
By: **Senators Harris and Jacobs**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Limited Winery License - Brandy**

3 FOR the purpose of authorizing holders of a limited winery license to distill and bottle
4 brandy and to sell and deliver brandy to certain persons under certain
5 circumstances; authorizing the holders to serve at no charge a certain amount of
6 brandy under certain circumstances; exempting under certain circumstances
7 the drinking of brandy from a certain prohibition; making a stylistic change;
8 and generally relating to limited winery licenses and brandy.

9 BY repealing and reenacting, with amendments,
10 Article 2B - Alcoholic Beverages
11 Section 2-205(a) and 12-107(b)(5)
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2004 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article 2B - Alcoholic Beverages
16 Section 12-107(b)(1)
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2004 Supplement)

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

21 **Article 2B - Alcoholic Beverages**

22 2-205.

23 (a) A Class 4 manufacturer's license:

24 (1) Is a limited winery license;

25 (2) Authorizes the holder to establish and operate in this State a plant
26 for fermenting and bottling wine AND DISTILLING AND BOTTLING BRANDY made
27 from Maryland agriculture products at the location described in the license, unless

1 the Secretary of Agriculture determines that there is insufficient supply available of
2 Maryland agriculture products; and

3 (3) Permits the license holder to:

4 (i) Sell and deliver this wine AND BRANDY to any licensee or
5 permit holder in this State, or person outside of this State, authorized to acquire it;

6 (ii) Sell this wine AND BRANDY made at the plant to persons
7 participating in a guided tour of the facility. The purchase is limited to one quart of
8 each brand per person per year. Any person who has attained the Maryland legal
9 drinking age may purchase the wine. The licensee may operate only in one location in
10 the State;

11 (iii) Serve at no charge not more than 6 ounces of [wines] WINE
12 AND BRANDY made at the licensed facility to a person who is participating in a guided
13 tour of the facility, provided the person has attained the Maryland legal drinking age;

14 (iv) Sell by the glass wine AND BRANDY produced by the licensee to
15 persons participating in a guided tour of the facility or attending a scheduled
16 promotional event or other organized activity at the licensed premises; and

17 (v) Store on its licensed premises, in a segregated area approved by
18 the Comptroller, the product of other Class 4 limited wineries to be used at bona fide
19 Maryland Winery Association promotional activities, provided records are maintained
20 and reports filed as may be required by the Comptroller.

21 12-107.

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

29 (5) Notwithstanding any other provision of this article, paragraph (1) of
30 this subsection does not apply to a Class 4 limited winery which brings wine AND
31 BRANDY manufactured on its licensed premises onto a retail licensed premises under
32 the following conditions:

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

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

1 (iii) Any unopened or partially consumed containers of wine AND
2 BRANDY are removed from the retail licensed premises at the conclusion of the
3 promotional activity;

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

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2005.