

Chapter 541

(House Bill 1059)

AN ACT concerning

Allegany and Garrett Counties – Alcoholic Beverages – Gift Basket Permits

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

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 9–102 and 21–102

Annotated Code of Maryland

(2016 Volume and 2020 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 9–1001.2 and 21–1001.2

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

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 HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:

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

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

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

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

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

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

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

21-102.

This title applies only in Garrett County.

21-1001.2.

(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 HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:

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

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

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

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.