

HOUSE BILL 1059

A2

1lr2548
CF SB 731

By: **Allegany County Delegation and Garrett County Delegation**

Introduced and read first time: February 5, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Allegany and Garrett Counties – Alcoholic Beverages – Gift Basket Permits**

3 FOR the purpose of establishing, in Allegany and Garrett counties, gift basket permits;
4 authorizing the Board of License Commissioners for Allegany County to issue a gift
5 basket permit to certain persons; authorizing the Board of License Commissioners
6 for Garrett County to issue a gift basket permit to certain persons; prohibiting each
7 of the Boards from issuing the permit for certain uses; providing that the permit
8 authorizes a permit holder to sell and deliver gift baskets containing beer, wine, or
9 liquor to certain individuals under certain circumstances; requiring a permit holder
10 to maintain certain records and submit certain reports; requiring a permit holder or
11 certain employee to deliver a certain gift basket and require the person receiving a
12 delivery of a certain gift basket to display proof of a certain age; requiring an
13 individual who delivers a certain gift basket to be at least a certain age; limiting the
14 total annual sales from alcoholic beverages to a certain percentage of the annual
15 gross sales of the permit holder; requiring the alcoholic beverages contained in a gift
16 basket to be purchased from a retail license holder; requiring each of the Boards to
17 adopt certain regulations; establishing fees in each county for the permit; and
18 generally relating to alcoholic beverages in Allegany and Garrett counties.

19 BY repealing and reenacting, without amendments,
20 Article – Alcoholic Beverages
21 Section 9–102 and 21–102
22 Annotated Code of Maryland
23 (2016 Volume and 2020 Supplement)

24 BY adding to
25 Article – Alcoholic Beverages
26 Section 9–1001.2 and 21–1001.2
27 Annotated Code of Maryland
28 (2016 Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Alcoholic Beverages

9–102.

This title applies only in Allegany County.

9–1001.2.

(A) THERE IS A GIFT BASKET PERMIT.

(B) (1) THE BOARD MAY ISSUE THE PERMIT TO A PERSON:

(I) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF:

1. FLOWERS; OR

2. GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS;

AND

**(II) WHO DOES NOT HOLD ANY OTHER ALCOHOLIC BEVERAGES
LICENSE OR PERMIT UNDER THIS ARTICLE.**

**(2) THE BOARD MAY NOT ISSUE THE PERMIT FOR USE IN
CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR
DISCOUNT HOUSE.**

(C) A HOLDER OF THE PERMIT:

**(1) MAY SELL AND DELIVER, TO CONSUMERS OF A LEGAL DRINKING
AGE LOCATED IN THE COUNTY, GIFT BASKETS CONTAINING:**

(I) NOT MORE THAN 72 OUNCES OF BEER;

(II) NOT MORE THAN 2.25 LITERS OF WINE; OR

(III) NOT MORE THAN 2.25 LITERS OF LIQUOR; AND

**(2) SHALL MAINTAIN RECORDS AND SUBMIT REPORTS AS REQUIRED
BY THE BOARD.**

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT

1 **HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:**

2 **(I) DELIVER THE GIFT BASKET CONTAINING ALCOHOLIC**
3 **BEVERAGES; AND**

4 **(II) REQUIRE THE PERSON RECEIVING A DELIVERY OF A GIFT**
5 **BASKET CONTAINING ALCOHOLIC BEVERAGES TO DISPLAY PROOF THAT THE**
6 **PERSON IS AT LEAST 21 YEARS OLD.**

7 **(2) AN INDIVIDUAL WHO DELIVERS A GIFT BASKET CONTAINING**
8 **ALCOHOLIC BEVERAGES SHALL BE AT LEAST 21 YEARS OLD.**

9 **(E) THE HOLDER'S ANNUAL SALES FROM ALCOHOLIC BEVERAGES MAY NOT**
10 **EXCEED 10% OF THE HOLDER'S ANNUAL GROSS SALES.**

11 **(F) THE ALCOHOLIC BEVERAGES CONTAINED IN A GIFT BASKET SHALL BE**
12 **PURCHASED FROM A RETAIL LICENSE HOLDER.**

13 **(G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

14 **(H) THE FEE FOR A GIFT BASKET PERMIT IS \$100.**

15 21-102.

16 This title applies only in Garrett County.

17 **21-1001.2.**

18 **(A) THERE IS A GIFT BASKET PERMIT.**

19 **(B) (1) THE BOARD MAY ISSUE THE PERMIT TO A PERSON:**

20 **(I) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF:**

21 **1. FLOWERS; OR**

22 **2. GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS;**

23 **AND**

24 **(II) WHO DOES NOT HOLD ANY OTHER ALCOHOLIC BEVERAGES**
25 **LICENSE OR PERMIT UNDER THIS ARTICLE.**

26 **(2) THE BOARD MAY NOT ISSUE THE PERMIT FOR USE IN**
27 **CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR**

1 DISCOUNT HOUSE.

2 (C) A HOLDER OF THE PERMIT:

3 (1) MAY SELL AND DELIVER, TO CONSUMERS OF A LEGAL DRINKING
4 AGE LOCATED IN THE COUNTY, GIFT BASKETS CONTAINING:

5 (I) NOT MORE THAN 72 OUNCES OF BEER;

6 (II) NOT MORE THAN 2.25 LITERS OF WINE; OR

7 (III) NOT MORE THAN 2.25 LITERS OF LIQUOR; AND

8 (2) SHALL MAINTAIN RECORDS AND SUBMIT REPORTS AS REQUIRED
9 BY THE BOARD.

10 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT
11 HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:

12 (I) DELIVER THE GIFT BASKET CONTAINING ALCOHOLIC
13 BEVERAGES; AND

14 (II) REQUIRE THE PERSON RECEIVING A DELIVERY OF A GIFT
15 BASKET CONTAINING ALCOHOLIC BEVERAGES TO DISPLAY PROOF THAT THE
16 PERSON IS AT LEAST 21 YEARS OLD.

17 (2) AN INDIVIDUAL WHO DELIVERS A GIFT BASKET CONTAINING
18 ALCOHOLIC BEVERAGES SHALL BE AT LEAST 21 YEARS OLD.

19 (E) THE HOLDER'S ANNUAL SALES FROM ALCOHOLIC BEVERAGES MAY NOT
20 EXCEED 10% OF THE HOLDER'S ANNUAL GROSS SALES.

21 (F) THE ALCOHOLIC BEVERAGES CONTAINED IN A GIFT BASKET SHALL BE
22 PURCHASED FROM A RETAIL LICENSE HOLDER.

23 (G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

24 (H) (1) THE FEE FOR A GIFT BASKET PERMIT IS \$100.

25 (2) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW
26 PERMIT IN AN AMOUNT EQUAL TO THE ANNUAL PERMIT FEE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2021.