

## Article - Alcoholic Beverages

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§2–205.

(a) In this section, “pomace brandy” means brandy that is distilled from the pulpy residue of the wine press, including the skins, pips, and stalks of grapes.

(b) (1) There is a Class 4 limited winery license.

(2) A Class 4 limited winery license allows the licensee to:

(i) Subject to paragraph (3) of this subsection, from available Maryland agricultural products:

1. Ferment and bottle wine; and
2. Distill and bottle pomace brandy; and

(ii) Sell and deliver the wine and pomace brandy to a wholesale licensee or permit holder in this State or a person outside of this State that is authorized to acquire the wine and pomace brandy.

(3) (i) On or before January 31 of each year, the Maryland Department of Agriculture shall determine if an insufficient supply of Maryland agricultural products exists.

(ii) If an insufficient supply is determined to exist, a licensee may use agricultural products from outside the State to manufacture wine and pomace brandy.

(4) Except as provided in § 2–301 of this title, a licensee need not obtain any other license to possess, manufacture, sell, or transport wine or pomace brandy.

(5) A licensee may:

(i) Sell wine and pomace brandy produced by the licensee for consumption;

(ii) In an amount not exceeding 2 fluid ounces per brand, provide samples of wine and pomace brandy that the licensee produces to a consumer:

1. At no charge; or
2. For a fee; and

(iii) Subject to paragraph (6) of this subsection, sell or serve only:

1. Bread and other baked goods;

2. Chili;
3. Chocolate;
4. Crackers;
5. Cured meat;
6. Fruits (whole and cut);
7. Salads and vegetables (whole and cut);
8. Hard and soft cheese (whole and cut);
9. The following items made with Maryland wine:
  - A. Ice cream;
  - B. Jelly;
  - C. Jam; and
  - D. Vinegar;
10. Pizza;
11. Prepackaged sandwiches and other prepackaged foods ready to be eaten;
12. Soup; and
13. Condiments.

(6) (i) A caterer is not limited to selling or serving only the foods specified in paragraph (5)(iii) of this subsection.

(ii) A licensee or entity in which the licensee has a pecuniary interest may not act as a caterer of food.

(7) Subject to paragraph (8) of this subsection, a licensee may conduct the activities specified in paragraph (5) of this subsection:

(i) For consumption of wine and pomace brandy off the licensed premises and for sampling, each day from 10 a.m. to 10 p.m.; and

(ii) For consumption of wine and pomace brandy on the licensed premises and sales and service of food on the licensed premises:

1. From 10 a.m. to 6 p.m. each day; or

2. If guests are attending a planned promotional event or other organized activity on the licensed premises, from 10 a.m. to 10 p.m. each day.

(8) (i) Except as provided in subparagraph (ii) of this paragraph, a Class 4 limited winery license allows the holder to operate 7 days a week.

(ii) In Garrett County, a licensee may open on Sundays to engage in the activities listed in paragraph (5) of this subsection only in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a winery.

(9) At least 14 days before holding a planned promotional event after 6 p.m., a licensee shall file a notice of the promotional event with the Comptroller on the form that the Comptroller provides.

(10) A licensee may not sell or allow to be consumed at the location of the limited winery any alcoholic beverage other than the wine or pomace brandy produced by the licensee under the authority of this section.

(11) Nothing in this subsection limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a licensee.

(c) The place listed on the Class 4 winery license shall be in compliance with § 9–103 of this article.

(d) A licensee may:

(1) Store on its licensed premises, in a segregated area approved by the Comptroller, the product of other Class 4 limited wineries to be used at bona fide Maryland Wineries Association promotional activities, provided records are maintained and reports filed as may be required by the Comptroller;

(2) Distill and bottle not more than 1,900 gallons of pomace brandy made from available Maryland agricultural products;

(3) Purchase bulk wine fermented by a manufacturer licensed under this article and blend the wine with the holder's wine and pomace brandy, if the aggregate purchase does not exceed 25% of the holder's annual wine and pomace brandy production;

(4) Purchase pomace brandy only for blending with wine;

(5) Import, export, and transport its wine and pomace brandy in accordance with this section; and

(6) Produce wine and pomace brandy at a warehouse for which the holder has been issued an individual storage permit, if:

(i) The holder does not serve or sell wine or pomace brandy at a warehouse to the public; and

(ii) The Comptroller has full access at all times to the warehouse to enforce this article.

(e) A Class 4 limited winery may be located only at the place stated on the license.

(f) If a licensee maintains the records and files the reports that the Comptroller requires, the licensee may:

(1) In the State, conduct winemaking and packaging activities at another federally bonded winery or limited winery; or

(2) Outside the State, conduct winemaking and packaging activities other than fermentation, at another federally bonded winery.

(g) Throughout the winemaking process, the licensee shall:

(1) Maintain ownership of the wine or pomace brandy; and

(2) Ensure that the wine or pomace brandy returns to the location of the limited winery.

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