

## Article - Alcoholic Beverages

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§1–201.

(a) (1) Alcoholic beverages may not be bought, possessed, stored, imported, transported, kept or suffered to be bought, possessed, stored, imported, transported or kept in any vehicle, vessel or aircraft or on any premises or under the charge or control of any person except: (i) by a consumer, or (ii) by a licensee as provided in this article, or (iii) by a person under 21 years of age who has in the person's possession or is transporting alcoholic beverages for any lawful purpose with the knowledge and consent of the person's parent or guardian or incident to the lawful employment of the person as provided for in this article. However, this exception does not permit a person under the age of 21 to buy or consume alcoholic beverages, nor to possess, store, import, transport or keep alcoholic beverages for his own use, nor to buy, possess, store, import, transport or keep alcoholic beverages for any purpose in any county or Baltimore City where otherwise prohibited by this article or any other law of this State.

(2) A person may not sell, or suffer to be sold, or for the purpose of sale, transport, buy, possess, keep or suffer to be transported, bought, possessed or kept in any vehicle, vessel or aircraft or on any premises or under the person's charge or control any alcoholic beverages unless otherwise provided for in this article or the Tax - General Article.

(3) A person may not manufacture, blend, rectify, bottle or suffer to be manufactured, blended, rectified or bottled any alcoholic beverages except on premises licensed under this article unless otherwise provided for in this article.

(4) A person may not buy, bargain, sell, borrow, lend, manufacture, possess, transport or suffer to be bought, bargained, sold, lent, manufactured, possessed or transported any apparatus, materials, equipment, implements, devices or other personal property designed, used or intended for use directly or immediately in connection with the unlawful manufacture of alcoholic beverages. The apparatus, materials, equipment, implements, devices or other personal property shall be deemed contraband and may be confiscated and forfeited as provided in this article.

(5) Any vehicle, vessel or aircraft used with the express or implied knowledge, consent or permission of its lawful owner for the purpose of violating any of the provisions of this article relating to the unlawful manufacture of alcoholic beverages or which is used to transport, store or secrete illicit alcoholic beverages shall be deemed contraband and may be confiscated by the Comptroller or his duly authorized enforcement officers and may be forfeited as provided for in this article.

(b) (1) A license or permit is not required for the manufacture of family wine, beer, or cider exclusively for home consumption, competition, or use in a licensed national family wine exhibition and not for sale.

(2) In St. Mary's County, cider or native wines may be sold by their maker without a license.

(c) (1) A license or permit is not required in the case of:

(i) A common carrier, warehouseman or other lienholder exercising that lienholder's right to sell alcoholic beverages under a lien;

(ii) Any authorized county or Baltimore City official exercising the official's right to sell certain confiscated alcoholic beverages as provided in this section;  
or

(iii) Any sheriff, constable, receiver, auctioneer, trustee, attorney, executor or administrator selling alcoholic beverages under an order of court.

(2) Sales may only be made to a license holder, and if the purchaser is a retail dealer, the person making the sale shall pay the taxes imposed by § 5-102 of the Tax - General Article before delivery is made to the purchaser.

(d) Warehouse receipts covering alcoholic beverages on storage in public (including government controlled) warehouses in this State may be purchased or sold without a license or permit, but withdrawals or deliveries of those beverages may not be made in this State except to licensed manufacturers and wholesalers. The Comptroller may prescribe regulations covering warehouse receipt transactions.

(e) A license or permit is not required either of transport planes furnished with a cocktail lounge or of ships carrying passengers or cargo to a foreign port, in order to purchase alcoholic beverages from wholesalers or manufacturers, if satisfactory proof in writing is furnished that the beverages are for sale or use beyond the continental limits and possessions of the United States.

(f) (1) All alcoholic beverages and other contraband kept, possessed, used, sold, manufactured, stored or transported contrary to the provisions of this article are subject to confiscation and forfeiture, and when confiscated may be recovered or disposed of only as provided in this subsection.

(2) If any defendant is adjudged guilty of violating the provisions of this article any property in the defendant's possession or control seized as contraband shall be deemed immediately forfeited. Any property otherwise adjudged as contraband or otherwise in violation of the provisions of this article shall be deemed immediately forfeited. Where any property seized as contraband is unclaimed for 30 days subsequent to the date of confiscation and the property has not been destroyed as provided in this section, the property shall be deemed forfeited, except vehicles, vessels and aircraft which shall be deemed forfeited unless a claim is filed within 30 days subsequent to the date of publication provided for in paragraph (3) of this subsection.

(3) The Comptroller shall notify the registered owner where possible and shall publish notice in a newspaper of general circulation in the county, or Baltimore

City, where seized, of any vehicle, vessel or aircraft confiscated under this article. The notice shall inform interested persons of the seizure and right to file a claim protesting the confiscation of the vehicle, vessel or aircraft.

(4) Any lawful lienholder, or other person showing a legal right, title or interest in confiscated property not destroyed as provided in this section, within 30 days of confiscation or, if the confiscated property is a vehicle, vessel or aircraft, within 30 days of publication of notice, may file a claim protesting the seizure with the Comptroller. When a claim and protest is filed the circuit court for the county in which the property was confiscated shall proceed in rem to hear and determine the question of forfeiture.

(5) If the court determines any property is subject to forfeiture it shall also determine whether any lawful lienholder who has filed a timely claim and protest had knowledge of the intended unlawful use. If the court finds that knowledge then the lienholder's right, title and interest to the property shall likewise be deemed forfeited. If the court does not find that knowledge and the property is otherwise subject to forfeiture, it shall be forfeited and the Comptroller, as the Comptroller deems in the best interest of the State, may pay the outstanding indebtedness secured by the lawful lien and keep the property or deliver the property to the lienholder.

(6) Any property confiscated and forfeited under this article or the provisions of the Tax - General Article that relate to the alcoholic beverage tax shall become the property of the respective county or City of Baltimore in which they were confiscated, except that property confiscated by officers of this State shall become the property of this State. The Comptroller of the Treasury, the county commissioners or county councils of the respective counties, or the Mayor of Baltimore City, as the case may be, as they deem in the best public interest, shall retain for official use, sell, or otherwise dispose of the forfeited property. However, any lawfully manufactured alcoholic beverages forfeited to a county in which there is a liquor control board shall become the property of the liquor control board for that county and shall be sold by the county dispensaries in those counties. The proceeds from the sales shall be treated in the same way as the proceeds from ordinary sales made by the dispensaries. Illicit alcoholic beverages may not be returned or given to any person or otherwise disposed of except by destruction.

(7) An officer confiscating any unlicensed distillery or unlawful distillery materials, equipment or devices under circumstances which render it impractical or impossible to move them to a safe place of custody and storage, or confiscating any illicit alcoholic beverages, except that seized for evidence or forfeiture, shall forthwith destroy them only insofar as is necessary to render them unfit for further unlawful use and shall report the confiscation and destruction to the Alcohol and Tobacco Tax Bureau of the Comptroller of the Treasury of Maryland.

(g) A person may not remove or destroy or cause to be removed or destroyed any property which has been seized under this article or the provisions of the Tax - General Article that relate to the alcoholic beverage tax, or to prevent or attempt to

prevent the seizure of any property by pouring out, breaking, destroying, removing or otherwise disposing of them, and any fluid poured out or otherwise disposed of when any premises, place or thing is searched or about to be searched shall be held prima facie to be an alcoholic beverage and intended for sale or other use in violation of this article or the Tax - General Article.

(h) An import-export permit is not required of any importer importing into this State alcoholic beverages for storage in public warehouses for subsequent shipment outside this State and not for sale, consignment, or delivery to any person within the State, where the storage is in public bonded warehouses and is under customs bond.

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