

SENATE BILL 226

A1

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By: **Senators Pinsky and Young**

Introduced and read first time: January 16, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Alcoholic Beverages – Brewing Company Off-Site Permit

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

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 2-101(b)(1)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 2-105

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article 2B – Alcoholic Beverages

2–101.

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

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

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

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

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

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

6. \$100 for a common carrier permit;

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

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

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

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

2–105.

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

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

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

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

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

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

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

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

(1) DURING THE MONTGOMERY COUNTY AGRICULTURAL FAIR;

(2) DURING THE MARYLAND STATE AGRICULTURAL FAIR;

(3) DURING THE FREDERICK COUNTY AGRICULTURAL FAIR;

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

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

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

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

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

(7) AT A BEER FESTIVAL THAT:

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

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

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

(G) AN APPLICANT SHALL:

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

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

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

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

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

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