

Article - Alcoholic Beverages

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§1–102.

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

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

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

(3) (i) “Beer” means any brewed alcoholic beverage.

(ii) “Beer” includes:

1. Beer;
2. Ale;
3. Porter;
4. Stout;
5. Hard cider; and
6. Alcoholic beverages that contain:

A. 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the beverage’s overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; or

B. More than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the beverage’s overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol.

(4) (i) “Club” means an association or corporation which is organized and operated exclusively for educational, social, fraternal, patriotic, political or athletic purposes and not for profit.

(ii) In Allegany County the Board of Alcoholic Beverages License Commissioners shall be the judges of whether such an establishment is operated in good faith within the meaning of this subsection.

(5) “Comptroller” means the Comptroller of the Treasury of the State.

(6) “Consumer” means any natural person 21 years old or older, or any corporation not otherwise interdicted by this article or any other law of this State, who buys, possesses, keeps or transports alcoholic beverages upon which the taxes provided by the tax provisions of Title 5 of the Tax – General Article have been paid, for the person’s own use and not for sale.

(7) “Court” means the circuit court of a county or any judge of a circuit court.

(8) “Family beer” means homemade beer produced for home consumption and not for sale and includes beer produced at a licensed family beer and wine facility.

(9) “Family wine” means homemade wine produced for home consumption and not for sale and includes wine produced at a licensed family beer and wine facility.

(9–1) “Hard cider” means a beverage derived primarily from apples, apple concentrate and water, pears, or pear concentrate and water, containing no other fruit product, and containing at least one–half of 1% and less than 7% of alcohol by volume.

(10) (i) “Hotel” means an establishment:

1. Which accommodates the public;
2. Which is equipped with not less than ten bedrooms and a dining room with facilities for preparing and serving regular meals; and
3. In which the average daily receipts from the hire of rooms and the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.

(ii) The board of license commissioners in any county or in Baltimore City, and the Mayor, Counselor and Aldermen of the City of Annapolis, may by regulation prescribe a different standard as to what constitutes a hotel.

(iii) The requirements of this subsection relating to average daily receipts are not applicable to any licenses issued in Cecil County.

(11) (i) “Illicit alcoholic beverages” means any alcoholic beverages which have been manufactured, bottled or rectified within this State on any premises other than a premises licensed under this article, or which have been manufactured, bottled or rectified outside of this State on any premises other than a premises licensed under the United States Internal Revenue Code or the laws of a foreign country.

(ii) Any alcoholic beverages found in any container without a regular label which truly describes its contents and which states the true name of the importer, manufacturer, bottler or rectifier are presumed to be illicit alcoholic beverages. However, the presumption does not apply to any alcoholic beverages found:

1. In drinking glasses or other similar open containers for drinking purposes;

2. In home-type decanters found in a dwelling house or in a punch bowl or other receptacle of a similar nature, if found under circumstances which indicate that the alcoholic beverages contained in the receptacles are intended for consumption on the premises by consumers and not for sale; or

3. In containers possessed by a proper retail alcoholic beverage licensee when the alcoholic beverages are premixed for lawful sale and consumption.

(12) “Import” means to transport or ship, or to order or arrange for the transportation or shipment of, alcoholic beverages into this State from any other state, district, territory or country.

(13) “Importer” means a person importing any alcoholic beverage.

(14) “In this State” or “within this State” means in or within the territorial limits of this State.

(15) (i) “License holder” or “licensee” means the holder of any license or permit, issued under the provisions of this article or of any other law of this State, and includes a county liquor control board and a county dispensary.

(ii) For the delivery and billing purposes of §§ 2–301(b) and 2–401(b) of this article, “license holder” or “licensee” also means a corporation on whose behalf an individual or individuals have obtained a license.

(16) (i) “License issuing authority” means:

1. For a State license issued under this article, the State Comptroller; and

2. For a local license issued under this article, the board of license commissioners or other local agency expressly authorized by this article to issue the license.

(ii) “License issuing authority” does not include a clerk of a circuit court.

(17) “Light wine” means any naturally fermented wine containing not in excess of 15.5 percent of alcohol by volume.

(18) (i) “Local collecting agent” means:

1. In the City of Annapolis, the city clerk;
2. In Allegany County, Baltimore County, Howard County, Prince George’s County, or Wicomico County, the director of finance;
3. In Calvert County, Dorchester County, St. Mary’s County, or Somerset County, the treasurer of the county; and
4. In each other county, the board of license commissioners or other local agency expressly authorized by this article to collect fees under this article.

(ii) “Local collecting agent” does not include a clerk of a circuit court.

(19) “Local licensing board” means a board of license commissioners of a county or the Mayor and Aldermen of the City of Annapolis.

(20) “Manufacturer” means a person operating a plant within this State for distilling, rectifying, blending, brewing, fermenting or bottling any alcoholic beverage.

(21) “Person” means a natural person, an association, a partnership, a corporation, or a state, political subdivision, or municipality, or any agency or instrumentality of the State, any political subdivision, or municipality.

(22) (i) 1. “Restaurant” means an establishment:

- A. Which accommodates the public;
- B. Which is equipped with a dining room with facilities for preparing and serving regular meals; and
- C. In which the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.

2. However the board of license commissioners in any county by regulation may prescribe a different standard as to what constitutes a restaurant.

3. Subject to subparagraph 4 of this subparagraph, for a restaurant in Baltimore City, the average daily receipts from the sale of food must be at least 40% of the total daily receipts of the establishment.

4. The Board of Liquor License Commissioners for Baltimore City may waive the food requirement specified under subparagraph 3 of this subparagraph for a restaurant owned and operated by a not-for-profit organization in the area bounded by South Ellwood Avenue on the west, Bank Street on the north, South Bouldin Street on the east, and Fleet Street on the south.

(ii) In Baltimore City, the term “food” as used in the definition of

“restaurant”, whether the definition is established by State law or by regulations adopted by the Board of License Commissioners, may not include any ingredient or garnish used with or mixed with an alcoholic beverage that is prepared and served for consumption on the licensed premises.

(iii) In Harford County a “restaurant” as used in § 5–201 and § 6–201(n)(9) of this article means a business establishment for the accommodation of the public, fully equipped with a proper and adequate dining room, tables, chairs and sufficient facilities for preparing and serving regular meals, as may be approved by the Liquor Control Board. The Board and Department of Health shall approve its sanitary facilities, running hot and cold water, equipment for the proper cleaning of dishes and kitchenware and adequate toilets. At all times there must be sufficient food on the premises for the regular serving of meals, with a proper sign or signs in front of the establishment designating “restaurant” or food and beverages sold, and not advertising any other business. In this establishment the average gross monthly receipts from the sale of foods cooked or prepared and served on the premises where the license is exercised, and other foods, commodities and items defined by the Liquor Control Board, shall exceed 50 percent of the average monthly receipts from the sale of beer and wine, except that a restaurant serving food and beverages whose gross monthly receipts from the sale of food averages \$1,500 or more may not be required to sell food and food commodities in excess of 50 percent of the average monthly receipts from the sale of beer and wine.

(iv) The requirements of this section relating to average daily receipts are not applicable to any licenses issued in Cecil County.

(23) “Retail dealer” means a person who deals in or sells any alcoholic beverage to any person other than a license holder, and includes a county dispensary.

(24) “Sparkling wine” means champagne or any artificially carbonated wine.

(25) “This article” includes provisions in the Tax – General Article derived from this article.

(26) In Baltimore City, “total daily receipts” does not include sales of novelty items, income from vending machines, or other receipts not resulting from the sale of food or beverages.

(27) (i) “Wholesaler” means:

1. A person who purchases or imports any alcoholic beverage for sale to wholesale or retail dealers only; or

2. A limited winery that sells wine to retail dealers.

(ii) “Wholesaler” includes a county liquor control board and a county wholesale dispensary.

(28) “Wine” means any fermented beverage, including light wines, and wines the alcoholic content of which has been fortified by the addition of alcohol, spirits or other ingredients.

(b) (1) In this article the following words have the meanings indicated within the specified subdivisions.

(2) In Anne Arundel County, “taxpayer” means an individual who owns real property in the individual’s own name, individually or jointly with others, and pays real property taxes to Anne Arundel County.

(3) In Prince George’s and St. Mary’s counties “taxpayer” means a resident who pays either real estate tax, income tax, or both.

(4) In Wicomico County, “bowling alley” means an establishment in which the primary business activity is to provide bowling lanes and bowling activities for the public, and which may be equipped with a dining room or snack bar area for the sale of food and beverages.

(5) In Worcester County, “taxpayer” means an individual who owns real estate in Worcester County in his own name, either individually or jointly with others, and actually pays real estate tax in Worcester County.

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