

SENATE BILL 731

A2

1lr2549
CF HB 1059

By: **Senator Edwards**

Introduced and read first time: February 5, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 26, 2021

CHAPTER _____

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)

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.



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
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(2) AN INDIVIDUAL WHO DELIVERS A GIFT BASKET CONTAINING
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(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.

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.