
By: **Senators Harris and Jacobs**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2005

CHAPTER _____

1 AN ACT concerning

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

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

11 BY repealing and reenacting, with amendments,
12 Article 2B - Alcoholic Beverages
13 Section ~~2-205(a) and 12-107(b)(5)~~ 2-205 and 12-107(b)
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2004 Supplement)

16 ~~BY repealing and reenacting, without amendments,~~
17 ~~Article 2B - Alcoholic Beverages~~
18 ~~Section 12-107(b)(1)~~
19 ~~Annotated Code of Maryland~~
20 ~~(2001 Replacement Volume and 2004 Supplement)~~

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

1

Article 2B - Alcoholic Beverages

2 2-205.

3 (a) IN THIS SECTION, "POMACE BRANDY" MEANS BRANDY THAT IS DISTILLED
 4 FROM THE PULPY RESIDUE OF THE WINE PRESS, INCLUDING THE SKINS, PIPS, AND
 5 STALKS OF GRAPES.

6 (B) A Class 4 manufacturer's license:

7 (1) Is a limited winery license;

8 (2) Authorizes the holder to establish and operate in this State a plant
 9 for fermenting and bottling wine AND DISTILLING AND BOTTLING POMACE BRANDY
 10 made from Maryland agriculture products at the location described in the license,
 11 unless the Secretary of Agriculture determines that there is insufficient supply
 12 available of Maryland agriculture products; ~~and~~

13 (3) Permits the license holder to:

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

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

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

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

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

32 (4) LIMITS THE LICENSE HOLDER TO DISTILLING AND BOTTLING NOT
 33 MORE THAN 200 GALLONS OF POMACE BRANDY EACH YEAR.

34 [(b)] (C) In Frederick County the provisions regarding sales on Sundays of
 35 this section are governed by § 11-511 of this article.

1 12-107.

2 (b) (1) IN THIS SUBSECTION, "POMACE BRANDY" MEANS BRANDY THAT IS
 3 DISTILLED FROM THE PULPY RESIDUE OF THE WINE PRESS, INCLUDING THE SKINS,
 4 PIPS, AND STALKS OF GRAPES.

5 (2) It shall be unlawful for any person to drink on the licensed premises
 6 of any license holder any alcoholic beverages not purchased from the license holder on
 7 said premises and not permitted by this article to be consumed on the premises; and
 8 it shall be unlawful for any license holder to permit any person to drink any alcoholic
 9 beverage not purchased from the said license holder on the premises covered by the
 10 license which he holds and not permitted by this article to be consumed on the
 11 premises.

12 ~~[(2)]~~ (3) This subsection does not apply to special or temporary licenses
 13 in Carroll County.

14 ~~[(3)]~~ (4) This subsection does not apply to licenses issued under §
 15 7-101(k) of this article for a dance or social event:

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

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

19 ~~[(4)]~~ (5) Paragraph [(1)](2) of this subsection does not apply in Howard
 20 County to dances, weddings, fundraisers, or other social events held in a hall that is
 21 rented from and is located on the premises of a veterans organization which is
 22 licensed under this article. However, the veterans organization may not sell or
 23 otherwise provide alcoholic beverages to the attendees of the dance, wedding,
 24 fundraiser, or other social event.

25 ~~(5)~~ (6) Notwithstanding any other provision of this article, paragraph
 26 ~~(4)~~ (2) of this subsection does not apply to a Class 4 limited winery which brings wine
 27 AND POMACE BRANDY manufactured on its licensed premises onto a retail licensed
 28 premises under the following conditions:

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

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

35 (iii) Any unopened or partially consumed containers of wine AND
 36 POMACE BRANDY are removed from the retail licensed premises at the conclusion of
 37 the promotional activity;

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

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

7 ~~[(6)]~~ (7) This subsection does not apply to:

8 (i) Special licenses issued in St. Mary's County to any bona fide
9 religious, fraternal, civic, veterans, hospital, or charitable organization under §
10 7-101(r) of this article; or

11 (ii) A license issued in St. Mary's County that applies to an outdoor
12 motor sports facility that is located in Mechanicsville or Budds Creek.

13 ~~[(7)]~~ (8) This subsection does not prevent residents and their guests in a
14 continuing care retirement community in Prince George's County that holds a Class C
15 (on-sale) beer, wine and liquor license from consuming wine not purchased from the
16 continuing care retirement community, if:

17 (i) The wine is consumed with a meal in the dining room; and

18 (ii) The continuing care retirement community:

19 1. Is operated by a nonprofit organization for the continuing
20 care retirement of persons at least 60 years old;

21 2. Has been incorporated for at least 1 year;

22 3. Has obtained a certificate of registration from the State
23 Department of Aging under Article 70B, § 11 of the Code; and

24 4. Prepares and serves meals during regular operating hours
25 to residents and their guests.

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