

HOUSE BILL 270

A1
HB 780/17 – ECM

8lr0449

By: **Delegates Lisanti and Impallaria**

Introduced and read first time: January 19, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Brewing Company Off-Site Permits and Winery Off-Site**
3 **Permits – Harford County Farm Fair**

4 FOR the purpose of adding the Harford County Farm Fair to the list of off-site events for
5 which a holder of a brewing company off-site permit or a winery off-site permit may
6 use the permit; altering the time period within which a holder of a brewing company
7 off-site permit is required to notify the Comptroller of an intention to attend an
8 off-site event; and generally relating to brewing company off-site permits and
9 winery off-site permits.

10 BY repealing and reenacting, with amendments,
11 Article – Alcoholic Beverages
12 Section 2–130 and 2–133
13 Annotated Code of Maryland
14 (2016 Volume and 2017 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Alcoholic Beverages**

18 2–130.

19 (a) In this section, “limited permit holder” means a person who holds a brewing
20 company off-site permit and also holds a manufacturer’s license for:

21 (1) a Class 5 brewery that produces less than 3,000 barrels a year;

22 (2) a Class 7 micro-brewery that produces less than 3,000 barrels a year;

23 or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) a Class 8 farm brewery.

2 (b) There is a brewing company off-site permit.

3 (c) The Comptroller may issue the permit to:

4 (1) a Class 5 brewery;

5 (2) a Class 7 micro-brewery; or

6 (3) a Class 8 farm brewery.

7 (d) During an event listed in subsection (f) of this section, a limited permit holder
8 may:

9 (1) provide to a consumer a sample of beer that has been produced by the
10 limited permit holder and that may not exceed 1 fluid ounce for each offering;

11 (2) sell to a consumer up to 288 ounces of beer that has been produced by
12 the limited permit holder for off-premises consumption; and

13 (3) except for farmers' markets listed in subsection (f) of this section, sell
14 to a consumer up to 288 ounces of beer that is produced by the limited permit holder for
15 on- and off-premises consumption.

16 (e) While selling beer or providing samples of beer at a farmers' market as
17 provided in subsection (f) of this section, a limited permit holder shall have an agent present
18 who is certified by an approved alcohol awareness program.

19 (f) Except as otherwise authorized under subsection (g) of this section, a limited
20 permit holder may use the brewing company off-site permit only:

21 (1) at the Montgomery County Agricultural Fair;

22 (2) at the Maryland State Agricultural Fair;

23 (3) at the Frederick County Agricultural Fair;

24 (4) **AT THE HARFORD COUNTY FARM FAIR;**

25 **[(4)] (5)** one night each week from June through November at the North
26 Beach Friday Night Farmers' Market;

27 **[(5)] (6)** for up to seven events, at an event that has as its major purpose
28 an activity:

29 (i) that is other than the sale and promotion of alcoholic beverages;

1 and

2 (ii) for which the participation of a brewing company is a subordinate
3 activity; and

4 [(6)] (7) at other farmers' markets that are listed on the Farmers' Market
5 Directory of the Maryland Department of Agriculture.

6 (g) A person that holds a brewing company off-site permit may use the permit at
7 a nonprofit beer festival that:

8 (1) has as its primary purpose the promotion of Maryland beer; and

9 (2) is authorized by a local licensing board under § 2-131 of this subtitle.

10 (h) (1) [No later than the 20th day of the month preceding the off-site event]
11 **WITHIN A TIME PERIOD THAT THE COMPTROLLER DETERMINES**, the permit holder
12 shall notify the Comptroller of the permit holder's intention to attend an off-site event.

13 (2) The notice shall be on a form that the Comptroller provides.

14 (i) The permit is valid for 1 year.

15 (j) An applicant shall submit an application for the permit to the Comptroller on
16 a form that the Comptroller provides.

17 (k) The permit fee is \$100.

18 2-133.

19 (a) There is a winery off-site permit.

20 (b) The Comptroller may issue the permit to a Class 4 limited winery that meets
21 the requirements of this section.

22 (c) During an event listed in subsection (e) of this section, the permit holder may:

23 (1) provide to a consumer a sample of wine that:

24 (i) has been produced by the permit holder; and

25 (ii) does not exceed 1 fluid ounce for each offering;

26 (2) sell to a consumer wine that has been produced by the permit holder for
27 off-premises consumption; and

28 (3) except for a farmers' market listed in subsection (e) of this section, sell

1 to a consumer wine that is produced by the permit holder for on- and off-premises
2 consumption.

3 (d) While selling wine or providing samples of wine at a farmers' market as
4 provided in subsection [(e)(4)] **(E)(5)** of this section, the permit holder shall have an agent
5 present who is certified by an approved alcohol awareness program.

6 (e) The permit may be used only:

7 (1) at the Montgomery County Agricultural Fair;

8 **(2) AT THE HARFORD COUNTY FARM FAIR;**

9 **[(2)] (3)** 1 night each week from June through November at the North
10 Beach Friday Night Farmers' Market;

11 **[(3)] (4)** at an event that has as its major purpose an activity:

12 (i) that is other than the sale and promotion of alcoholic beverages;
13 and

14 (ii) for which the participation of a winery is a subordinate activity;

15 **[(4)] (5)** at a farmers' market that is listed on the Farmers' Market
16 Directory of the Maryland Department of Agriculture; and

17 **[(5)] (6)** at a wine festival that:

18 (i) has as its primary purpose the promotion of Maryland wine; and

19 (ii) is authorized by the Comptroller under § 2-134 of this subtitle.

20 (f) Each calendar year, a permit holder may participate in no more than:

21 (1) 32 events described in subsection [(e)(3)] **(E)(4)** of this section or wine
22 festivals described in § 2-134 of this subtitle statewide; and

23 (2) nine events at any single venue.

24 (g) (1) (i) The permit holder shall notify the Comptroller of the permit
25 holder's intention to attend an off-site event within a time period that the Comptroller
26 determines.

27 (ii) The notice shall be on a form that the Comptroller provides.

28 (2) The Comptroller may adopt regulations to require the permit holder to

1 notify the board of license commissioners in the county where the event is being held of the
2 permit holder's intention to attend an off-site event.

3 (h) The permit is valid for 1 year.

4 (i) A person shall submit the application for the permit to the Comptroller on a
5 form the Comptroller provides.

6 (j) The permit fee is \$100.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2018.