

HOUSE BILL 12

A1

(PRE-FILED)

1lr1298
CF SB 205

By: **Delegates C. Watson, C. Jackson, and Kerr**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2021

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Sale or Delivery for Off-Premises Consumption**

3 FOR the purpose of altering the scope of a certain provision prohibiting the retail delivery
4 to a purchaser of alcoholic beverages under certain circumstances; authorizing the
5 holders of certain licenses that authorize the sale of alcoholic beverages at a
6 restaurant, bar, or tavern to sell certain alcoholic beverages for off-premises
7 consumption or delivery under certain circumstances; prohibiting a local licensing
8 board from charging a certain license holder an additional fee under certain
9 circumstances; authorizing a local licensing board to limit the quantity of alcoholic
10 beverages sold or delivered to an individual in a single transaction; providing for the
11 termination of this Act; and generally relating to the sale of alcoholic beverages at
12 restaurants, bars, and taverns.

13 BY repealing and reenacting, with amendments,
14 Article – Alcoholic Beverages
15 Section 4–507
16 Annotated Code of Maryland
17 (2016 Volume and 2020 Supplement)

18 BY adding to
19 Article – Alcoholic Beverages
20 Section 4–1107
21 Annotated Code of Maryland
22 (2016 Volume and 2020 Supplement)

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.



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 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;

1 2. PROVIDES VALID IDENTIFICATION AS PROOF OF AGE;
2 AND

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

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

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

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

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

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

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

23 (VI) THE ALCOHOLIC BEVERAGE IS NOT DELIVERED TO:

24 1. ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC
25 BEVERAGES; OR

26 2. AN ADDRESS LOCATED OUTSIDE OF THE LICENSED
27 JURISDICTION.

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

31 (2) A LICENSE HOLDER UNDER THIS SUBSECTION MAY OBTAIN A
32 PERMIT FROM THE LOCAL LICENSING BOARD THAT AUTHORIZES THE HOLDER TO

1 ~~SELL A MIXED DRINK OR COCKTAIL IN A SEALED OR CLOSED CONTAINER, IF~~
2 AUTHORIZED UNDER THE HOLDER'S LICENSE, MIXED DRINKS OR COCKTAILS IN
3 SEALED OR CLOSED CONTAINERS FOR OFF-PREMISES CONSUMPTION OR DELIVERY
4 IF:

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

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

9 1. IS AT LEAST 21 YEARS OF AGE;

10 2. PROVIDES VALID IDENTIFICATION AS PROOF OF AGE;

11 AND

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

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

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

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

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

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

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

29 1. ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC
30 BEVERAGES; OR

2. AN ADDRESS LOCATED OUTSIDE OF THE LICENSED JURISDICTION.

(c) 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 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:

Governor.

Speaker of the House of Delegates.

President of the Senate.