

SENATE BILL 226

A1

4lr0877

By: **Senators Pinsky and Young**

Introduced and read first time: January 16, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Brewing Company Off-Site Permit**

3 FOR the purpose of authorizing the Office of the Comptroller to issue a brewing
4 company off-site permit to certain persons that meet certain requirements;
5 requiring the Office to collect a fee for a brewing company off-site permit;
6 authorizing a brewing company off-site permit holder to provide and sell beer
7 for certain purposes under certain circumstances; requiring a brewing company
8 off-site permit holder to have a certain agent present while selling beer or
9 providing samples at a farmers' market; specifying certain events at which a
10 brewing company off-site permit may be used; specifying the term of a brewing
11 company off-site permit; requiring an applicant for a brewing company off-site
12 permit to submit a certain application form developed by the Office and pay a
13 certain fee to obtain a permit; requiring a brewing company off-site permit
14 holder to notify the Office within a certain period of time of the permit holder's
15 intention to attend an off-site event; authorizing the Office to adopt regulations
16 to require a brewing company off-site permit holder to notify a certain board of
17 license commissioners of the permit holder's intention to attend an off-site
18 event; and generally relating to brewing company off-site permits.

19 BY repealing and reenacting, with amendments,
20 Article 2B – Alcoholic Beverages
21 Section 2-101(b)(1)
22 Annotated Code of Maryland
23 (2011 Replacement Volume and 2013 Supplement)

24 BY adding to
25 Article 2B – Alcoholic Beverages
26 Section 2-105
27 Annotated Code of Maryland
28 (2011 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article 2B – Alcoholic Beverages**

4 2–101.

5 (b) (1) (i) The Office of the Comptroller shall collect a fee for the
6 issuance or renewal of the following permits:

7 1. \$50 for a solicitor’s permit, an individual storage
8 permit, a nonresident winery permit, or a commercial nonbeverage permit;

9 2. \$75 for a public storage permit, a public
10 transportation permit, or an import and export permit;

11 3. \$200 for a public storage and transportation permit, a
12 nonresident dealer’s permit, a resident dealer’s permit, or a bulk transfer permit;

13 4. \$400 for a family beer and wine facility permit;

14 5. \$200 for issuance or renewal of a direct wine shipper’s
15 permit;

16 6. \$100 for a common carrier permit;

17 7. \$100 for a winery off–site permit; [and]

18 8. \$100 for a wine festival permit; AND

19 **9. \$100 FOR A BREWING COMPANY OFF–SITE**
20 **PERMIT.**

21 (ii) The Office of the Comptroller shall issue a nonbeverage
22 permit without the payment of any fee for an eleemosynary or a fuel–alcohol
23 permittee.

24 **2–105.**

25 **(A) THERE IS A BREWING COMPANY OFF–SITE PERMIT.**

26 **(B) THE OFFICE OF THE COMPTROLLER MAY ISSUE THE PERMIT TO A**
27 **CLASS 5 BREWERY, A CLASS 7 MICRO–BREWERY, OR A CLASS 8 FARM BREWERY**
28 **THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

1 **(C) DURING AN EVENT LISTED IN SUBSECTION (E) OF THIS SECTION,**
2 **THE PERMIT HOLDER MAY:**

3 **(1) PROVIDE TO A CONSUMER A SAMPLE THAT HAS BEEN**
4 **PRODUCED BY THE PERMIT HOLDER AND THAT MAY NOT EXCEED 1 FLUID**
5 **OUNCE FOR EACH BRAND;**

6 **(2) SELL TO A CONSUMER BEER THAT HAS BEEN PRODUCED BY**
7 **THE PERMIT HOLDER FOR OFF-PREMISES CONSUMPTION; AND**

8 **(3) EXCEPT FOR FARMERS' MARKETS LISTED IN SUBSECTION (E)**
9 **OF THIS SECTION, SELL TO A CONSUMER BEER THAT IS PRODUCED BY THE**
10 **PERMIT HOLDER FOR ON- AND OFF-PREMISES CONSUMPTION.**

11 **(D) WHILE SELLING BEER OR PROVIDING SAMPLES AT A FARMERS'**
12 **MARKET AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A PERMIT HOLDER**
13 **SHALL HAVE AN AGENT PRESENT WHO IS CERTIFIED BY AN APPROVED ALCOHOL**
14 **AWARENESS PROGRAM.**

15 **(E) THE BREWING COMPANY OFF-SITE PERMIT MAY BE USED ONLY:**

16 **(1) DURING THE MONTGOMERY COUNTY AGRICULTURAL FAIR;**

17 **(2) DURING THE MARYLAND STATE AGRICULTURAL FAIR;**

18 **(3) DURING THE FREDERICK COUNTY AGRICULTURAL FAIR;**

19 **(4) ONE NIGHT EACH WEEK FROM JUNE THROUGH NOVEMBER AT**
20 **THE NORTH BEACH FRIDAY NIGHT FARMERS' MARKET;**

21 **(5) AT AN EVENT THAT HAS AS ITS MAJOR PURPOSE AN ACTIVITY:**

22 **(I) THAT IS OTHER THAN THE SALE AND PROMOTION OF**
23 **ALCOHOLIC BEVERAGES; AND**

24 **(II) FOR WHICH THE PARTICIPATION OF A BREWING**
25 **COMPANY IS A SUBORDINATE ACTIVITY;**

26 **(6) AT OTHER FARMERS' MARKETS THAT ARE LISTED ON THE**
27 **FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF**
28 **AGRICULTURE; AND**

29 **(7) AT A BEER FESTIVAL THAT:**

1 **(I) HAS AS ITS PRIMARY PURPOSE THE PROMOTION OF**
2 **MARYLAND BEER; AND**

3 **(II) IS AUTHORIZED BY THE OFFICE OF THE COMPTROLLER**
4 **UNDER § 22-103 OF THIS SUBTITLE.**

5 **(F) THE TERM OF A BREWING COMPANY OFF-SITE PERMIT IS 1 YEAR.**

6 **(G) AN APPLICANT SHALL:**

7 **(1) SUBMIT TO THE OFFICE OF THE COMPTROLLER A**
8 **COMPLETED APPLICATION ON A FORM THAT THE OFFICE OF THE**
9 **COMPTROLLER PROVIDES; AND**

10 **(2) PAY A FEE OF \$100 FOR THE BREWING COMPANY OFF-SITE**
11 **PERMIT.**

12 **(H) (1) NO LATER THAN THE 20TH DAY OF THE MONTH PRECEDING**
13 **THE OFF-SITE EVENT, THE PERMIT HOLDER SHALL NOTIFY THE OFFICE OF THE**
14 **COMPTROLLER OF THE PERMIT HOLDER'S INTENTION TO ATTEND AN OFF-SITE**
15 **EVENT.**

16 **(2) THE NOTICE SHALL BE ON A FORM THAT THE OFFICE OF THE**
17 **COMPTROLLER PROVIDES.**

18 **(I) THE COMPTROLLER MAY ADOPT REGULATIONS TO REQUIRE THE**
19 **PERMIT HOLDER TO NOTIFY THE BOARD OF LICENSE COMMISSIONERS IN THE**
20 **COUNTY WHERE THE EVENT IS BEING HELD OF THE PERMIT HOLDER'S**
21 **INTENTION TO ATTEND AN OFF-SITE EVENT.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2014.