

SENATE BILL 275

A1

7lr0348

By: **Senator Reilly**

Introduced and read first time: January 20, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Wine Village Permit**

3 FOR the purpose of establishing a wine village permit; authorizing the Comptroller to issue
4 the permit to a holder of a Class 4 limited winery license for use at a location in an
5 area that a governing body of a county or municipality designates within its territory;
6 requiring the governing body to give a certain notice to the Comptroller of the
7 boundaries of the wine village; providing for the issuance of a certain number of
8 permits by the Comptroller; providing for a permit application; requiring the holder
9 of a permit to comply with certain laws and regulations; authorizing the governing
10 body to exempt the holder from certain requirements; authorizing the holder to sell
11 wine and pomace brandy in a certain amount and to sell or serve certain foods;
12 specifying that a caterer is not limited to selling or serving certain foods; specifying
13 the hours during which certain activities may be conducted; requiring a holder to file
14 a certain notice with the Comptroller at least a certain number of days before holding
15 a certain planned promotional event; prohibiting the holder from selling or allowing
16 to be consumed certain alcoholic beverages; prohibiting the holder from fermenting
17 and bottling or distilling and bottling certain alcoholic beverages; requiring the
18 holder to have at least one agent present who is certified by an approved alcoholic
19 awareness program; providing for a certain fee; and generally relating to wine village
20 permits.

21 BY adding to
22 Article – Alcoholic Beverages
23 Section 2–134.1
24 Annotated Code of Maryland
25 (2016 Volume and 2016 Supplement)

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

28 **Article – Alcoholic Beverages**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **2-134.1.**

2 **(A) THERE IS A WINE VILLAGE PERMIT.**

3 **(B) (1) THE COMPTROLLER MAY ISSUE THE PERMIT TO A HOLDER OF A**
4 **CLASS 4 LIMITED WINERY LICENSE FOR USE AT A LOCATION IN AN AREA THAT A**
5 **GOVERNING BODY OF A COUNTY OR MUNICIPALITY DESIGNATES WITHIN ITS**
6 **TERRITORY AS A WINE VILLAGE.**

7 **(2) WITHIN 30 DAYS AFTER DESIGNATING A WINE VILLAGE, THE**
8 **GOVERNING BODY SHALL NOTIFY THE COMPTROLLER OF THE BOUNDARIES OF THE**
9 **WINE VILLAGE AND THE EFFECTIVE DATE OF THE DESIGNATION.**

10 **(3) (I) THE COMPTROLLER:**

11 **1. SHALL ISSUE A SEPARATE PERMIT FOR EACH**
12 **LOCATION; AND**

13 **2. MAY ISSUE AN UNLIMITED NUMBER OF PERMITS TO A**
14 **SINGLE HOLDER OF A CLASS 4 LIMITED WINE LICENSE.**

15 **(II) AN APPLICANT FOR A PERMIT SHALL COMPLETE AND**
16 **SUBMIT TO THE COMPTROLLER AN APPLICATION FORM THAT THE COMPTROLLER**
17 **PROVIDES.**

18 **(C) THE HOLDER OF THE PERMIT:**

19 **(1) SHALL COMPLY WITH ALL APPLICABLE ZONING LAWS AND OTHER**
20 **LAND USE REGULATIONS OF THE COUNTY OR MUNICIPALITY WHERE THE WINE**
21 **VILLAGE IS LOCATED; BUT**

22 **(2) AT THE DISCRETION OF THE GOVERNING BODY, MAY BE EXEMPT**
23 **FROM QUOTAS, DISTANCE RESTRICTIONS, OR SIMILAR CONDITIONS IMPOSED**
24 **UNDER THIS ARTICLE.**

25 **(D) THE HOLDER OF THE PERMIT MAY:**

26 **(1) SELL WINE AND POMACE BRANDY PRODUCED BY THE HOLDER OF**
27 **THE PERMIT FOR CONSUMPTION;**

**(2) IN AN AMOUNT NOT EXCEEDING 2 FLUID OUNCES PER OFFERING,
PROVIDE SAMPLES OF WINE AND POMACE BRANDY THAT THE HOLDER OF THE
PERMIT PRODUCES TO A CONSUMER:**

(I) AT NO CHARGE; OR

(II) FOR A FEE; AND

**(3) SUBJECT TO SUBSECTION (E) OF THIS SECTION, SELL OR SERVE
ONLY:**

(I) BREAD AND OTHER BAKED GOODS;

(II) CHILI;

(III) CHOCOLATE;

(IV) CRACKERS;

(V) CURED MEAT;

(VI) FRUITS (WHOLE AND CUT);

(VII) HARD AND SOFT CHEESE (WHOLE AND CUT);

(VIII) SALADS AND VEGETABLES (WHOLE AND CUT);

(IX) THE FOLLOWING ITEMS MADE WITH MARYLAND WINE:

1. ICE CREAM;

2. JAM;

3. JELLY; AND

4. VINEGAR;

(X) PIZZA;

**(XI) PREPACKAGED SANDWICHES AND OTHER PREPACKAGED
FOODS READY TO BE EATEN;**

(XII) SOUP; AND

(XIII) CONDIMENTS.

(E) (1) A CATERER IS NOT LIMITED TO SELLING OR SERVING ONLY THE FOODS SPECIFIED IN SUBSECTION (D)(3) OF THIS SECTION.

(2) THE HOLDER OF THE PERMIT OR AN ENTITY IN WHICH THE HOLDER HAS A PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.

(F) SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE HOLDER OF THE PERMIT MAY CONDUCT THE ACTIVITIES SPECIFIED IN SUBSECTION (D) OF THIS SECTION:

(1) FOR OFF-PREMISES CONSUMPTION OF WINE AND POMACE BRANDY AND FOR SAMPLING, FROM 10 A.M. TO 10 P.M. EACH DAY; AND

(2) FOR ON-PREMISES CONSUMPTION OF WINE AND POMACE BRANDY AND SALES AND SERVICE OF FOOD ON THE LICENSED PREMISES:

(I) FROM 10 A.M. TO 6 P.M. EACH DAY; OR

(II) IF GUESTS ARE ATTENDING A PLANNED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY ON THE PREMISES, FROM 10 A.M. TO 10 P.M. EACH DAY.

(G) THE PERMIT ALLOWS THE HOLDER TO OPERATE 7 DAYS A WEEK.

(H) AT LEAST 14 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL EVENT AFTER 6 P.M., THE HOLDER OF THE PERMIT SHALL FILE A NOTICE OF THE PROMOTIONAL EVENT WITH THE COMPTROLLER ON THE FORM THAT THE COMPTROLLER PROVIDES.

(I) THE HOLDER OF THE PERMIT MAY NOT SELL OR ALLOW TO BE CONSUMED AT THE LOCATION FOR WHICH THE PERMIT IS ISSUED ANY ALCOHOLIC BEVERAGE OTHER THAN THE WINE OR POMACE BRANDY PRODUCED BY THE HOLDER OF THE PERMIT AT THE PREMISES FOR WHICH THE CLASS 4 LIMITED WINERY LICENSE IS ISSUED.

(J) THE HOLDER OF THE PERMIT MAY NOT FERMENT OR BOTTLE WINE OR DISTILL AND BOTTLE POMACE BRANDY AT THE LOCATION FOR WHICH THE PERMIT IS ISSUED.

1 **(K) WHEN WINE IS SOLD OR PROVIDED AT THE LOCATION COVERED BY THE**
2 **PERMIT, THE HOLDER OF THE PERMIT SHALL HAVE AT LEAST ONE AGENT PRESENT**
3 **WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.**

4 **(L) THE ANNUAL PERMIT FEE IS \$250.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2017.