

SENATE BILL 833

A1

4lr1970
CF HB 637

By: **Senator Klausmeier**

Introduced and read first time: February 2, 2024

Assigned to: Finance

A BILL ENTITLED

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; providing that
5 certain authorization for the holders of certain licenses to sell alcoholic beverages for
6 off-premises consumption in a certain manner applies only in a jurisdiction in which
7 the local licensing board has adopted certain regulations; authorizing the holders of
8 certain licenses that authorize the sale of alcoholic beverages at a restaurant, bar, or
9 tavern to sell certain alcoholic beverages for off-premises consumption or delivery
10 under certain circumstances; prohibiting a local licensing board from charging a
11 certain license holder an additional fee under certain circumstances; authorizing a
12 local licensing board to limit the quantity of alcoholic beverages sold or delivered to
13 an individual in a single transaction; and generally relating to the sale of alcoholic
14 beverages at restaurants, bars, and taverns.

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages and Cannabis
17 Section 4–507
18 Annotated Code of Maryland
19 (2016 Volume and 2023 Supplement)

20 BY adding to
21 Article – Alcoholic Beverages and Cannabis
22 Section 4–1107
23 Annotated Code of Maryland
24 (2016 Volume and 2023 Supplement)

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

27 **Article – Alcoholic Beverages and Cannabis**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4–507.

2 (a) This section does not apply to:

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

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

7 **(3) THE DELIVERY OF ALCOHOLIC BEVERAGES IN ACCORDANCE WITH**
8 **§ 4–1107 OF THIS TITLE.**

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

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

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

14 **4–1107.**

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

19 **(2) IN CONSIDERING WHETHER TO ADOPT REGULATIONS UNDER THIS**
20 **SECTION, A LOCAL LICENSING BOARD SHALL CONSIDER THE PUBLIC HEALTH**
21 **IMPACTS OF THE SALE OR DELIVERY OF ALCOHOLIC BEVERAGES FOR**
22 **OFF–PREMISES CONSUMPTION.**

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

26 **(2) A LICENSE HOLDER UNDER THIS SUBSECTION MAY SELL ANY**
27 **ALCOHOLIC BEVERAGES AUTHORIZED UNDER ITS LICENSE, INCLUDING, IF**
28 **AUTHORIZED, MIXED DRINKS OR COCKTAILS IN SEALED OR CLOSED CONTAINERS**
29 **FOR OFF–PREMISES CONSUMPTION OR DELIVERY IF:**

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

(II) THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE:

1. IS AT LEAST 21 YEARS OLD;

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 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.

(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, 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 OLD;

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 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.

(D) A LOCAL LICENSING BOARD:

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2024.