of partially consumed vinous liquor purchased on the premises so long as the originally sealed container did not contain more than 750 milliliters of vinous liquor.

(2) The provisions of this section shall apply to a licensee:

(a) That is duly licensed as a manufacturer's licensee under section 12-47-402, a limited winery licensee under section 12-47-403, a beer and wine licensee under section 12-47-409, a hotel and restaurant licensee under section 12-47-411, a tavern licensee under section 12-47-412, a brew pub licensee under section 12-47-415, or a vintner's restaurant licensee under section 12-47-420; and

(b) That has meals, as defined in section 12-47-103 (20), available for consumption on the licensed premises.

Connecticut

Substitute House Bill No. 6588, Public Act No. 03-228

(a) A restaurant permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a restaurant. A restaurant patron may remove one unsealed bottle of wine for off-premises consumption provided the patron has purchased a full course meal and consumed a portion of the bottle of wine with such meal on the restaurant premises. For the purposes of this section, "full course meal" means a diversified selection of food which ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking. A restaurant permit, with prior approval of the Department of Consumer Protection, shall allow alcoholic liquor to be served at tables in outside areas which are not screened from public view where permitted by fire, zoning and health regulations. If not required by fire, zoning or health regulations, a fence or wall enclosing such outside areas shall not be required by the Department of Consumer Protection. No fence or wall used to enclose such outside areas shall be less than thirty inches high. The annual fee for a restaurant permit shall be one thousand two hundred dollars.

(b) A restaurant permit for beer shall allow the retail sale of beer and of cider not exceeding six per cent of alcohol by volume to be consumed on the premises of a restaurant. The annual fee for a restaurant permit for beer shall be two hundred forty dollars.

(c) A restaurant permit for wine and beer shall allow the retail sale of wine and beer and of cider not exceeding six per cent of alcohol by volume to be consumed on the premises of the restaurant. A restaurant patron may remove one unsealed bottle of wine for off-premises consumption provided the patron has purchased a full course meal and consumed a portion of the bottle of wine with such meal on the restaurant premises. The annual fee for a restaurant permit for wine and beer shall be five hundred sixty dollars.

(d) Repealed by P. A. 77-112, S. 1.

(e) A partially consumed bottle of wine that is to be removed from the premises pursuant to subsection (a) or (c) of this section shall be securely sealed and placed in a bag by the permittee or permittee's agent or employee prior to removal from the premises.

Delaware

Substitute House Bill No. 6588, Public Act No. 03-228

§ 512. Licenses for taprooms, hotels, restaurants, motorsports speedways, concert halls or clubs; food concessionaires at horse racetracks or multi-purpose sports facilities; dinner theater performances; bowling alleys; caterers; removal of partially consumed bottles from premises; beverages for personal consumption at racetracks; air passenger carriers; names of licensed establishments.

(d) Any person who has purchased a bottle of alcoholic liquor other than beer from a hotel, restaurant, motorsports speedway, concert hall, club, dinner theater or horse racetrack licensed under this section, and who has partially consumed the contents of such bottle on the licensed premises, may remove it from the licensed premises for the purpose of consumption off the licensed premises. Any person who has purchased a bottle of alcoholic liquor other than beer from a caterer and who has partially consumed the contents of such bottle on the premises, approved by the Commissioner for the catering may remove it from the approved premises for the purpose of consumption off the approved premises.

Source: http://delcode.delaware.gov/title4/c005/sc02/index.shtml
District of Columbia

Alcoholic Beverage Regulation Administration

§ 25-113. On-premises retailer's licenses

(5) (A) Notwithstanding any other provision of this subchapter, a restaurant license (R) under this section shall authorize the licensee to permit a patron to remove one partially consumed bottle of wine for consumption off premises.

(B) A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employee before removal from the premises.

(C) The partially consumed bottle shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine shall be provided by the license and attached to the container.

Source: http://abra.dc.gov/DC/ABRA/About+ABRA/ABC+Regulations/DC+Official+Code+Title+25+and+DC+Municipal+Regulations+Title+23 (Page 26)
Florida

Senate Bill SB1114e1

§ 564.09 Restaurants; off-premises consumption of wine.—

Notwithstanding any other provision of law, a restaurant licensed to sell wine on the premises may permit a patron to remove one unsealed bottle of wine for consumption off the premises if the patron has purchased a full-course meal consisting of a salad or vegetable, entree, a beverage, and bread and consumed a portion of the bottle of wine with such meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and full-course meal.

Georgia

Article 1 of Chapter 6 of Title 3

3-6-4. Notwithstanding any other contrary provision of law, any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant’s premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

Hawaii

PART III. LICENSES AND PERMITS, GENERAL PROVISIONS

§281-31

(t) Any provision to the contrary notwithstanding, a patron may remove from any class of licensed premises any portion of wine, liquor, or beer that was purchased on or brought onto the premises of the licensee engaged in meal service for consumption with a meal; provided that it is recorked or resealed in its original container.

Source: http://www.capitol.hawaii.gov/hrscurrent/vol05_Ch0261-0319/HRS0281/HRS_0281-0031.htm
Idaho

Title 23, Chapter 13

23-1333. OPEN OR UNSEALED CONTAINERS OF WINE IN MOTOR VEHICLES ON HIGHWAYS PROHIBITED. No person may, while operating or riding in or upon a motor vehicle upon a public highway of this state, have in his possession any wine in an open or unsealed container of any kind.

Source: http://www.legislature.idaho.gov/idstat/Title23/T23CH13SECT23-1333.htm
Illinois

SB0946 Sec. 6-33.

Sealing and removal of open wine bottles from a restaurant.

Notwithstanding any other provision of this Act, a restaurant licensed to sell alcoholic liquor in this State may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this Section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this Section and not tampered with shall not be deemed an unsealed container for the purposes of Section 11-502 of the Illinois Vehicle Code.


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Indiana

IC Title 9, Article 30, Chapter 15

Open alcoholic beverage container during operation of motor vehicle: Class C infraction

Sec. 3. (a) This section does not apply to the following:

(2) A container located in a fixed center console or other similar fixed compartment that is locked.
(3) A container located:
   (A) behind the last upright seat; or
   (B) in an area not normally occupied by a person;
   in a motor vehicle that is not equipped with a trunk.

Iowa

Liquor Control Devices 123.30

4. Notwithstanding any provision of this chapter to the contrary, a person holding a license to sell alcoholic liquors for consumption on the licensed premises may permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The licensee or the licensee's agent shall securely reseal such bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been tampered with and provide a dated receipt for the resealed bottle of wine to the customer. A wine bottle resealed pursuant to the requirements of this subsection is subject to the requirements of sections 321.284 and 321.284A.

Source: http://search.legis.state.ia.us/nxt/gateway.dll/ic/1/13/4379/4380/4381/4411?f=templates&fn=document-frameset.htm&q=[field%20123.30.1]&x=Advanced
Kansas

House Bill No. 2962

New Section 1.
(a) In addition to the rights of a licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, a class A club license, class B club license or drinking establishment license shall allow the licensee to allow legal patrons of the club or drinking establishment to remove from the licensed premises one or more opened containers of wine, subject to the following conditions:

(1) It must be legal for the licensee to sell the wine in its original container;
(2) the wine must be in its original container;
(3) each container of wine must have been purchased by a patron and the wine in each container must have been partially consumed on the licensed premises;
(4) the licensee or the licensee’s employee must provide the patron with a dated receipt for the unfinished container or containers of wine; and
(5) before the container of wine is removed from the licensed premises, the licensee or the licensee’s employee must securely resal each container, place the container in a tamper-proof, transparent bag which is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened.

243.115 Removal of partially consumed bottle of wine from restaurant licensed under KRS 243.030.

(1) A restaurant licensed under KRS 243.030 may permit a patron of the restaurant to remove one (1) opened container of wine from the restaurant's premises for consumption off the premises if the patron has purchased and partially consumed the bottle of wine with a meal on the restaurant's premises.

(2) A partially consumed bottle of wine that is removed from the premises shall be securely resealed by the restaurant licensee or its employee before the bottle is removed from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in a manner that makes it visibly apparent if the container has been subsequently opened or tampered with, and the licensee shall provide a dated receipt for the wine to the patron.

Source: [http://www.lrc.ky.gov/krs/243-00/115.PDF](http://www.lrc.ky.gov/krs/243-00/115.PDF)
Revised Statutes 32:300

§300. Possession of alcoholic beverages in motor vehicles

A. It shall be unlawful for the operator of a motor vehicle or the passenger in or on a motor vehicle, while the motor vehicle is operated on a public highway or right-of-way, to possess an open alcoholic beverage container, or to consume an alcoholic beverage, in the passenger area of a motor vehicle.

F. The provisions of this Section shall not apply to the following persons or in the following areas:

(6) Possession of an open container of alcoholic beverage in the trunk of a motor vehicle.

(7) If the motor vehicle is not equipped with a trunk, possession of an open container or alcoholic beverages in any of the following areas:

   (a) In a locked glove or utility compartment.

   (b) In an area of the vehicle not normally occupied by, and not readily accessible, to the driver or passengers.

Title 28-A §1051. Licenses generally

5. Transporting partially consumed bottles.

A partially consumed bottle of table wine that is removed from the premises under subsection 4 must be transported in compliance with Title 29-A, section 2112-A, if transported by motor vehicle, or securely sealed and bagged if transported on foot or by means other than a motor vehicle.

Source: http://www.mainelegislature.org/legis/statutes/28-a/title28-Asec1051.html
Maryland

House Bill 517

Article 2B – Alcoholic Beverages

12-107.1


Source: [http://mlis.state.md.us/2006rs/bills/hb/hb0517t.pdf](http://mlis.state.md.us/2006rs/bills/hb/hb0517t.pdf)
Massachusetts

Alcoholic Beverages Control Commission

204 C.M.R. 2.18. Resealing of Partially Consumed Bottles of Wine.

(1) No holder of a restaurant type license issued pursuant to the provisions of section 12 of chapter 138 of the General Laws and no holder of a hotel type license issued pursuant to the provisions of section 12 of chapter 138 of the General Laws shall permit a patron to retain and take off the licensed premises so much of a bottle of wine purchased by that patron with a meal and not totally consumed by that patron during the meal, except when the bottle of wine is resealed in compliance with this regulation.

(2) Only one partially consumed bottle of wine per patron may be resealed and removed from the restaurant or hotel licensed premises pursuant to this regulation.

(3) A receipt that prominently displays the date of the purchase of the meal must be furnished to the patron. The receipt must show both the purchase of the meal and the purchase of the bottle of wine.

(4) Before permitting the carry out of a bottle of wine pursuant to this regulation, the holder of a restaurant type license or its employees or the holder of a hotel type license or its employees must:

   (1) securely reseal the bottle of wine;
   (2) place the resealed bottle in a one-time-use tamper-proof transparent bag that insures that the patron cannot gain access to the bottle while in transit after the bag is sealed;
   (3) securely seal the bag; and
   (4) affix the receipt to the sealed bag.

(5) For the purpose of this regulation, the word “meal” shall mean the purchase by 1 person of a diversified selection of food which ordinarily is classified as an "entree" or "main course" which ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking or the purchase by 2 or more persons of a diversified selection of food which is priced at more than $20.00 and ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking.

Source: [http://www.mass.gov/abcc/regulations.htm](http://www.mass.gov/abcc/regulations.htm) (scroll to bottom)

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Michigan

Liquor Control Code

436.2021 Sale or serving of food; removal of liquor from premises; removal of partially consumed bottle of wine from premises; class A or B hotel.

Sec. 1021.

(3) A vendor licensed to sell wine on the premises may allow an individual who has purchased a meal and who has purchased and partially consumed a bottle of wine with the meal, to remove the partially consumed bottle from the premises upon departure. This subsection does not allow the removal of any additional unopened bottles of wine unless the vendor is licensed as a specially designated merchant. The licensee or the licensee’s clerk, agent, or employee shall reinsert a cork so that the top of the cork is level with the lip of the bottle. The transportation or possession of the partially consumed bottle of wine shall be in compliance with section 624a of the Michigan vehicle code, 1949 PA 300, MCL 257.624a.

Minnesota

340A.404 INTOXICATING LIQUOR; ON-SALE LICENSES.

Subd. 11. Removal of wine from restaurant.

A restaurant licensed to sell intoxicating liquor or wine at on-sale under this section may permit a person purchasing a full bottle of wine in conjunction with the purchase of a meal to remove the bottle on leaving the licensed premises provided that the bottle has been opened and the contents partially consumed. A removal of a bottle under the conditions described in this subdivision is not an off-sale of intoxicating liquor and may be permitted without additional license.

Source: https://www.revisor.mn.gov/statutes/?id=340a.404
Mississippi

HB 1434

(c) On-premises retailer’s permit.

An on-premises retailer’s permit shall authorize the sale of alcoholic beverages, including native wines, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available.

Missouri

SCS/HB 450 –

This act allows the owner, operator, or employees or a restaurant bar to allow patrons to carry out unfinished bottles of wine. It is not unlawful under this act, for patrons to carry out wine if they ordered a meal, the bottles are at least partially consumed during the meal, the restaurant bar provides a dated receipt for the bottles, and the restaurant bar securely reseals the bottles and places them in sealed tamper-proof bags. Under this act, any person who transports unfinished bottles of wine will not be considered to have violated any law regarding open containers in vehicles.

Source: http://www.senate.mo.gov/05info/bts_web/Bill.aspx?SessionType=R&BillID=44639
Montana

61-8-460. Unlawful possession of open alcoholic beverage container in motor vehicle on highway.

(1) Except as provided in subsection (2), a person commits the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.

(2) This section does not apply to an open alcoholic beverage container:
   (a) in a locked glove compartment or storage compartment;
   (b) in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;
   (c) behind the last upright seat of a motor vehicle that is not equipped with a trunk;
   (d) in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or
   (e) in the immediate possession of a passenger:
      (i) of a motor vehicle, including a bus, taxi, or limousine, that is used for the transportation of persons for compensation and that includes the provision of a hired driver; or
      (ii) in the living quarters of a camper, travel trailer, or motor home.

Nebraska

LB 388

Certain licensed restaurants may permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased a full-course meal and has consumed a portion of the bottle of such wine along with the meal. The restaurant is required to: (1) securely reseal the bottle and put in a bag from which it is visibly apparent that the resealed bottle has not been tampered with; and (2) provide the customer with a dated receipt for the resealed bottle of wine and meal.

Further states that such resealed bottle is not an open container under 860-6,211.08, Nebraska’s Rules of the Road statute on open alcoholic beverage container prohibitions; and defines full course meal as, “a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking.”

Nevada

No statewide open container law or wine recorking law exists. Please refer to local city ordinances!

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179:27- a Removal of Opened Table Wine Bottle.

I. Notwithstanding any other provision of law, any food service business holding an on-premises license may allow any person who has purchased a full course meal and purchased and partially consumed a bottle of table wine with said meal, to remove such partially consumed bottle from the premises upon departure, provided that the person is not in a state of intoxication as defined in RSA 507-F:1, IV and such bottle of table wine is removed and transported in a manner consistent with paragraph II.

II. Any partially consumed bottle of table wine which is to be removed from the premises under paragraph I shall be securely sealed and bagged, by the licensee, either to be in conformance with any applicable local open container law for those patrons on foot, or transported as required by RSA 265-A:44, in the trunk of a motor vehicle. If the vehicle is not equipped with a trunk, the securely sealed opened table wine bottles may be stored and transported in that compartment or area of the vehicle which is the least accessible to the driver.

New Jersey

Division of Alcoholic Beverage Control

ABC Frequently Asked Questions #6

It is the policy of the State to encourage moderation in the consumption of alcoholic beverages. To permit a diner to take home an unfinished portion of the bottle of wine, rather than consume it all to prevent “waste” of his purchase, furthers that policy. Thus all unfinished bottles of wine may be re-corked and the patron can take them with him/her.

Removal of other open containers of alcoholic beverages from the licensed premises, such as a glass of wine, a mixed drink, an opened bottle or can of beer, is still prohibited. Licensees should caution patrons using wine “doggy bags” that the wine should be placed in the trunk of the patron’s car while in transit because Motor Vehicle Law prohibits the consumption of alcoholic beverage in a car and the presence of a container with its original seal broken in a motor vehicle (buses, taxi cabs and limousines are excluded) can give rise to a presumption that the unfinished bottle was consumed in the car.

Source: http://www.nj.gov/oag/abc/faqs.html#6

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New Mexico

SB 332

Senate Bill 332 allows customers to remove a partially consumed bottle of wine from the premises of the liquor licensee if the wine was purchased with a full-course meal and the licensee seals the bottle with a cork and in a tamper proof bag and attaches the receipt. If the wine is transported in a motor vehicle, the customer must comply with the open container law.

Source: http://www.nmlegis.gov/sessions/07%20Regular/firs/SB0332.html
New York

A restaurant licensee may permit a patron, following the consumption of a full course meal, to remove from the licensed restaurant establishment one partially consumed bottle of wine purchased in connection with the meal, a portion of which bottle of wine was actually consumed during the meal. One of the conditions which must be met by the restaurant licensee involves the use of a one-time-use tamper-proof transparent bag. Before a restaurant licensee may permit a partially consumed bottle of wine to leave the restaurant, the restaurant licensee or an agent of the restaurant licensee must:

- securely reseal the bottle of wine,
- place the resealed bottle in a one-time-use tamper-proof transparent bag, and
- securely seal the bag.

The one-time-use tamper-proof transparent bag must insure that the patron cannot gain access to the bottle while in transit after the bag is sealed.

North Carolina

Transportation of Open Container of Alcohol

Open and closed containers of all alcoholic beverages are prohibited in all commercial motor vehicles (bus, eighteen-wheeler, dump truck, etc.) except as listed below. An open container of any alcoholic beverage is prohibited in the passenger area of any motor vehicle (commercial or non-commercial) located on the highway or highway right of way - even if the vehicle is parked except as listed below.

If the seal on a container of alcoholic beverage has been broken, it is open.

"Passenger area of a motor vehicle" means the area designed to seat the driver and passengers and any area within the reach of a seated driver or passenger, including the glove compartment. In the case of a station wagon, hatchback or similar vehicle, the area behind the last upright back seat is not considered part of the passenger area.

- If the driver has not consumed any alcohol, an open container of a malt beverage (beer, malt liquor, ale, hard lemonade) or unfortified wine (table wine, champagne) is not prohibited:
  - In the passenger area of a motor vehicle designed, manufactured and used primarily for transportation of persons for compensation (buses, taxi-cabs, etc.);
  - In the living quarters of a motor home or home car;
  - In a house trailer.

Source: http://www.ncdps.gov/Index2.cfm?a=000003.000014.000935.000940

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North Dakota

39-08-18. Open container law - Penalty

A person may not drink or consume alcoholic beverages, as defined in section 5-01-01, in or on any motor vehicle when the vehicle is upon a public highway or in an area used principally for public parking. A person may not have in that person's possession on that person's person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed.

It is unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle is kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment must be deemed to be within the area occupied by the driver and passengers.

This subsection does not prohibit the consumption or possession of alcoholic beverages in a house car if the consumption or possession occurs in the area of the house car used as sleeping or living quarters and that area is separated from the driving compartment by a solid partition, door, curtain, or some similar means of separation; however, consumption is not authorized while the house car is in motion. Any person violating this subsection must be assessed a fee of fifty dollars; however, the licensing authority may not record the violation against the person's driving record unless the person was the driver of the motor vehicle at the time that the violation occurred.

Source: [http://www.legis.nd.gov/cencode/t39c08.pdf](http://www.legis.nd.gov/cencode/t39c08.pdf)
Ohio

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.

(2) The opened bottle of wine that is resealed in accordance with division (E) (1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

Source: http://www.legislature.state.oh.us/bills.cfm?ID=126_SB_131
Oklahoma

§ 37-537.1

No mixed beverage, beer and wine, bottle club, caterer or special event licensee or any employee, manager, operator or agent thereof shall:

6. Permit a sealed or unsealed container of alcoholic beverage to be removed from the licensed premises. Provided that restaurants, hotels and motels may permit the removal of closed original wine containers the contents of which have been partially consumed and bottle clubs may permit the removal by a club member of closed original containers of alcoholic beverages belonging to said members. The provisions of this paragraph shall not be construed to prohibit or restrict:

(a) hotels or motels who are holders of mixed beverage or beer and wine licenses from allowing alcoholic beverages to be served away from the bar area anywhere on the licensed premises, or

(b) licensees, who are lawfully operating at an event held in a facility owned or operated by any agency, political subdivision or public trust of this state, from allowing persons to transport alcoholic beverages from one licensed premises to another within the same building, provided that the building or a part thereof is defined as a common drinking area for consumption of alcohol by resolution of the governing body of the agency, political subdivision or public trust of this state;

Oregon

HB 3532
ORS 471.175

(3) The holder of a full on-premises sales license shall allow a patron to remove a partially consumed bottle of wine from the licensed premises if the wine is served in conjunction with the patron’s meal, the patron is not a minor and the patron is not visibly intoxicated.

Source: http://www.leg.state.or.us/01orlaws/sess0100.dir/0154ses.html
Pennsylvania

Act 2003-59

The holder of a hotel license or a restaurant license may allow persons who have purchased but only partially consumed a bottle of wine on the premises to remove the bottle from the premises so long as the bottle was purchased in conjunction with a meal which was consumed on the premises and so long as the bottle is resealed.

Rhode Island

3-8-16. Restaurants: Off premise transportation of wine.

(1) Notwithstanding any provision of this chapter or in the Rhode Island general laws to the contrary, a holder of a retailer's Class B license shall be permitted to provide to a patron, and the patron shall be allowed to retain and remove from the premises and transport the remains of any bottle of wine purchased by said patron in conjunction with a meal, subject to the following limitations and conditions:

(a) the patron purchased said wine in conjunction with the consumption of a full-course meal, defined herein as to include no less than an entrée meal, which shall be consumed on the premises;

(b) the license holder shall re-cork or seal said bottle of wine;

(c) the license holder shall place the bottle of wine in a container which shall be sealed in such a way as to prevent re-opening without obvious evidence that the seal was removed or broken;

(d) the license holder shall note the date of the meal on the container; and

(e) no more than one bottle may be removed at any one time.

(2) A patron who transports the remains of a bottle of wine, as provided herein, shall not be subject to the provisions of section 31-22-21.1, provided, the patron places the container in the trunk area of a vehicle, or if the vehicle does not have a trunk, then the container shall be placed behind the last upright seat in the rear of the vehicle. While transporting said wine bottle the patron shall not cause the seal on said container to be removed or broken, and should such seal be so removed or broken as to allow access to the wine bottle, and/or if the bottle of wine is not placed in the area of a vehicle as required herein, then the patron shall be subject to the provisions and penalties of section 31-22-21.1.

Source: [http://www.rilin.state.ri.us/BillText/BillText06/HouseText06/H7051B.pdf](http://www.rilin.state.ri.us/BillText/BillText06/HouseText06/H7051B.pdf)
South Carolina

SECTION 61-4-110. Open containers in motor vehicle.

It is unlawful for a person to have in his possession, except in the trunk or luggage compartment, beer or wine in an open container in a motor vehicle of any kind while located upon the public highways or highway rights of way of this State. This section must not be construed to prohibit the transporting of beer or wine in a closed container, and this section does not apply to vehicles parked in legal parking places during functions such as sporting events where law enforcement officers are on duty to perform traffic control duties. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.

Source: http://www.scstatehouse.gov/code/t61c004.php
South Dakota

35-1-9.1.

Consumption or possession of alcoholic beverage in vehicle a misdemeanor—Exceptions. It is a Class 2 misdemeanor for any person occupying a motor vehicle located upon a public highway or the right-of-way of a public highway to consume any alcoholic beverage or have a package or any receptacle containing an alcoholic beverage in that person's possession unless the seal of the original package remains unbroken or the alcoholic beverage is so removed from the passenger area of the motor vehicle that no occupant of the motor vehicle has access to it.

Tennessee

57-4-203 Prohibited practices -- Hours of sale -- Authority of commission -- Penalties.

(e) Restrictions on Sealed or Unsealed Packages, or Gifts. (1) No licensee hereunder shall sell any wine or other alcoholic beverage in any sealed or unsealed package to any patrons or customers for consumption off its premises. Notwithstanding the foregoing, a restaurant licensed under this chapter may permit a customer who purchases an unsealed package of wine in conjunction with a food purchase and consumes a portion of the wine on the premises to remove the partially filled package from the premises.

Source: http://www.lexisnexis.com/hottopics/tncode/ (Select I Agree, Title 57, Chapter 4, Part 2)
Texas

Sec. 28.10. CONSUMPTION RESTRICTED TO PREMISES; EXCEPTIONS.

(a) Except as provided by this section or Section 28.01(b), a mixed beverage permittee may not sell an alcoholic beverage to another mixed beverage permittee or to any other person except for consumption on the seller's licensed premises.

(b) A mixed beverage permittee may not permit any person to take any alcoholic beverage purchased on the licensed premises from the premises where sold, except that:

(1) A person who orders wine with food and has a portion of the open container remaining may remove the open container of wine from the premises;

Source: https://www.tabc.state.tx.us/laws/code_and_rules.asp (Title 3)
Utah

32B-5-307. Bringing onto or removing alcoholic product from premises.

(d) A patron may remove from a licensed premises the unconsumed contents of a bottle of wine purchased in the licensed premises, or brought onto the licensed premises in accordance with this Subsection (3), only if before removal the bottle is recorked or recapped.

Source: [http://le.utah.gov/~code/TITLE32B/htm/32B05_030700.htm](http://le.utah.gov/~code/TITLE32B/htm/32B05_030700.htm)
§ 222. First and second class licenses, granting of; sale to minors; contracting for food service.

(1) Upon making application and paying the license fee provided in section 231 of this title, a first class license which authorizes the dealer to sell malt and vinous beverages for consumption only on those premises, and upon satisfying the liquor control board that the premises are leased, rented, or owned by the retail dealer and are devoted primarily to dispensing meals to the public, except clubs and cabarets, and that the premises have adequate and sanitary space and equipment for preparing and serving meals. The term "public" includes patrons of hotels, boarding houses, restaurants, dining cars, and similar places where meals are served. A retail dealer carrying on business in more than one place shall acquire a first class license for each place where the retail dealer sells malt and vinous beverages. No malt or vinous beverages shall be sold by a first class licensee to a minor. Partially consumed bottles of vinous beverages or specialty beers that were purchased with a meal may be removed from first class licensed premises provided the beverages are recapped or resealed.

Source: [http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=07&Chapter=009&Section=00222](http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=07&Chapter=009&Section=00222)
Virginia

3VAC5-40-30. Wine containers; sizes and types; on- and off-premises limitations; cooler-dispensers; novel containers; carafes and decanters.

B. Wine sold for on-premises consumption shall not be removed from the licensed premises except in the original container with closure.

Source: http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+3VAC5-40-30
Washington

RCW 66.24.400 -- Liquor by the drink, spirits, beer, and wine restaurant license — Liquor by the bottle for hotel or club guests — Removing unconsumed liquor, when.

(1) There shall be a retailer's license, to be known and designated as a spirits, beer, and wine restaurant license, to sell spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only. A club licensed under chapter 70.62 RCW with overnight sleeping accommodations, that is licensed under this section may sell liquor by the bottle to registered guests of the club for consumption in guest rooms, hospitality rooms, or at banquets in the club. A patron of a bona fide restaurant or club licensed under this section may remove from the premises corked or recapped in its original container any portion of wine which was purchased for consumption with a meal, and registered guests who have purchased liquor from the club by the bottle may remove from the premises any unused portion of such liquor in its original container. Such license may be issued only to bona fide restaurants and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a spirits, beer, and wine restaurant license under the provisions and limitations of this title.

§60-8-3. Licenses; fees; general restrictions.

(i) A license to sell wine granted to a private wine bed and breakfast, private wine restaurant, private wine spa or a private club under the provisions of this article entitles the operator to sell and serve wine, for consumption on the premises of the licensee, when such sale accompanies the serving of food or a meal to its members and their guests in accordance with the provisions of this article: Provided, That a licensed private wine bed and breakfast, private wine restaurant, private wine spa or a private club may permit a person over twenty-one years of age to purchase wine, consume wine and recork or reseal, using a tamper resistant cork or seal, up to two separate bottles of unconsumed wine in conjunction with serving of food or a meal to its members and their guests in accordance with the provisions of this article and in accordance with regulations promulgated by the commissioner for the purpose of consumption of said wine off premises: Provided, however, That for this article, food or a meal provided by the private licensee means that the total food purchase, excluding beverage purchases, taxes, gratuity or other fees is at least fifteen dollars: Provided further, That a licensed private wine restaurant or a private club may offer for sale for consumption off the premises, sealed bottles of wine to its customers provided that no more than one bottle is sold per each person over twenty-one years of age, as verified by the private wine restaurant or private club, for consumption off the premises. Such licensees are authorized to keep and maintain on their premises a supply of wine in such quantities as may be appropriate for the conduct of operations thereof. Any sale of wine so made shall be subject to all restrictions set forth in section twenty of this article. A private wine restaurant may also be licensed as a Class A retail dealer in nonintoxicating beer as provided by article sixteen, chapter eleven of this code.

Source: [http://www.legis.state.wv.us/wvcode/ChapterEntire.cfm?chap=60&art=8&section=3#08](http://www.legis.state.wv.us/wvcode/ChapterEntire.cfm?chap=60&art=8&section=3#08)
Wisconsin

Section 1. 125.51 (3r) Sales of wine by the bottle in restaurants

(a) Notwithstanding subs. (3) (a) and (b) and (3m) (b), a "Class B" license or "Class C" license authorizes the retail sale of wine in an opened original bottle, in a quantity not to exceed one bottle, for consumption both on and off the premises where sold if all of the following apply:

1. The licensed premises is a restaurant also operated under a "Class B" or "Class C" license and the purchaser of the wine orders food to be consumed on the licensed premises.

2. The licensee provides a dated receipt that identifies the purchase of the food and the bottle of wine.

3. Prior to the opened, partially consumed bottle of wine being taken off the licensed premises, the licensee securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle and the cork is reinserted at a time other than during the time period specified in s. 125.68 (4) (c) 3.

Source: https://docs.legis.wisconsin.gov/2005/related/acts/268

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Wyoming

12-4-410. Sale of alcoholic beverages for off-premises consumption prohibited; location, regulation and restrictions on dispensing of liquor; prohibiting certain activities.

(e) A restaurant liquor licensee may permit a patron to remove one (1) unsealed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. For purposes of this subsection the term "full course meal" shall mean a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this subsection shall be securely sealed by the licensee or an agent of the licensee and placed in a tamper-proof transparent bag which shall also be securely sealed prior to removal from the premises, so that it is visibly apparent that the resealed bottle of wine has not been tampered with. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine which is resealed in accordance with the provisions of this subsection shall not be deemed an open container for purposes of W.S. 31-5-235.

Source: http://legisweb.state.wy.us/statutes/statutes.aspx?file-titles/Title12/Title12.htm