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By: **Delegate V. Clagett (By Request - Maryland Winery and Grape Growers' Advisory Board) and Delegates Bartlett, Bohanan, Cane, Cluster, Donoghue, Eckardt, Edwards, Glassman, Haddaway, Hogan, Impallaria, James, Jennings, Kach, Kaiser, Krebs, Kullen, Mayer, McDonough, McIntosh, McKee, Montgomery, O'Donnell, Parrott, Rudolph, Shank, Shewell, Stocksdale, Stull, and Weldon**

Introduced and read first time: February 22, 2005

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Wine and Grape Growers Promotion Act**

3 FOR the purpose of abolishing the Maryland Winery and Grape Growers' Advisory  
 4 Board and creating the Governor's Advisory Commission on Maryland Wine and  
 5 Grape Growing; providing for the membership, chair, terms, duties, and staff of  
 6 the Governor's Advisory Commission; authorizing certain license issuing  
 7 authorities to issue Class A (off-sale) light wine licenses; exempting certain  
 8 Class A (off-sale) light wine licenses from certain quotas; authorizing the boards  
 9 of license commissioners in Baltimore City, Baltimore County, Caroline County,  
 10 Frederick County, Washington County, and Wicomico County to issue certain  
 11 licenses to allow wine tasting events to be held on an unlimited number of days,  
 12 if the wine is provided by a winery that meets certain conditions; making certain  
 13 maximum limits on wine tasting events apply to certain persons; prohibiting the  
 14 boards of license commissioners in Howard County and Prince George's County  
 15 and the Harford County Liquor Control Board from adopting certain  
 16 regulations; requiring the chairman of the Maryland Winery and Grape  
 17 Growers' Advisory Board to consult with the chair of the Governor's Advisory  
 18 Commission on what materials of the Maryland Winery and Grape Growers'  
 19 Advisory Board should be retained and where they should be stored; making  
 20 certain stylistic changes; defining a certain term; clarifying language; and  
 21 generally relating to the Governor's Advisory Commission on Maryland Wine  
 22 and Grape Growing and wine tasting events.

23 BY repealing

24 Article - Agriculture

25 Section 10-1201 through 10-1207 and the subtitle "Subtitle 12. Maryland

26 Winery and Grape Growers' Advisory Board"

27 Annotated Code of Maryland

28 (1999 Replacement Volume and 2004 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article 2B - Alcoholic Beverages  
3 Section 4-201(a), 8-403.1, 8-404.1, 8-404.2, 8-406, 8-407, 8-408.1, 8-409,  
4 8-411, 8-412, and 12-107(b)(5)  
5 Annotated Code of Maryland  
6 (2001 Replacement Volume and 2004 Supplement)

7 BY adding to  
8 Article 2B - Alcoholic Beverages  
9 Section 4-201(d)(5)  
10 Annotated Code of Maryland  
11 (2001 Replacement Volume and 2004 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article 2B - Alcoholic Beverages  
14 Section 12-107(b)(1), (2), (3), and (4)  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume and 2004 Supplement)

17 BY adding to  
18 Article - Agriculture  
19 Section 10-1201 through 10-1206 to be under the new subtitle "Subtitle 12.  
20 Advisory Committee on Maryland Wine and Grape Growers"  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2004 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That Section(s) 10-1201 through 10-1207 and the subtitle "Subtitle  
25 12. Maryland Winery and Grape Growers' Advisory Board" of Article - Agriculture of  
26 the Annotated Code of Maryland be repealed.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
28 read as follows:

29 **Article 2B - Alcoholic Beverages**

30 4-201.

31 [(a) A Class A light wine license may be issued only in:

32 (1) Baltimore County;

33 (2) Calvert County;

34 (3) Carroll County;

1 (4) Dorchester County;

2 (5) Frederick County;

3 (6) Garrett County;

4 (7) Harford County;

5 (8) Montgomery County;

6 (9) Queen Anne's County;

7 (10) St. Mary's County;

8 (11) Somerset County;

9 (12) Talbot County; and

10 (13) Washington County.] A CLASS A LIGHT WINE LICENSE MAY BE  
11 ISSUED BY ANY COUNTY LICENSE ISSUING AUTHORITY.

12 (D) (5) BALTIMORE COUNTY WINERIES APPLYING FOR A CLASS A/CLASS 4  
13 LICENSE ARE EXEMPT FROM QUOTAS ESTABLISHED BY THE BALTIMORE COUNTY  
14 BOARD OF LIQUOR LICENSE COMMISSIONERS AS TO THE NUMBER OF LICENSES IN  
15 ELECTION DISTRICTS.

16 8-403.1.

17 (a) The Baltimore City Board of License Commissioners may issue a 1-day  
18 Class BWT beer and wine (on-premises) tasting license.

19 (b) The Board may issue:

20 (1) AN UNLIMITED NUMBER OF CLASS BWT LICENSES FOR WINE  
21 TASTING EVENTS FOR WHICH WINE IS PROVIDED BY A WINERY THAT IS A SMALL  
22 DOMESTIC PRODUCER AS DEFINED IN TITLE 26, § 5041(C)(1) OF THE INTERNAL  
23 REVENUE CODE; AND

24 (2) [a] A maximum of 12 Class BWT licenses per year FOR WINE  
25 TASTING EVENTS FOR WHICH WINE IS PROVIDED BY SOMEONE OTHER THAN A  
26 WINERY SPECIFIED UNDER ITEM (1) OF THIS SUBSECTION.

27 (c) The Board may issue a Class BWT license only to a Class A beer and light  
28 wine licensee or a Class A beer, wine and liquor licensee.

29 (d) (1) The Board shall set a fee for a Class BWT license.

30 (2) The fee for a Class BWT license is in addition to the Class A license  
31 annual fee.

1 (e) A holder of a Class BWT license may permit on-premises consumption of  
2 the following alcoholic beverages for tasting or sampling purposes only:

3 (1) Light wine, served in a quantity of not more than 1 ounce from a  
4 given brand to any one person; and

5 (2) Beer, served in a quantity of not more than 3 ounces from a given  
6 brand to any one person.

7 (f) At the end of the day for which a license is valid, a holder of a Class BWT  
8 license shall dispose of unconsumed alcoholic beverages remaining in a container  
9 opened for tasting or sampling.

10 (g) A Class BWT licensee is not restricted by:

11 (1) [§ 12-107(b)] § 12-107(B)(1) of this article; or

12 (2) § 9-102 of this article.

13 (h) A Class BWT licensee may exercise the privileges under the Class BWT  
14 license only during the hours and days provided for under the respective Class A  
15 license.

16 8-404.1.

17 (a) In Baltimore County, the Board of License Commissioners may issue a  
18 1-day Class BWT beer and wine (on-premises) tasting license.

19 (b) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE:

20 (1) AN UNLIMITED NUMBER OF CLASS BWT LICENSES FOR WINE  
21 TASTING EVENTS FOR WHICH WINE IS PROVIDED BY A WINERY THAT IS A SMALL  
22 DOMESTIC PRODUCER AS DEFINED IN TITLE 26, § 5041(C)(1) OF THE INTERNAL  
23 REVENUE CODE; AND

24 (2) [The maximum number of licenses available each year is 12] A  
25 MAXIMUM OF 12 CLASS BWT LICENSES PER YEAR FOR WINE TASTING EVENTS FOR  
26 WHICH WINE IS PROVIDED BY SOMEONE OTHER THAN A WINERY SPECIFIED UNDER  
27 ITEM (1) OF THIS SUBSECTION.

28 (c) A Class BWT license may only be issued to a holder of a Class A beer and  
29 light wine license or a Class A beer, wine and liquor license.

30 (d) (1) The fee for a Class BWT license is \$10.

31 (2) The fee for a Class BWT license is in addition to the Class A annual  
32 fee.

33 (e) The Class BWT license authorizes a holder to permit the on-premises  
34 consumption of the following alcoholic beverages for tasting or sampling purposes  
35 only:

1 (1) Light wine to be served in a quantity of not more than 1 ounce from  
2 each given brand to any 1 person; and

3 (2) Beer to be served in a quantity of not more than 3 ounces to any 1  
4 person.

5 (f) At the end of the day for which the license is valid, a holder of a 1-day  
6 Class BWT license shall dispose of any unconsumed alcoholic beverage remaining in  
7 a container that was opened for tasting or sampling.

8 (g) The provisions of this section are not restricted by:

9 (1) The provisions in [§ 12-107(b)] § 12-107(B)(1) of this article; and

10 (2) The provisions of law in § 9-102 of this article which prohibit the  
11 issuance of 2 licenses for the same premises.

12 (h) The holder may exercise the privileges under the Class BWT license only  
13 during the hours and days provided for under the respective Class A license.

14 8-404.2.

15 (a) This section applies only in Caroline County.

16 (b) The Board of License Commissioners may issue a 1-day Class BWTS beer  
17 and wine (on-premises) tasting or sampling license.

18 (c) A Class BWTS license may be issued only to a holder of a current alcoholic  
19 beverages license or an organization that qualifies for a special Class C beer or Class  
20 C beer and wine license under § 7-101(b) of this article.

21 (d) The license fee is \$50.

22 (e) A Class BWTS license authorizes the holder to permit the consumption of  
23 wine or beer for tasting or sampling, if the alcoholic beverages are given to consumers  
24 at no charge.

25 (f) A person may consume wine or beer covered by a Class BWTS license in a  
26 quantity not exceeding:

27 (1) 1 ounce from a single brand of wine, and 4 ounces from all brands in  
28 a single day; and

29 (2) 3 ounces from a single brand of beer, and 8 ounces from all brands in  
30 a single day.

31 (g) All consumption of alcoholic beverages shall occur on the licensed premises  
32 of the holder of the Class BWTS license.

33 (h) The Board of License Commissioners need not publish an application for a  
34 Class BWTS license before granting the license.

1 (i) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE:

2 (1) AN UNLIMITED NUMBER OF CLASS BWTS LICENSES FOR WINE  
3 TASTING EVENTS FOR WHICH WINE IS PROVIDED BY A WINERY THAT IS A SMALL  
4 DOMESTIC PRODUCER AS DEFINED IN TITLE 26, § 5041(C)(1) OF THE INTERNAL  
5 REVENUE CODE; AND

6 (2) [A Class BWTS license may not be granted to a person more  
7 than 12 times in a calendar year] A MAXIMUM OF 12 CLASS BWTS LICENSES PER  
8 CALENDAR YEAR FOR WINE TASTING EVENTS FOR WHICH WINE IS PROVIDED BY  
9 SOMEONE OTHER THAN A WINERY SPECIFIED UNDER ITEM (1) OF THIS SUBSECTION.

10 (j) At the end of the day for which a Class BWTS license is valid, the license  
11 holder shall dispose of unconsumed alcoholic beverages remaining in a container  
12 opened for tasting or sampling.

13 8-406.

14 (a) This section applies only in Frederick County.

15 (b) A wine tasting (WT) license may only be issued to a holder of a Class A  
16 license.

17 (c) The annual license fee is \$150.

18 (d) Applications for a WT license shall be made on forms supplied by the  
19 Board of License Commissioners. Renewals of the license may be made at the time the  
20 regular license is renewed. A license may be granted without a hearing. If application  
21 for a license is denied, the applicant may request a public hearing before the Board.

22 (e) (1) A WT licensee may not serve to any person for sampling or tasting  
23 purposes more than one ounce from each brand. A maximum of six bottles may be  
24 opened at any one time.

25 (2) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE AN  
26 UNLIMITED NUMBER OF WT LICENSES FOR WINE TASTING EVENTS FOR WHICH WINE  
27 IS PROVIDED BY A WINERY THAT IS A SMALL DOMESTIC PRODUCER AS DEFINED IN  
28 TITLE 26, § 5041(C)(1) OF THE INTERNAL REVENUE CODE; AND

29 (II) A wine sampling or tasting event FOR WHICH WINE IS  
30 PROVIDED BY SOMEONE OTHER THAN A WINERY SPECIFIED UNDER SUBPARAGRAPH  
31 (I) OF THIS PARAGRAPH may not be held more than 15 days each licensing period.

32 (3) The licensee shall notify the Board in writing at least 5 days prior to  
33 each event.

34 (4) Once opened, each bottle used for the wine sampling or tasting event  
35 shall be marked that it is to be used for that purpose only.

1 (5) The contents of each bottle may not be mixed with any other bottle  
2 and all bottles shall be destroyed once they are empty.

3 (f) A WT license is for on-premises consumption only. Wine sampling or  
4 tasting may not be conducted from a drive-through window.

5 8-407.

6 (a) In Harford County, subject to the provisions of subsections (c) and (d) of  
7 this section, the Liquor Control Board may issue:

8 (1) A CWBT license to holders of a Class A1 BWL license; and

9 (2) A WBT license to holders of a Class A BW license.

10 (b) (1) The CWBT license permits the on-premises consumption of cordials,  
11 wine, beer, and liquor for tasting or sampling purposes only.

12 (2) The WBT license permits the on-premises consumption of wine and  
13 beer for tasting or sampling purposes only.

14 (c) (1) The holder of a Class A1 BWL license may apply for and the Liquor  
15 Control Board may issue a CWBT license that is effective for a maximum of:

16 (i) Any 26 days in a licensing period;

17 (ii) Any 52 days in a licensing period; or

18 (iii) 365 days in a licensing period.

19 (2) The fees for a CWBT license under this subsection are:

20 (i) For a license that is effective for any 26 days in a licensing  
21 period, \$125;

22 (ii) For a license that is effective for any 52 days in a licensing  
23 period, \$200; and

24 (iii) For a license that is effective for 365 days in a licensing period,  
25 \$400.

26 (d) (1) The holder of a Class A BW license may apply for and the Liquor  
27 Control Board may issue a WBT license that is effective for a maximum of:

28 (i) Any 26 days in a licensing period;

29 (ii) Any 52 days in a licensing period; or

30 (iii) 365 days in a licensing period.

31 (2) The fees for a WBT license under this subsection are:

- 1 (i) For a license that is effective for any 26 days in a licensing  
2 period, \$100;
- 3 (ii) For a license that is effective for any 52 days in a licensing  
4 period, \$150; and
- 5 (iii) For a license that is effective for 365 days in a licensing period,  
6 \$225.

7 (e) A licensee that is issued a CWBT or a WBT license under this section for  
8 any 26 days in a licensing period or any 52 days in a licensing period shall notify the  
9 Liquor Control Board at least 7 days prior to exercising the provisions of the tasting  
10 or sampling license, of the licensee's intent to have a tasting or sampling.

11 (f) Tasting and sampling servings per person are limited to:

- 12 (1) 1 ounce of each given brand of beer or wine;
- 13 (2) One-half ounce of each given brand of cordial; and
- 14 (3) One-half ounce of each brand of any other alcoholic beverage.

15 (g) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
16 SUBSECTION, THE Liquor Control Board may adopt regulations providing additional  
17 requirements to implement this subsection.

18 (2) THE LIQUOR CONTROL BOARD MAY NOT LIMIT THE NUMBER OF  
19 WINE TASTING EVENTS FOR WHICH WINE IS PROVIDED BY A WINERY THAT IS A  
20 SMALL DOMESTIC PRODUCER AS DEFINED IN TITLE 26, § 5041(C)(1) OF THE INTERNAL  
21 REVENUE CODE.

22 8-408.1.

23 (a) (1) In Howard County, the Board of License Commissioners may issue a  
24 wine tasting (WT) alcoholic beverages license.

25 (2) The WT license authorizes the on-premises consumption of wine,  
26 containing not more than 14% of alcohol by volume, for tasting or sampling only.

27 (3) Notwithstanding any other provision of law, the license may be  
28 issued to holders of a Class A beer, wine and liquor (BWL) license or a Class A beer  
29 and wine (BW) license.

30 (4) The licensee may not serve more than 1 ounce from each given brand  
31 to any one person and no more than 4 ounces to any one person in a single day.

32 (5) The annual license fee for the WT license shall be \$100 in addition to  
33 the fee of any other alcoholic beverages license.



1 (b) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
2 SUBSECTION, THE Howard County Board of License Commissioners may adopt rules  
3 or regulations providing additional requirements to implement this section.

4 (2) THE HOWARD COUNTY BOARD OF LICENSE COMMISSIONERS MAY  
5 NOT LIMIT THE NUMBER OF WINE TASTING EVENTS FOR WHICH WINE IS PROVIDED  
6 BY A WINERY THAT IS A SMALL DOMESTIC PRODUCER AS DEFINED IN TITLE 26, §  
7 5041(C)(1) OF THE INTERNAL REVENUE CODE.

8 8-409.

9 (a) (1) In Prince George's County, the Board of License Commissioners may  
10 approve the issuance of a wine tasting (WT) alcoholic beverages license.

11 (2) The license is issued only to holders of a beer, wine and liquor (BWL)  
12 or a beer and wine (BW) license.

13 (3) The license permits the consumption of wine, containing not more  
14 than 14 percent of alcohol by volume, for tasting or sampling purposes only.

15 (4) The licensee may not serve more than 1 ounce from each given brand  
16 to any one person.

17 (5) The annual license fee:

18 (i) For holders of a BWL license, is \$110 in addition to the cost of  
19 the BWL license; and

20 (ii) For holders of a BW license, is \$110 in addition to the cost of the  
21 BW license.

22 (b) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
23 SUBSECTION, THE Prince George's County Board of License Commissioners may  
24 adopt rules or regulations providing additional requirements to implement this  
25 section.

26 (2) THE PRINCE GEORGE'S COUNTY BOARD OF LICENSE  
27 COMMISSIONERS MAY NOT LIMIT THE NUMBER OF WINE TASTING EVENTS FOR  
28 WHICH WINE IS PROVIDED BY A WINERY THAT IS A SMALL DOMESTIC PRODUCER AS  
29 DEFINED IN TITLE 26, § 5041(C)(1) OF THE INTERNAL REVENUE CODE.

30 8-411.

31 (a) This section applies only in Washington County.

32 (b) A special wine tasting license (WTL) may be issued only to a holder of a  
33 Class A (off-sale) beer, wine and liquor license or a Class B (on-off sale) beer, wine  
34 and liquor license.

35 (c) The annual license fee is \$200, in addition to the annual license fee of a  
36 Class A (off-sale) beer, wine and liquor license.

1 (d) The Board of License Commissioners may issue a special wine tasting  
2 license (WTL) to permit on-premises consumption of wine for tasting or sampling  
3 purposes only.

4 (e) The holder of a special wine tasting license may not charge for the wine  
5 tasting or sampling.

6 (F) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE:

7 (1) AN UNLIMITED NUMBER OF CLASS WTL LICENSES FOR EVENTS FOR  
8 WHICH WINE IS PROVIDED BY A WINERY THAT IS A SMALL DOMESTIC PRODUCER AS  
9 DEFINED IN TITLE 26, § 5041(C)(1) OF THE INTERNAL REVENUE CODE; AND

10 [(f)] (2) [The license is effective for use no more than 12 days in a licensing  
11 year] A MAXIMUM OF 12 CLASS WTL LICENSES PER LICENSING YEAR FOR EVENTS  
12 FOR WHICH WINE IS PROVIDED BY SOMEONE OTHER THAN A WINERY SPECIFIED  
13 UNDER ITEM (1) OF THIS SUBSECTION.

14 (G) The [licensee] LICENSE HOLDER shall notify the Board in writing at least  
15 10 days in advance of any scheduled tasting date.

16 [(g)] (H) Servings are limited to no more than 2 ounces of any one wine to any  
17 one customer.

18 [(h)] (I) The Board may adopt regulations to implement the provisions of this  
19 section.

20 8-412.

21 (a) This section applies only in Wicomico County.

22 (b) (1) The Board of License Commissioners may issue a wine tasting (WT)  
23 license for wine tasting and sampling.

24 (2) A WT license may be issued only to a holder of a Class A beer and  
25 wine (off-sale) license.

26 (c) The annual WT license fee is \$150.

27 (d) (1) An application for a WT license shall be made on a form that the  
28 Board of License Commissioners provides.

29 (2) A renewal of the WT license may be made at the time the Class A beer  
30 and wine (off-sale) license is renewed.

31 (3) The Board of License Commissioners may grant a WT license without  
32 a hearing.

33 (4) If application for a WT license is denied, the applicant may request a  
34 public hearing before the Board of License Commissioners.

1 (e) (1) A WT license holder may not serve to any person for sampling or  
2 tasting purposes more than 1 ounce from each brand.

3 (2) A maximum of six bottles may be opened at any one time at a wine  
4 sampling or tasting event.

5 (3) The total number of days during which wine sampling or tasting  
6 events are held:

7 (I) IS NOT LIMITED IN ANY PERIOD FOR WHICH A WT LICENSE IS IN  
8 EFFECT, IF THE WINE IS PROVIDED BY A WINERY THAT IS A SMALL DOMESTIC  
9 PRODUCER AS DEFINED IN TITLE 26, § 5041(C)(1) OF THE INTERNAL REVENUE CODE;  
10 AND

11 (II) [may] MAY not exceed 15 in any period for which a WT license  
12 is in effect, IF THE WINE IS PROVIDED BY SOMEONE OTHER THAN A WINERY  
13 SPECIFIED UNDER ITEM (I) OF THIS PARAGRAPH.

14 (4) A WT license holder shall notify the Board of License Commissioners  
15 in writing at least 5 days before a wine sampling or tasting event.

16 (5) Once opened, each bottle used for a wine sampling or tasting event  
17 shall be marked that it is to be used for that purpose only.

18 (6) The contents of each bottle may not be mixed with any other bottle,  
19 and all bottles shall be destroyed once they are empty.

20 (f) (1) A WT license is for on-premises consumption only.

21 (2) Wine sampling or tasting may not be conducted from a drive-through  
22 window.

23 12-107.

24 (b) (1) It shall be unlawful for any person to drink on the licensed premises  
25 of any license holder any alcoholic beverages not purchased from the license holder on  
26 said premises and not permitted by this article to be consumed on the premises; and  
27 it shall be unlawful for any license holder to permit any person to drink any alcoholic  
28 beverage not purchased from the said license holder on the premises covered by the  
29 license which he holds and not permitted by this article to be consumed on the  
30 premises.

31 (2) This subsection does not apply to special or temporary licenses in  
32 Carroll County.

33 (3) This subsection does not apply to licenses issued under § 7-101(k) of  
34 this article for a dance or social event:

35 (i) Advertised as being "bring your own" (BYO); or

1 (ii) Held on the premises of the licensee by a member or by a guest  
2 of a member of the club, fire department, or other organization which is licensed.

3 (4) Paragraph (1) of this subsection does not apply in Howard County to  
4 dances, weddings, fundraisers, or other social events held in a hall that is rented from  
5 and is located on the premises of a veterans organization which is licensed under this  
6 article. However, the veterans organization may not sell or otherwise provide  
7 alcoholic beverages to the attendees of the dance, wedding, fundraiser, or other social  
8 event.

9 (5) [Notwithstanding any other provision of this article, paragraph]  
10 PARAGRAPH (1) of this subsection does not apply to a [Class 4 limited] winery which  
11 brings wine manufactured on its licensed premises onto a retail [licensed] premises  
12 [under the following conditions] THAT IS LICENSED FOR WINE TASTING, IF:

13 (i) The product is being provided for a bona fide promotional  
14 activity conducted by the limited winery, retail licensee, alcoholic beverages trade  
15 association, or nonprofit organization;

16 (ii) A representative of the limited winery, or a trade association  
17 representing Maryland wineries, is present at all times during the period of the  
18 promotional activity;

19 (iii) Any unopened or partially consumed containers of wine are  
20 removed from the retail licensed premises at the conclusion of the promotional  
21 activity;

22 (iv) The limited winery or winery trade association complies with  
23 any rules or regulations promulgated by the Comptroller pertaining to on-premise  
24 promotions and product sampling; and

25 (v) The limited winery or winery trade association has the advance  
26 written permission of the retail licensee to bring wine products on the retail licensed  
27 premises for purposes of the promotional activity.

28 **Article - Agriculture**

29 **SUBTITLE 12. GOVERNOR'S ADVISORY COMMISSION ON MARYLAND WINE AND**  
30 **GRAPE GROWING.**

31 10-1201.

32 **IN THIS SUBTITLE, "GOVERNOR'S ADVISORY COMMISSION" MEANS THE**  
33 **GOVERNOR'S ADVISORY COMMISSION ON MARYLAND WINE AND GRAPE GROWING.**

34 10-1202.

35 **THERE IS A GOVERNOR'S ADVISORY COMMISSION ON MARYLAND WINE AND**  
36 **GRAPE GROWING.**

1 10-1203.

2 (A) (1) THE GOVERNOR'S ADVISORY COMMISSION CONSISTS OF NINE  
3 MEMBERS.

4 (2) OF THE NINE MEMBERS:

5 (I) TWO SHALL BE REPRESENTATIVES OF WINERIES IN THE STATE,  
6 APPOINTED BY THE GOVERNOR;

7 (II) TWO SHALL BE REPRESENTATIVES OF GRAPE GROWERS IN THE  
8 STATE, APPOINTED BY THE GOVERNOR; AND

9 (III) THE FOLLOWING FIVE SHALL SERVE AS EX OFFICIO MEMBERS:

10 1. ONE REPRESENTATIVE OF THE DEPARTMENT OF  
11 AGRICULTURE, APPOINTED BY THE GOVERNOR;

12 2. ONE REPRESENTATIVE OF THE UNIVERSITY OF  
13 MARYLAND COLLEGE OF AGRICULTURE AND NATURAL RESOURCES, APPOINTED BY  
14 THE GOVERNOR;

15 3. ONE REPRESENTATIVE OF THE OFFICE OF THE  
16 COMPTROLLER, APPOINTED BY THE COMPTROLLER;

17 4. ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED  
18 BY THE SPEAKER OF THE HOUSE; AND

19 5. ONE MEMBER OF THE SENATE, APPOINTED BY THE  
20 PRESIDENT OF THE SENATE.

21 (B) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE GOVERNOR'S  
22 ADVISORY COMMISSION SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE  
23 MARYLAND CONSTITUTION.

24 (C) (1) THIS SUBSECTION APPLIES TO MEMBERS OF THE GOVERNOR'S  
25 ADVISORY COMMISSION WHO ARE REPRESENTATIVES OF WINERIES OR GRAPE  
26 GROWERS.

27 (2) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON OCTOBER 1.

28 (3) THE TERMS OF MEMBERS SERVING ON OCTOBER 1, 2005, EXPIRE AS  
29 FOLLOWS:

30 (I) ONE MEMBER ON SEPTEMBER 30, 2006;

31 (II) TWO MEMBERS ON SEPTEMBER 30, 2007; AND

32 (III) ONE MEMBER ON SEPTEMBER 30, 2008.

1 (4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
2 SUCCESSOR IS APPOINTED AND QUALIFIES.

3 (5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
4 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
5 QUALIFIES.

6 (6) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.  
7 10-1204.

8 FROM AMONG THE MEMBERS OF THE GOVERNOR'S ADVISORY COMMISSION,  
9 THE GOVERNOR SHALL APPOINT THE CHAIR.

10 10-1205.

11 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE GOVERNOR'S  
12 ADVISORY COMMISSION IS A QUORUM.

13 (B) THE GOVERNOR'S ADVISORY COMMISSION SHALL DETERMINE THE  
14 TIMES AND PLACES OF ITS REGULAR AND SPECIAL MEETINGS.

15 (C) THE CHAIR OF THE GOVERNOR'S ADVISORY COMMISSION:

16 (1) MAY CALL A SPECIAL MEETING AT ANY TIME; AND

17 (2) SHALL CALL A SPECIAL MEETING WHEN REQUESTED BY TWO  
18 OR MORE MEMBERS OF THE GOVERNOR'S ADVISORY COMMISSION.

19 (D) A MEMBER OF THE GOVERNOR'S ADVISORY COMMISSION:

20 (1) MAY NOT RECEIVE COMPENSATION; BUT

21 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
22 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

23 (E) THE DEPARTMENT SHALL PROVIDE STAFF SERVICES AND SUPPORT  
24 FOR THE GOVERNOR'S ADVISORY COMMISSION.

25 10-1206.

26 THE GOVERNOR'S ADVISORY COMMISSION SHALL:

27 (1) ADVISE AND MAKE RECOMMENDATIONS TO THE MARYLAND WINE  
28 AND GRAPE PROMOTION COUNCIL ABOUT THE ALLOCATION OF FUNDS FROM THE  
29 MARYLAND WINE AND GRAPE PROMOTION FUND;

30 (2) PROVIDE A FORUM TO ADDRESS THE ISSUES FACING PRODUCERS IN  
31 THE WINE AND GRAPE INDUSTRIES;

1                   (3)     IDENTIFY STRATEGIES TO FACILITATE GROWTH OF MARYLAND  
2 VITICULTURE;

3                   (4)     STUDY THE POLICIES OF THE WINE AND GRAPE INDUSTRIES OF  
4 OTHER STATES AND IDENTIFY ANY POLICIES THAT SHOULD BE ADOPTED BY THE  
5 WINE AND GRAPE INDUSTRY OF THIS STATE; AND

6                   (5)     ISSUE AN ANNUAL REPORT TO THE GOVERNOR ON ITS FINDINGS  
7 AND RECOMMENDATIONS.

8     SECTION 3. AND BE IT FURTHER ENACTED, That the chairman of the  
9 Maryland Winery and Grape Growers' Advisory Board shall consult with the chair of  
10 the Governor's Advisory Commission on Maryland Wine and Grape Growing on what  
11 materials of the Maryland Winery and Grape Growers' Advisory Board should be  
12 retained and where they should be stored.

13     SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take  
14 effect October 1, 2005.