

Chapter 168

(Senate Bill 32)

AN ACT concerning

Alcoholic Beverages – Brewery License – On–Premises Consumption

FOR the purpose of authorizing brewery licensees to sell beer to certain persons for on–premises consumption under certain circumstances; requiring a certain local licensing board to grant an on–site consumption permit to an applicant that holds certain licenses; providing that an on–site consumption permit entitles the holder to sell beer brewed at the brewery for on–premises consumption to persons that have attained the legal drinking age; providing that before a local licensing board that does not issue a Class D beer license may grant a permit, the local licensing board shall establish an equivalent license and require that the applicant obtain that license; limiting the total amount of beer that may be sold annually by a licensee under this Act; authorizing a local licensing board to charge a certain fee and require that a certain person comply with certain alcohol awareness training requirements; and generally relating to alcoholic beverages in the State.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 2–206
 Annotated Code of Maryland
 (2011 Replacement Volume and 2012 Supplement)

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

Article 2B – Alcoholic Beverages

2–206.

(a) A Class 5 manufacturer's license:

(1) Is a brewery license; and

(2) Authorizes the holder to:

(i) Establish and operate in this State a plant for brewing and bottling malt beverages at the location described in the license;

(ii) Import beer from holders of nonresident dealer's permits;
[and]

(iii) Sell and deliver beer to any wholesale licensee in this State, or person outside of this State, authorized to acquire it; AND

(IV) ~~SELL~~ SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION, SELL BEER BREWED AT THE LOCATION DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(b) (1) A licensee may:

[(1)] (I) Serve to a person of legal drinking age who participates in a guided tour of the facility or attends a scheduled promotional event or other organized activity at the licensed premises, not more than six samples of beer brewed at the licensed premises, with each sample consisting of not more than 3 ounces from a single style of beer; ~~[and]~~

[(2)] (II) Sell beer brewed at the brewery for off-premises consumption to anyone who participates in a guided tour of the brewery or attends a scheduled promotional event or other organized activity at the licensed premises, subject to the following restrictions:

[(i)] 1. The purchase is limited to 288 ounces of beer per person; ~~[and]~~

[(ii)] 2. The person has attained the legal drinking age; ~~AND~~

~~**(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, SELL BEER BREWED AT THE BREWERY FOR ON-PREMISES CONSUMPTION TO PERSONS THAT HAVE ATTAINED THE LEGAL DRINKING AGE.**~~

~~**(2) THE TOTAL AMOUNT OF BEER SOLD ANNUALLY UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION MAY NOT EXCEED 6,000 BARRELS ANNUALLY.**~~

(2) (I) A LOCAL LICENSING BOARD SHALL GRANT AN ON-SITE CONSUMPTION PERMIT TO AN APPLICANT THAT HOLDS A CLASS 5 MANUFACTURER'S LICENSE AND, SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A CLASS D BEER LICENSE.

(II) AN ON-SITE CONSUMPTION PERMIT ENTITLES THE HOLDER TO SELL BEER BREWED AT THE BREWERY FOR ON-PREMISES CONSUMPTION TO PERSONS THAT HAVE ATTAINED THE LEGAL DRINKING AGE.

(III) BEFORE A LOCAL LICENSING BOARD THAT DOES NOT ISSUE A CLASS D BEER LICENSE MAY GRANT AN ON-SITE CONSUMPTION PERMIT, THE LOCAL LICENSING BOARD SHALL:

- 1. ESTABLISH AN EQUIVALENT LICENSE; AND**
- 2. REQUIRE THAT THE APPLICANT OBTAIN THAT LICENSE.**

(IV) THE TOTAL AMOUNT OF BEER SOLD EACH YEAR FOR ON-PREMISES CONSUMPTION UNDER THIS PARAGRAPH MAY NOT EXCEED 500 BARRELS.

(V) A LOCAL LICENSING BOARD MAY:

- 1. CHARGE A FEE FOR GRANTING AN ON-SITE CONSUMPTION PERMIT; AND**
- 2. REQUIRE THAT THE HOLDER OF THE PERMIT OR AN EMPLOYEE DESIGNATED BY THE HOLDER COMPLY WITH THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 13-101 OF THIS ARTICLE.**

(c) (1) The Office of the Comptroller may issue a special brewery promotional event permit to a holder of a Class 5 manufacturer's license.

(2) The permit authorizes the holder to conduct on the premises of the brewery a promotional event at which the holder may:

- (i) Provide samples of not more than 3 fluid ounces per brand to consumers; and
- (ii) Sell beer produced by the holder to persons who participate in the event.

(3) The beer at the event shall be sold by the glass and for consumption on the premises only.

(4) A holder of a Class 5 manufacturer's license may not be issued more than 12 permits in a calendar year.

(5) A single promotional event may not exceed 3 consecutive days.

(6) The permit fee is \$25 per event.

(7) To obtain a permit, a person, at least 15 days before the event, shall file with the Office of the Comptroller an application that the Office provides.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

Approved by the Governor, May 2, 2013.