

SENATE BILL 448

A1

3lr2546
CF HB 595

By: **Senators Gile and Hester**

Introduced and read first time: February 2, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2023

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Manufacturer’s Licenses and Off-Site Permits**

3 FOR the purpose of extending the termination date for certain provisions of law relating to
4 the authorization of holders of certain manufacturer’s licenses to sell and deliver and
5 to directly ship their own alcoholic beverages products to certain individuals under
6 certain circumstances; establishing the maximum amount of beer and liquor that
7 holders of certain manufacturer’s licenses may directly ship to consumers in a
8 calendar year; delaying a certain effective date for the authorization of certain
9 manufacturer off-site permits; and generally relating to alcoholic beverages,
10 manufacturer’s licenses, and off-site permits.

11 BY repealing and reenacting, with amendments,
12 Chapter 359 of the Acts of the General Assembly of 2021, as amended by Chapters
13 477 and 478 of the Acts of the General Assembly of 2022
14 Section 4

15 BY repealing and reenacting, with amendments,
16 Chapter 360 of the Acts of the General Assembly of 2021, as amended by Chapters
17 477 and 478 of the Acts of the General Assembly of 2022
18 Section 4

19 BY repealing and reenacting, without amendments,
20 Article – Alcoholic Beverages
21 Section 2–130(c)
22 Annotated Code of Maryland

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.



(2016 Volume and 2022 Supplement)

(As enacted by Chapters 477 and 478 of the Acts of the General Assembly of 2022)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 2–219

Annotated Code of Maryland

(2016 Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Chapter 477 of the Acts of the General Assembly of 2022

Section 3

BY repealing and reenacting, with amendments,

Chapter 478 of the Acts of the General Assembly of 2022

Section 3

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Chapter 359 of the Acts of 2021, as amended by Chapters 477 and 478 of the Acts of 2022

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. Section 3 of this Act shall remain effective through June 30, [2023] **2025**, and, at the end of June 30, [2023] **2025**, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Chapter 360 of the Acts of 2021, as amended by Chapters 477 and 478 of the Acts of 2022

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. Section 3 of this Act shall remain effective through June 30, [2023] **2025**, and, at the end of June 30, [2023] **2025**, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Article – Alcoholic Beverages

2–130.

(c) (1) During an event listed in subsection (e) of this section, the permit holder may:

(i) provide samples and sell products to a consumer that are manufactured by the permit holder under the permit holder's license;

(ii) provide to a consumer a sample that may not exceed:

1. 1 fluid ounce for each offering of wine;
2. 1 fluid ounce for each offering of beer; or
3. 0.25 fluid ounce for each offering of liquor;

(iii) sell to a consumer for on-premises consumption; and

(iv) subject to paragraph (2) of this subsection, sell to a consumer for off-premises consumption.

(2) The holder of a Class 5 brewery license, a Class 7 micro-brewery license, or a Class 8 farm brewery license may sell to each consumer at an approved off-site permitted event under the permit up to 288 ounces of beer for off-premises consumption.

2-219.

(a) This section does not apply to the holder of a:

- (1) Class 2 rectifying license;
- (2) Class 3 winery license; or
- (3) Class 6 pub-brewery license.

(b) [A] SUBJECT TO SUBSECTION (D) OF THIS SECTION, A holder of a manufacturer's license may sell and deliver a product produced under the holder's license to an individual located in the State if:

(1) the delivery is made by an employee who is:

- (i) at least 18 years old; and
- (ii) certified by an approved alcohol awareness program;

(2) the purchaser, or another individual at least 21 years old designated by the purchaser, is physically present to receive the alcoholic beverages at the time and place of delivery;

(3) the purchaser pays for the purchase at the time of the order; and

(4) the deliverer and the individual receiving the delivery each endorse a delivery form that the Commission approves at the time of delivery certifying that:

(i) the individual receiving the delivery claimed to be at least 21 years old and the claim was supported by documentary evidence;

(ii) the individual receiving the delivery knew that it is a criminal offense for alcoholic beverages to be given to an individual under the age of 21 years; and

(iii) the deliverer examined the recipient's identification.

(c) A holder of a manufacturer's license may directly ship alcohol to a consumer on request, if the Commission authorizes the direct shipment after determining that:

(1) the shipment can be completed safely using a common carrier in accordance with other applicable laws; and

(2) all applicable sales and excise taxes are paid.

(D) A HOLDER OF A MANUFACTURER'S LICENSE MAY NOT DIRECTLY SHIP TO A CONSUMER DURING A CALENDAR YEAR:

(1) AN AMOUNT OF LIQUOR THAT EXCEEDS THE EQUIVALENT OF 18 STANDARD SIZE 750 MILLILITER BOTTLES; OR

(2) AN AMOUNT OF BEER THAT EXCEEDS 3,456 OUNCES.

Chapter 477 of the Acts of 2022

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, [2023] **2025**.

Chapter 478 of the Acts of 2022

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, [2023] **2025**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.