

# SENATE BILL 801

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CF HB 1010

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By: **Senators Hayes, Carter, Feldman, Guzzone, Hershey, Hester, Hough, Jennings, Klausmeier, Lam, McCray, Nathan-Pulliam, Reilly, Salling, Smith, Washington, West, Young, and Zucker**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Brewery Modernization Act of 2019**

3 FOR the purpose of authorizing a holder of a Class 5 brewery license, under certain  
4 circumstances, to serve samples of beer and sell beer for off-premises consumption  
5 at the location described in the license; authorizing the holder to brew and bottle  
6 malt beverages at a location listed on an individual storage permit; ~~requiring a local~~  
7 ~~licensing board to grant an on-site consumption permit to an applicant that holds a~~  
8 ~~Class 5 brewery license or a Class D beer license or its equivalent; authorizing a local~~  
9 licensing board to conditionally grant an applicant an on-site consumption permit  
10 or a Class D beer license that will become effective after the applicant meets certain  
11 requirements; specifying that a Class D beer license entitles the holder to sell beer  
12 that is fermented and brewed at a certain location; altering the amount of beer that  
13 a holder of a Class 5 brewery license may sell annually for on-premises consumption;  
14 repealing certain provisions of law that allow a holder of a Class 5 brewery license  
15 to sell a certain amount of beer under certain circumstances; ~~repealing certain~~  
16 ~~provisions of law concerning hours of sale and specifying the hours of sale for any~~  
17 ~~holder of a Class 5 brewery license with an on-site consumption permit and a Class~~  
18 ~~D license or equivalent license; specifying that certain hours of sale do not apply to~~  
19 transferees of certain licenses; authorizing a holder of a Class 7 micro-brewery  
20 license to hold an additional Class 7 micro-brewery license under certain  
21 circumstances; altering the amount of malt beverages that a holder of a Class 7  
22 micro-brewery license may brew, bottle, or contract for each calendar year;  
23 authorizing a holder of a Class 7 micro-brewery license to be granted a Class 7

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 limited beer wholesaler's license; altering the amount of beer a Class 7  
 2 micro-brewery license holder may sell at retail each calendar year; altering the  
 3 location where a holder of a Class 8 farm brewery license may store beer produced  
 4 by the license holder; authorizing a holder of a Class 8 farm brewery license to store,  
 5 brew, and bottle beer in a certain facility; authorizing a holder of a Class 8 farm  
 6 brewery license to exercise certain privileges, sponsor certain activities, and store  
 7 certain products at a certain location; altering the hours during which a holder of a  
 8 Class 8 farm brewery license may exercise the privileges of the license; altering the  
 9 amount of beer that the holder of a Class 5 manufacturer's license or a Class 7  
 10 micro-brewery license may distribute under a Class 7 limited beer wholesaler's  
 11 license; requiring, instead of authorizing, the Comptroller to include certain  
 12 information in a certain report; requiring the Comptroller to report to certain entities  
 13 certain information regarding beer production; requiring certain license holders to  
 14 report certain information to the Comptroller; requiring the Comptroller to include  
 15 certain information in a certain annual report; and generally relating to Class 5  
 16 brewery licenses, Class 7 micro-brewery licenses, ~~and~~ Class 8 farm brewery licenses,  
 17 and Class 7 limited beer wholesaler's licenses.

18 BY repealing and reenacting, with amendments,

19 Article – Alcoholic Beverages

20 Section 2-207, 2-209, ~~and~~ 2-210, 2-308(b) and (c), and 2-311(b)(3)

21 Annotated Code of Maryland

22 (2016 Volume and 2018 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article – Alcoholic Beverages

25 Section 2-208(a)

26 Annotated Code of Maryland

27 (2016 Volume and 2018 Supplement)

28 BY adding to

29 Article – Alcoholic Beverages

30 Section 2-208(i)

31 Annotated Code of Maryland

32 (2016 Volume and 2018 Supplement)

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

34 That the Laws of Maryland read as follows:

35 **Article – Alcoholic Beverages**

36 2-207.

37 (a) In this section, “affiliate” means a person that directly or indirectly through  
 38 one or more intermediaries controls, is controlled by, or is under common control with a  
 39 holder of a Class 5 brewery license.

1 (b) There is a Class 5 brewery license.

2 (c) A license holder may:

3 (1) establish and operate a plant for brewing and bottling malt beverages  
4 at the location described in the license;

5 (2) import beer from a holder of a nonresident dealer's permit;

6 (3) contract to brew and bottle beer with and on behalf of the holder of a  
7 Class 2 rectifying license, Class 5 brewery license, Class 7 micro-brewery license, Class 8  
8 farm brewery license, or a nonresident dealer's permit;

9 (4) sell and deliver beer to:

10 (i) a holder of a wholesaler's license that is authorized to acquire  
11 beer; or

12 (ii) a person outside of the State that is authorized to acquire beer;

13 (5) subject to subsection (i) of this section, serve, **AT THE LOCATION**  
14 **DESCRIBED IN THE LICENSE AND** at no charge, samples of beer, consisting of a total of  
15 not more than 18 ounces of beer per visit, to an individual who:

16 (i) has attained the legal drinking age; and

17 (ii) is participating in a guided tour of the brewery or attends a  
18 scheduled promotional event or other organized activity at the brewery;

19 (6) subject to subsections (d) and (i) of this section, sell beer for  
20 off-premises consumption **AT THE LOCATION DESCRIBED IN THE LICENSE**, at retail in  
21 a container other than a keg to an individual [participating in a guided tour of the brewery  
22 or attending a scheduled promotional event or other organized activity at the brewery; and]  
23 **WHO HAS ATTAINED LEGAL DRINKING AGE;**

24 (7) subject to subsection (f) of this section, sell beer at the location described  
25 in the license for on-premises consumption; **AND**

26 **(8) BREW AND BOTTLE MALT BEVERAGES AT A LOCATION LISTED ON**  
27 **A PERMIT ISSUED TO THE ~~LICENSED~~ LICENSE HOLDER IN ACCORDANCE WITH §**  
28 **2-113 OF THIS TITLE.**

29 (d) An individual may purchase beer under subsection (c)(6) of this section if the  
30 individual:

31 (1) purchases not more than 288 ounces of beer per visit; and

1 (2) has attained the legal drinking age.

2 (e) The annual license fee is \$1,500.

3 (f) (1) **(I)** A local licensing board ~~may~~ ~~SHALL~~ grant an on-site  
4 consumption permit to an applicant that holds a Class 5 brewery license and, subject to  
5 paragraph [(6)] **(5)** of this subsection, a Class D beer license.

6 **(II) ON REQUEST, A LOCAL LICENSING BOARD MAY GRANT AN**  
7 **APPLICANT A CONDITIONAL ON-SITE CONSUMPTION PERMIT OR A CONDITIONAL**  
8 **CLASS D BEER LICENSE.**

9 **(III) THE CONDITIONAL PERMIT OR CONDITIONAL LICENSE**  
10 **SHALL BECOME EFFECTIVE AFTER THE APPLICANT:**

11 **1. FILES A COMPLETED BREWER'S NOTICE FORM WITH**  
12 **THE U.S. DEPARTMENT OF TREASURY;**

13 **2. OBTAINS A CLASS 5 BREWERY LICENSE; AND**

14 **3. FULFILLS ANY OTHER OBLIGATION REQUIRED BY LAW**  
15 **THAT THE LOCAL LICENSING BOARD IDENTIFIES.**

16 (2) Subject to the maximum volume limit under paragraph (4) of this  
17 subsection, a Class D beer license or an equivalent license under paragraph [(6)] **(5)** of this  
18 subsection entitles the holder to sell to an individual who has attained the legal drinking  
19 age, for on-premises consumption at the brewery:

20 (i) beer:

21 1. of which the holder of the Class 5 license is the brand  
22 owner; and

23 2. that is fermented and brewed entirely [at the brewery of  
24 the license holder] **BY THE LICENSE HOLDER AT A LOCATION AUTHORIZED BY THIS**  
25 **SECTION;**

26 (ii) beer that is fermented and brewed entirely at the brewery under  
27 contract with a brand owner who does not possess a Class 5 license; and

28 (iii) subject to paragraph (3) of this subsection, beer brewed at a  
29 location other than the Class 5 brewery if:

30 1. the brand owner of the beer is the holder of the Class 5  
31 license or an affiliate of the holder of the Class 5 license;

1                                    2.     the number of barrels of the beer sold for on-premises  
2 consumption under the Class D beer license or an equivalent license or an on-site  
3 consumption permit in a calendar year does not exceed the greater of:

4                                    A.     25% of the total number of barrels of beer sold for  
5 on-premises consumption under the Class D license or an equivalent license or an on-site  
6 consumption permit in that calendar year; or

7                                    B.     1.2% of total finished production under the Class 5  
8 brewery license; and

9                                    3.     A.     the license holder contracts with or on behalf of a  
10 holder of a manufacturer's license or nonresident dealer's permit; or

11                                    B.     the beer is manufactured by an affiliate of the license  
12 holder.

13                                    (3)   (i)     This paragraph applies to a Class 5 brewery with more than  
14 1,000,000 barrels of finished production annually, alone or in combination with its  
15 affiliates.

16                                    (ii)   Beer that is delivered to the Class 5 brewery in finished form  
17 may be sold for on-premises consumption under paragraph (2)(iii)2 of this subsection only  
18 if it is purchased from a licensed wholesaler.

19                                    (4)   [Except as provided in paragraph (5) of this subsection, the] **THE** total  
20 amount of beer sold each year for on-premises consumption under this subsection may not  
21 exceed **[2,000] 5,000** barrels.

22                                    (5)   [(i)   If, in a single year, the license holder reaches 80% of the volume  
23 authorized to be sold for on-premises consumption under paragraph (4) of this subsection,  
24 the license holder may file a request with the Comptroller for permission to sell up to an  
25 additional 1,000 barrels for on-premises consumption in that year.

26                                    (ii)   The maximum volume that a license holder may sell for  
27 on-premises consumption in a single year is 3,000 barrels.

28                                    (iii)  Any beer that the license holder sells for on-premises  
29 consumption in excess of the 2,000-barrel limit under paragraph (4) of this subsection shall  
30 be purchased from a licensed wholesaler.

31                                    (6)]   Before a local licensing board that does not issue a Class D beer license  
32 may grant an on-site consumption permit, the local licensing board shall:

33                                    (i)    establish an equivalent license; and

1 (ii) require the applicant to obtain that equivalent license.

2 [(7)] (6) A local licensing board may charge a fee for granting an on-site  
3 consumption permit.

4 [(8)] (7) A local licensing board shall require the holder of an on-site  
5 consumption permit or a Class D beer license or an equivalent license under paragraph  
6 [(6)] (5) of this subsection to:

7 (i) comply with the alcohol awareness requirements under § 4-505  
8 of this article; and

9 (ii) abide by all applicable trade practice restrictions.

10 (g) (1) The Comptroller may issue a brewery promotional event permit to a  
11 holder of a Class 5 brewery license.

12 (2) Subject to subsection (i) of this section, the permit authorizes the holder  
13 to conduct on the premises of the brewery a promotional event at which the holder may,  
14 with respect to individuals who have attained the legal drinking age:

15 (i) provide samples consisting of a total of not more than 18 fluid  
16 ounces to a consumer; and

17 (ii) sell beer to individuals who participate in the event.

18 (3) Subject to subsection (i) of this section, the beer at the event shall be  
19 sold by the glass for on-premises consumption only.

20 (4) To obtain a permit, an applicant, at least 15 days before the event, shall  
21 file with the Comptroller an application that the Comptroller provides.

22 (5) A holder of a Class 5 brewery license may not be issued more than 12  
23 permits in a calendar year.

24 (6) A single promotional event may not exceed 3 consecutive days.

25 (7) The permit fee is \$25 per event.

26 (h) (1) This subsection does not apply to:

27 (i) ~~the holder of a Class 5 brewery license that held an on-site~~  
28 ~~consumption permit and a Class D license or an equivalent license on or before April 1,~~  
29 ~~2017, AND ANY TRANSFEREE OF THOSE LICENSES;~~

1 (ii) an individual who held a minority interest in an on-site  
 2 consumption permit and a Class D license or an equivalent license on or before April 1,  
 3 2017, and then obtains by transfer a majority interest in the same license or permit;

4 (iii) a location in the State for which a completed brewer's notice form  
 5 was filed with the U. S. Department of Treasury on or before April 1, 2017;

6 (iv)† a promotional event conducted under subsection (g) of this  
 7 section; and

8 ~~†(v)† (H)~~ a guided tour during which:

9 1. samples of beer are served under subsection (c)(5) of this  
 10 section; or

11 2. beer is sold for off-premises consumption under  
 12 subsection (c)(6) of this section.

13 ~~†(2)~~ This subsection applies to:

14 (i) a holder of a Class 5 brewery license who:

15 1. after April 1, 2017, obtains an on-site consumption permit  
 16 and a Class D beer license or equivalent license for on-premises consumption; or

17 2. not holding a minority interest in an on-site consumption  
 18 permit and a Class D license or an equivalent license on or before April 1, 2017, obtains a  
 19 majority interest by transfer in an on-site consumption permit and a Class D license or an  
 20 equivalent license; and

21 (ii) notwithstanding paragraph (1)(iii) of this subsection, a  
 22 manufacturer of beer with more than 1,000,000 barrels of finished production annually  
 23 alone or in combination with its affiliates.

24 (3) Notwithstanding any provision in Division II of this article, the sales  
 25 and serving privileges of an on-site consumption permit and a Class D license or an  
 26 equivalent license may be exercised only from 10 a.m. to 10 p.m. Monday through Sunday.†

27 ~~(2) A HOLDER OF A CLASS 5 BREWERY LICENSE WITH AN ON-SITE~~  
 28 ~~CONSUMPTION PERMIT AND A CLASS D LICENSE OR AN EQUIVALENT LICENSE MAY~~  
 29 ~~SERVE OR SELL BEER FOR ON-PREMISES CONSUMPTION DURING THE HOURS~~  
 30 ~~SPECIFIED IN THE LICENSE AT THE LOCATION DESCRIBED IN THE CLASS D LICENSE.~~

31 (i) All beer offered, served, or sold to a consumer under subsection (c)(5) or (6) or  
 32 (g) of this section shall be:

1 (1) fermented and brewed entirely at the Class 5 brewery; or

2 (2) beer of which the license holder or an affiliate of the license holder is  
3 the brand owner.

4 (j) (1) (i) The Comptroller may issue a refillable container permit for draft  
5 beer under § 4–1104 or Subtitle 11 of the various titles in Division II of this article to a  
6 holder of a Class 5 brewery license:

7 1. on completion of an application form that the Comptroller  
8 provides; and

9 2. at no cost to the holder of the Class 5 brewery license.

10 (ii) A refillable container permit may be renewed each year  
11 concurrently with the renewal of the Class 5 brewery license.

12 (2) The hours of sale for a refillable container permit issued under this  
13 subsection are the same as the hours when a guided tour, a promotional event, or other  
14 organized activity at the licensed premises authorized under subsection (c) of this section  
15 may be conducted.

16 (k) (1) On or before October 1 each year, the Comptroller shall report to the  
17 Senate Education, Health, and Environmental Affairs Committee and the House Economic  
18 Matters Committee, in accordance with § 2–1246 of the State Government Article, on the  
19 following, identified by jurisdiction and Class 5 license holder:

20 (i) the total beer production of the license holder in the preceding  
21 fiscal year; **AND**

22 (ii) the total sales of the license holder for on–site consumption  
23 under an on–site consumption permit, a Class D beer license, or an equivalent license in  
24 the preceding fiscal year[;

25 (iii) whether the license holder has requested permission to sell  
26 additional beer under subsection (f)(5)(i) of this section, and whether the Comptroller  
27 granted that permission, for the preceding fiscal year; and

28 (iv) the total sales of the license holder of additional beer under  
29 subsection (f)(5)(i) of this section in the preceding fiscal year].

30 (2) Each holder of a Class 5 license shall report to the Comptroller the  
31 information needed to prepare the annual report under this subsection.

32 (3) The Comptroller ~~may~~ **SHALL** include the information reported under  
33 this subsection in the annual report submitted under § 1–306 of this article.



1 2-208.

2 (a) There is a Class 6 pub-brewery license.

3 **(1) ON OR BEFORE OCTOBER 1 EACH YEAR, THE COMPTROLLER**  
4 **SHALL REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL**  
5 **AFFAIRS COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN**  
6 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE TOTAL**  
7 **BEER PRODUCTION OF EACH CLASS 6 LICENSE HOLDER IN THE PRECEDING FISCAL**  
8 **YEAR, IDENTIFIED BY JURISDICTION AND LICENSE HOLDER.**

9 **(2) EACH HOLDER OF A CLASS 6 LICENSE SHALL REPORT TO THE**  
10 **COMPTROLLER THE INFORMATION NEEDED TO PREPARE THE ANNUAL REPORT**  
11 **REQUIRED UNDER THIS SUBSECTION.**

12 **(3) THE COMPTROLLER SHALL INCLUDE THE INFORMATION**  
13 **REPORTED UNDER THIS SUBSECTION IN THE ANNUAL REPORT SUBMITTED UNDER §**  
14 **1-306 OF THIS ARTICLE.**

15 2-209.

16 (a) There is a Class 7 micro-brewery license.

17 (b) Except as provided in Division II of this article, the license may be issued only  
18 to the holder of a Class B beer, wine, and liquor (on-sale) license that is issued for use on  
19 the premises of a restaurant.

20 (c) A license holder may:

21 (1) brew and bottle malt beverages at the location described in the license;

22 (2) obtain a Class 2 rectifying license for a premises located within 1 mile  
23 of the existing Class 7 micro-brewery location to bottle malt beverages brewed at the  
24 micro-brewery location only;

25 (3) contract to brew and bottle malt beverages with and on behalf of the  
26 holder of a Class 2 rectifying license, Class 5 brewery license, Class 7 micro-brewery  
27 license, Class 8 farm brewery license, or a nonresident dealer's permit;

28 (4) store the finished product under an individual storage permit or at a  
29 licensed public storage facility for subsequent sale and delivery:

30 (i) to a holder of a wholesaler's license;

31 (ii) to an authorized person outside the State; or

1 (iii) for shipment back to the micro–brewery location for sale on the  
2 retail premises; [and]

3 (5) enter into a temporary delivery agreement with a distributor only for  
4 delivery of beer to a beer festival or a wine and beer festival, and the return of any unused  
5 beer, if:

6 (i) the festival is in a sales territory for which the license holder does  
7 not have a franchise with a distributor under the Beer Franchise Fair Dealing Act in Title  
8 5, Subtitle 1 of this article; and

9 (ii) the temporary delivery agreement is in writing;

10 **(6) HOLD AN ADDITIONAL CLASS 7 MICRO–BREWERY LICENSE**  
11 **PROVIDED THAT BOTH LICENSES REMAIN SUBJECT TO THE PRODUCTION LIMITS OF**  
12 **SUBSECTION (D) OF THIS SECTION; AND**

13 **(7) SUBJECT TO SUBSECTION (D) OF THIS SECTION, BREW AND**  
14 **BOTTLE MALT BEVERAGES AT A LOCATION LISTED ON A PERMIT ISSUED IN**  
15 **ACCORDANCE WITH § 2–113 OF THIS TITLE.**

16 (d) (1) Subject to paragraph (2) of this subsection, a license holder may not  
17 collectively brew, bottle, or contract for more than [22,500] **45,000** barrels of malt  
18 beverages each calendar year.

19 (2) ~~¶(i)¶~~ In determining the barrelage limitation under paragraph (1) of  
20 this subsection, any salable beer produced under a contractual arrangement accrues only  
21 to the license holder that owns the brand.

22 ~~¶(ii)~~ A license holder that wishes to produce more than the barrelage  
23 authorized under paragraph (1) of this subsection shall:

24 1. divest itself of any retail license; and

25 2. obtain a Class 5 brewery license.¶

26 (3) A license holder that has licenses for two locations may not collectively  
27 brew, bottle, or contract for more than [22,500] **45,000** barrels of malt beverages in  
28 aggregate from both of its locations each calendar year.

29 (e) A license holder:

30 (1) may not own, operate, or be affiliated with another manufacturer of  
31 beer except for a Class 2 rectifying license authorized under subsection (c)(2) of this section  
32 **OR MORE THAN ONE ADDITIONAL CLASS 7 MICRO–BREWERY LICENSE; and**

1           (2)     may not be granted a wholesaler's license **OTHER THAN A CLASS 7**  
2 **LIMITED BEER WHOLESALER'S LICENSE.**

3           (f)     (1)     The on-sale privilege authorizes the license holder, each calendar year,  
4 to sell at retail for on-premises consumption:

5                   (i)     up to [4,000] **5,000** barrels of beer brewed under the license; or

6                   (ii)    if the license holder has licenses for two locations, beer that:

7                           1.     totals annually up to [4,000] **5,000** barrels [in aggregate  
8 from both its locations] **AT EACH LOCATION;** and

9                           2.     has been brewed at the location where it is sold.

10           (2)     A license holder may sell and deliver beer brewed under the license to:

11                   (i)     a holder of a wholesaler's license; or

12                   (ii)    a person outside the State that is authorized to acquire beer.

13           (g)     The hours and days for retail sales under the license are those established for  
14 a Class B license or for a holder of a Class B beer, wine, and liquor license.

15           (h)     A license holder may sell at retail beer brewed under the license for  
16 off-premises consumption:

17                   (1)     in a sealed refillable container that:

18                           (i)     may be returned for refilling; and

19                           (ii)    shall be sealed by the license holder when refilled; and

20                   (2)     as prepackaged beer in a nonrefillable container.

21           (i)     The annual license fee is \$500.

22           **(J) (1) ON OR BEFORE OCTOBER 1 EACH YEAR, THE COMPTROLLER**  
23 **SHALL REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL**  
24 **AFFAIRS COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN**  
25 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE**  
26 **FOLLOWING, IDENTIFIED BY JURISDICTION AND CLASS 7 LICENSE HOLDER:**

27                   **(I) THE TOTAL BEER PRODUCTION OF THE LICENSE HOLDER IN**  
28 **THE PRECEDING FISCAL YEAR; AND**



- 4. crackers;
- 5. cured meat;
- 6. fruits (whole and cut);
- 7. hard and soft cheese (whole and cut);
- 8. salads and vegetables (whole and cut);
- 9. ice cream;
- 10. jam;
- 11. jelly;
- 12. vinegar;
- 13. pizza;
- 14. prepackaged sandwiches and other prepackaged foods ready to be eaten;
- 15. soup; and
- 16. condiments; and

(iv) subject to subsection (e)(2) of this section, sell or serve any food if the license holder is licensed to operate a food establishment under Title 21, Subtitle 3 of the Health – General Article;

(2) store [on its licensed farm], in a segregated area approved by the Comptroller, beer produced [at the licensed farm] **BY THE LICENSE HOLDER** for sale and delivery to a wholesaler licensed in the State or a person outside the State authorized to acquire the beer;

(3) brew, bottle, or contract for not more than 15,000 barrels of beer each calendar year;

(4) contract with the holder of a Class 2 rectifying license, a Class 5 brewery license, or a Class 7 micro–brewery license to brew and bottle beer from ingredients produced on the licensed farm;

(5) import, export, and transport its beer in accordance with this section;

1 (6) store, **BREW, AND BOTTLE** beer [at a warehouse for which the license  
2 holder has been issued an individual storage permit] **IN A FACILITY LISTED ON A PERMIT**  
3 **ISSUED TO THE LICENSE HOLDER IN ACCORDANCE WITH § 2-113 OF THIS TITLE**, for  
4 sale and delivery to a wholesaler licensed in the State or a person outside the State  
5 authorized to acquire the beer, or shipment back to the licensed farm, if:

6 (i) the license holder does not serve or sell beer at the warehouse;  
7 and

8 (ii) the Comptroller has full access at all times to the warehouse to  
9 enforce this article; and

10 (7) enter into a temporary delivery agreement with a distributor only for  
11 delivery of beer to a beer festival or a wine and beer festival, and the return of any unused  
12 beer, if:

13 (i) the festival is in a sales territory for which the license holder does  
14 not have a franchise with a distributor under the Beer Franchise Fair Dealing Act in Title  
15 5, Subtitle 1 of this article; and

16 (ii) the temporary delivery agreement is in writing.

17 (d) (1) A Class 8 farm brewery may be located only at the place stated on the  
18 license.

19 (2) The place listed on the license shall be in compliance with § 1-405(b) of  
20 this article.

21 (e) (1) Except as provided in paragraph (2) of this subsection and  
22 notwithstanding any local law, a license holder may exercise the privileges of a Class 8  
23 farm brewery license.

24 (2) A license holder who sells foods under subsection (c)(1)(iv) of this section  
25 shall meet the same ratio of gross receipts between food and alcoholic beverages sales as a  
26 holder of a Class D beer and wine license or an equivalent license in the jurisdiction, as the  
27 local licensing board determines.

28 (f) Subject to subsections (i) and (j) of this section, a license holder **AT THE**  
29 **LOCATION LISTED ON THE LICENSE** may exercise the privileges of the license each day:  
30 **FROM 10 A.M. TO 10 P.M.**

31 ~~(1) from 10 a.m. to 6 p.m., for consumption of beer and sales and service of~~  
32 ~~food at the licensed farm; and~~

33 ~~(2) from 10 a.m. to 10 p.m., for:~~

1                   ~~(i) sampling of beer;~~

2                   ~~(ii) consumption of beer off the licensed farm if the beer is packaged~~  
3 ~~in sealed or resealable containers, such as growlers; and~~

4                   ~~(iii) guests who attend a planned promotional event or other~~  
5 ~~organized activity at the licensed farm.~~

6           (g) Except as provided in Division II of this article, a Class 8 farm brewery license  
7 allows the license holder to operate 7 days a week.

8           (h) Nothing in this section limits the application of relevant provisions of Title 21  
9 of the Health – General Article, and regulations adopted under that title, to a license holder.

10           (i) (1) A license holder may sponsor a multibrewery activity at the [licensed  
11 farm] **LOCATION ISSUED ON THE LICENSE** that:

12                   (i) includes the products of other Maryland breweries; and

13                   (ii) provides for the sale of beer by the glass for on-premises  
14 consumption only.

15                   (2) In a segregated area approved by the Comptroller [on the licensed  
16 farm] **AT THE LOCATION LISTED ON THE LICENSE**, a license holder may store the  
17 products of other Maryland breweries for the multibrewery activity.

18                   (3) The multibrewery activity:

19                   (i) may be held from 10 a.m. to 10 p.m. each day; and

20                   (ii) may not exceed 3 consecutive days.

21           (j) (1) The Comptroller may issue a brewery promotional event permit to a  
22 license holder.

23                   (2) At least 15 days before holding a planned promotional event, the license  
24 holder shall obtain a permit from the Comptroller by filing a notice of the promotional event  
25 on the form that the Comptroller provides.

26                   (3) The permit authorizes the license holder to conduct at the [licensed  
27 farm] **LOCATION LISTED ON THE LICENSE** a promotional event at which the license  
28 holder may:

29                   (i) provide samples of not more than 6 fluid ounces per brand to  
30 consumers; and

1 (ii) sell beer produced by the license holder to persons who  
2 participate in the event.

3 (4) The beer at the event shall be sold by the glass and for on-premises  
4 consumption only.

5 (5) The license holder may not be issued more than 12 permits in a  
6 calendar year.

7 (6) A single promotional event:

8 (i) may be held from 10 a.m. to 10 p.m. each day; and

9 (ii) may not exceed 3 consecutive days.

10 (7) The permit fee is \$25 per event.

11 (k) The annual license fee is \$200.

12 **(L) (1) ON OR BEFORE OCTOBER 1 EACH YEAR, THE COMPTROLLER**  
13 **SHALL REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL**  
14 **AFFAIRS COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN**  
15 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE TOTAL**  
16 **BEER PRODUCTION OF EACH CLASS 8 LICENSE HOLDER IN THE PRECEDING FISCAL**  
17 **YEAR, IDENTIFIED BY JURISDICTION AND LICENSE HOLDER.**

18 **(2) EACH HOLDER OF A CLASS 8 LICENSE SHALL REPORT TO THE**  
19 **COMPTROLLER THE INFORMATION NEEDED TO PREPARE THE ANNUAL REPORT**  
20 **REQUIRED UNDER THIS SUBSECTION.**

21 **(3) THE COMPTROLLER SHALL INCLUDE THE INFORMATION**  
22 **REPORTED UNDER THIS SUBSECTION IN THE ANNUAL REPORT SUBMITTED UNDER §**  
23 **1-306 OF THIS ARTICLE.**

24 2-308.

25 (b) The license may be issued only to a person that:

26 (1) holds a Class 5 manufacturer's license, a Class 7 micro-brewery license,  
27 or a Class 8 farm brewery license; and

28 (2) produces in the aggregate from all of its locations not more than  
29 [22,500] 45,000 barrels of beer annually.

30 (c) The license authorizes the license holder to:



1           (1)   sell and deliver its own beer produced at the license holder's premises  
2 to:

3                   (i)   a holder of a retail license that is authorized to acquire beer from  
4 a wholesaler; and

5                   (ii)   a holder of a permit that is authorized to acquire beer from a  
6 wholesaler; and

7           (2)   distribute not more than [3,000] **5,000** barrels of its own beer annually.

8 2-311.

9           (b)   (3)   (i)   The holder of a Class 5 manufacturer's license or Class 7  
10 micro-brewery license may apply for and obtain a Class 7 limited beer wholesaler's license  
11 in accordance with this paragraph.

12                   (ii)   A holder of a Class 5 manufacturer's license that was selling the  
13 holder's own beer at wholesale in the State as of January 1, 2013, may obtain a Class 7  
14 limited beer wholesaler's license to continue to sell the holder's own beer at wholesale in  
15 the same location in an amount that is not more than [3,000] **5,000** barrels annually.

16                   (iii)   A holder of a Class 5 manufacturer's license that produces in  
17 aggregate from all its locations not more than [22,500] **45,000** barrels of beer annually  
18 may obtain a Class 7 limited beer wholesaler's license and distribute not more than [3,000]  
19 **5,000** barrels of its own beer annually.

20                   (iv)   A holder of one or two Class 7 micro-brewery licenses that  
21 produces in aggregate from all of its locations not more than [22,500] **45,000** barrels of  
22 beer annually may obtain a Class 7 limited beer wholesaler's license and distribute beer  
23 that:

24                           1.   totals annually not more than [3,000] **5,000** barrels in  
25 aggregate from all of its locations; and

26                           2.   has been brewed at the location from where it is  
27 distributed.

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
29 1, 2019.