

## Article - Alcoholic Beverages

[Previous][Next]

§12-301.

(a) (1) A retail dealer may not employ any solicitor or salesman for the purpose of soliciting, outside of the licensed place of business, orders for the sale of any alcoholic beverages within this State.

(2) The sale of alcoholic beverages may not be consummated outside of the licensed place of business.

(3) These provisions do not prohibit the receiving of orders by mail, telephone or messenger and the filling of such orders by delivery and the payment for them at the place of delivery.

(b) Retail delivery to a purchaser of any alcoholic beverages is prohibited unless:

(1) The delivery is made from the retail licensed premises by the retail license holder or employee of the retail license holder authorized to sell and distribute alcoholic beverages by the local licensing authority in the jurisdiction where the delivery is made; and

(2) The retail license holder obtains a letter of authorization from the local licensing authority to make deliveries and complies with any regulations promulgated by the local licensing authority pertaining to those deliveries.

(c) (1) This subsection applies only in Howard County.

(2) An alcoholic beverages licensee may not make a retail delivery of alcoholic beverages unless the purchaser:

(i) Is physically present on the licensed premises when the purchaser orders the alcoholic beverages; and

(ii) Makes payment for the purchase at the time of the order.

(d) (1) This subsection applies only in Montgomery County.

(2) An alcoholic beverages licensee may not make an off-site retail delivery of alcoholic beverages unless:

(i) The deliverer is at least:

1. 21 years old; or

2. 18 years old and is accompanied by a supervisor who is at least 21 years old; and

(ii) The person taking possession of the delivery provides the deliverer with written certification supported by documentary proof that the person is of legal age to purchase alcoholic beverages. Certification shall be in the form set forth in § 12-109(1) of this article.

(3) (i) Each certification executed under this subsection shall be retained by the licensee for at least 1 year.

(ii) The certifications shall be available for examination during regular business hours by an authorized representative of the Board of License Commissioners.

(4) The Board of License Commissioners shall adopt regulations to implement this subsection.

(e) (1) This subsection applies only in Garrett County.

(2) The Board of License Commissioners may issue a delivery option that entitles an alcoholic beverages licensee or an authorized employee of the licensee to make an off-site retail delivery of alcoholic beverages if:

(i) The deliverer is at least 21 years old and certified by an approved alcohol awareness program;

(ii) The deliverer and purchaser endorse a delivery form that the Board of License Commissioners approves certifying that:

1. The person who receives the delivery claims to be at least 21 years old, and the claim is supported by documentary proof;

2. The person who receives the delivery knows that it is a criminal offense for alcoholic beverages to be furnished to a person under the age of 21 years; and

3. The deliverer examined the purchaser's identification.

(3) Each delivery form endorsed under paragraph (2)(ii) of this subsection shall be submitted to the Board of License Commissioners on or before the 10th day of the following month.

(4) (i) The annual fee for a delivery option is \$150.

(ii) In addition to an annual fee, the Board of License Commissioners shall charge an issuing fee of \$150.

(5) The Board of License Commissioners shall adopt regulations to carry out this subsection.

(f) This section does not apply to:

(1) The delivery of wine from a direct wine shipper to a consumer using a common carrier in accordance with Title 7.5 of this article; or

(2) The holder of a common carrier permit in the course of delivering directly shipped wine in accordance with Title 7.5 of this article.

[Previous][Next]