

Chapter 140

(House Bill 12)

AN ACT concerning

Alcoholic Beverages – Sale or Delivery for Off-Premises Consumption

FOR the purpose of altering the scope of a certain provision prohibiting the retail delivery to a purchaser of alcoholic beverages under certain circumstances; providing that certain authorization for the holders of certain licenses to sell alcoholic beverages for off-premises consumption in a certain manner applies only in a jurisdiction in which the local licensing board has adopted certain regulations; authorizing the holders of certain licenses that authorize the sale of alcoholic beverages at a restaurant, bar, or tavern to sell certain alcoholic beverages for off-premises consumption or delivery under certain circumstances; prohibiting a local licensing board from charging a certain license holder an additional fee under certain circumstances; authorizing a local licensing board to limit the quantity of alcoholic beverages sold or delivered to an individual in a single transaction; requiring the Alcohol and Tobacco Commission and the Maryland Department of Health jointly to conduct a certain study and submit a certain report to the General Assembly; providing for the termination of this Act; and generally relating to the sale of alcoholic beverages at restaurants, bars, and taverns.

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 4–507
Annotated Code of Maryland
(2016 Volume and 2020 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 4–1107
Annotated Code of Maryland
(2016 Volume and 2020 Supplement)

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

Article – Alcoholic Beverages

4–507.

(a) This section does not apply to:

(1) the delivery of wine from a direct wine shipper to a consumer using a common carrier in accordance with Title 2, Subtitle 1, Part V of this article; [or]

(2) the holder of a common carrier permit in the course of delivering directly shipped wine in accordance with Title 2, Subtitle 1, Part V of this article; **OR**

(3) THE DELIVERY OF ALCOHOLIC BEVERAGES IN ACCORDANCE WITH § 4-1107 OF THIS TITLE.

(b) Retail delivery to a purchaser of alcoholic beverages is prohibited unless:

(1) a retail license holder obtains a letter of authorization from the local licensing board to make deliveries; and

(2) the delivery is made from the licensed premises by the retail license holder or an employee of the retail license holder.

4-1107.

(A) (1) THIS SECTION APPLIES ONLY IN A JURISDICTION IN WHICH THE LOCAL LICENSING BOARD HAS ADOPTED REGULATIONS TO AUTHORIZE THE SALE OR DELIVERY OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION IN ACCORDANCE WITH THIS SECTION.

(2) IN CONSIDERING WHETHER TO ADOPT REGULATIONS UNDER THIS SECTION, A LOCAL LICENSING BOARD SHALL WEIGH THE NEED TO PROMOTE THE ECONOMIC RECOVERY OF DIFFERENT CATEGORIES OF SMALL BUSINESSES IN THE WAKE OF THE COVID-19 PANDEMIC AND THE NEED TO PROTECT PUBLIC HEALTH AND WELFARE.

~~(A)~~ (B) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSE THAT AUTHORIZES THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ONLY AT A RESTAURANT, BAR, OR TAVERN.

(2) A LICENSE HOLDER UNDER THIS SUBSECTION MAY SELL ANY ALCOHOLIC BEVERAGES AUTHORIZED UNDER ITS LICENSE, INCLUDING, IF AUTHORIZED, ~~A MIXED DRINK OR COCKTAIL, IN A SEALED OR CLOSED CONTAINER~~ MIXED DRINKS OR COCKTAILS IN SEALED OR CLOSED CONTAINERS FOR OFF-PREMISES CONSUMPTION OR DELIVERY IF:

(I) THE ALCOHOLIC BEVERAGE IS PURCHASED ALONG WITH PREPARED FOOD OTHER THAN PREPACKAGED SNACKS;

(II) THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE:

1. IS AT LEAST 21 YEARS OF AGE;

2. PROVIDES VALID IDENTIFICATION AS PROOF OF AGE;
AND

3. IF THE SALE IS FOR DELIVERY, PROVIDES ANY DOCUMENTATION THAT THE LOCAL LICENSING BOARD REQUIRES;

(III) THE LICENSE HOLDER HAS REGISTERED AND RECEIVED WRITTEN AUTHORIZATION FROM THE LOCAL LIQUOR LICENSING BOARD TO SELL ALCOHOLIC BEVERAGES AUTHORIZED UNDER ITS LICENSE FOR OFF-PREMISES CONSUMPTION OR DELIVERY;

(IV) EACH ALCOHOLIC BEVERAGE SOLD FOR OFF-PREMISES CONSUMPTION OR DELIVERY IS:

1. PROVIDED IN THE MANUFACTURER'S ORIGINAL SEALED CONTAINER OR IN A CONTAINER CLOSED WITH A CAP, CORK, SEAL, OR LID WITH NO HOLES FOR STRAWS OR SIPPING; AND

2. SOLD OR DELIVERED NOT LATER THAN 11 P.M.;

~~(V) THE DELIVERY OF AN ALCOHOLIC BEVERAGE IS MADE FROM THE LICENSED PREMISES BY THE LICENSE HOLDER OR THE HOLDER'S EMPLOYEE TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE; AND~~

(V) THE DELIVERY OF AN ALCOHOLIC BEVERAGE IS MADE FROM THE LICENSED PREMISES TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE BY THE LICENSE HOLDER OR THE LICENSE HOLDER'S EMPLOYEE, WHO IS AT LEAST 21 YEARS OLD AND CERTIFIED IN AN ALCOHOL AWARENESS PROGRAM; AND

(VI) THE ALCOHOLIC BEVERAGE IS NOT DELIVERED TO:

1. ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES; OR

2. AN ADDRESS LOCATED OUTSIDE OF THE LICENSED JURISDICTION.

~~(B)~~ (C) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSE THAT AUTHORIZES THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION AT A RESTAURANT, BAR, OR TAVERN.

(2) A LICENSE HOLDER UNDER THIS SUBSECTION MAY OBTAIN A PERMIT FROM THE LOCAL LICENSING BOARD THAT AUTHORIZES THE HOLDER TO ~~SELL A MIXED DRINK OR COCKTAIL IN A SEALED OR CLOSED CONTAINER, IF~~ AUTHORIZED UNDER THE HOLDER'S LICENSE, MIXED DRINKS OR COCKTAILS IN SEALED OR CLOSED CONTAINERS FOR OFF-PREMISES CONSUMPTION OR DELIVERY IF:

(I) THE MIXED DRINK OR COCKTAIL IS PURCHASED ALONG WITH PREPARED FOOD OTHER THAN PREPACKAGED SNACKS;

(II) THE INDIVIDUAL PURCHASING THE MIXED DRINK OR COCKTAIL:

1. IS AT LEAST 21 YEARS OF AGE;

2. PROVIDES VALID IDENTIFICATION AS PROOF OF AGE;

AND

3. IF THE SALE IS FOR DELIVERY, PROVIDES ANY DOCUMENTATION THAT THE LOCAL LICENSING BOARD REQUIRES;

(III) EACH MIXED DRINK OR COCKTAIL SOLD FOR OFF-PREMISES CONSUMPTION OR DELIVERY IS:

1. PROVIDED IN THE MANUFACTURER'S ORIGINAL SEALED CONTAINER OR IN A CONTAINER CLOSED WITH A CAP, CORK, SEAL, OR LID WITH NO HOLES FOR STRAWS OR SIPPING; AND

2. SOLD OR DELIVERED NOT LATER THAN 11 P.M.;

~~(IV) THE DELIVERY OF THE MIXED DRINK OR COCKTAIL IS MADE FROM THE LICENSED PREMISES BY THE LICENSE HOLDER OR THE HOLDER'S EMPLOYEE TO THE INDIVIDUAL PURCHASING THE MIXED DRINK OR COCKTAIL; AND~~

(IV) THE DELIVERY OF AN ALCOHOLIC BEVERAGE IS MADE FROM THE LICENSED PREMISES TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE BY THE LICENSE HOLDER OR THE LICENSE HOLDER'S EMPLOYEE, WHO IS AT LEAST 21 YEARS OLD AND CERTIFIED IN AN ALCOHOL AWARENESS PROGRAM; AND

(V) THE MIXED DRINK OR COCKTAIL IS NOT DELIVERED TO:

1. ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES; OR

2. AN ADDRESS LOCATED OUTSIDE OF THE LICENSED JURISDICTION.

~~(e)~~ (d) A LOCAL LICENSING BOARD;

(1) MAY NOT CHARGE A LICENSE HOLDER AN ADDITIONAL FEE FOR SELLING OR DELIVERING ALCOHOLIC BEVERAGES IN ACCORDANCE WITH THIS SECTION; AND

(2) MAY LIMIT THE QUANTITY OF ALCOHOLIC BEVERAGES THAT MAY BE SOLD OR DELIVERED UNDER THIS SECTION TO AN INDIVIDUAL IN A SINGLE TRANSACTION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Alcohol and Tobacco Commission and the Maryland Department of Health shall jointly:

(1) conduct a study on the impact of the expansion of alcohol access under the Governor's proclamation of March 5, 2020 "Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID-19" and § 4-1107 of the Alcoholic Beverages Article, as enacted by Section 1 of this Act, for the years 2020, 2021, and 2022, including the impact on public health; and

(2) on or before December 31, 2022, report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the findings of the study.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021. It shall remain effective for a period of 2 years and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 18, 2021.