

SENATE BILL 937

A1

EMERGENCY BILL

5lr3121

By: **Senators Madaleno, Raskin, Kasemeyer, and Miller**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 21, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Powdered Alcoholic Beverages – Ban on Sales**

3 FOR the purpose of prohibiting a person from selling or offering to sell alcoholic beverages
4 that are sold in a powder or crystalline form for direct use or use in combination with
5 water or any other substance; providing a certain penalty; making this Act an
6 emergency measure; providing for the termination of this Act; and generally relating
7 to a prohibition on the sale of powdered alcohol.

8 BY repealing and reenacting, without amendments,

9 Article 2B – Alcoholic Beverages

10 Section 1–102(a)(1) and (2)

11 Annotated Code of Maryland

12 (2011 Replacement Volume and 2014 Supplement)

13 BY adding to

14 Article 2B – Alcoholic Beverages

15 Section 16–505.3

16 Annotated Code of Maryland

17 (2011 Replacement Volume and 2014 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article 2B – Alcoholic Beverages**

21 1–102.

22 (a) (1) In this article the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) (i) “Alcoholic beverages” means alcohol, brandy, whiskey, rum, gin,
2 cordial, beer, ale, porter, stout, wine, cider, and any other spirituous, vinous, malt or
3 fermented liquor, liquid, or compound, by whatever name called, which contains, except as
4 provided in subparagraph (ii) of this paragraph, one-half of one percent or more of alcohol
5 by volume, which is fit for beverage purposes.

6 (ii) “Alcoholic beverages” does not include a confectionery food
7 product that contains up to 5 percent of alcohol by volume and is regulated by the
8 Department of Health and Mental Hygiene under § 21–209 of the Health – General Article.

9 **16–505.3.**

10 **(A) A PERSON MAY NOT SELL OR OFFER FOR SALE ALCOHOLIC BEVERAGES**
11 **THAT ARE SOLD IN POWDER OR CRYSTALLINE FORM FOR DIRECT USE OR USE IN**
12 **COMBINATION WITH WATER OR ANY OTHER SUBSTANCE.**

13 **(B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
14 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

15 **(2) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
17 measure, is necessary for the immediate preservation of the public health or safety, has
18 been passed by a ye and nay vote supported by three-fifths of all the members elected to
19 each of the two Houses of the General Assembly, and shall take effect from the date it is
20 enacted. It shall remain effective for a period of 2 years from the date it is enacted and, at
21 the end of the 2-year period, with no further action required by the General Assembly, this
22 Act shall be abrogated and of no further force and effect.