

**HB0900/973192/1**

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 900  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “matters;” insert “substituting references to the Division and the Commission, respectively, for references to the Comptroller in certain provisions relating to alcohol and tobacco;”; in line 10, after “records;” insert “requiring the Commission and the Comptroller to cooperate in the sharing of certain information and personnel in certain inspections and other activities for certain purposes; requiring the Commission and the Comptroller to enter into a certain memorandum of understanding for certain purposes; authorizing the Commission to enter into memoranda of understanding and certain arrangements with other governmental units for certain purposes; providing that certain seizures must be reported to the Division; requiring the Commission to provide certain notice of certain seized contraband; providing that the Commission may take certain actions; requiring certain property seizures and destruction to be reported to the Executive Director; providing for the inspection and search of certain property by certain officers; providing for the seizure, forfeiture, and disposition of certain property; providing for the issuance of certain summonses by the Commission; prohibiting the violation of certain regulations the Commission adopts;”; in the same line, after “officers” insert “and law enforcement officers”; in line 21, after “matters;” insert “exempting certain employees of the Division from certain overtime provisions; providing for the inclusion of certain officers employed by the Division in the Law Enforcement Officers’ Pension System;”; in line 23, strike “a”; in the same line, strike “correction” and substitute “corrections; altering expiration dates of certain initial terms; altering the effective date of a certain Act”; in line 27, strike “and”; in the same line, after “1-317” insert “, 4-109(b)(2), 6-101(c)(2), 6-103, 6-105(b)(3), 6-107, 6-108(b), 6-202(a), 6-203, 6-204(a), 6-205(b), 6-308(a)(3), and 6-328(a)(4)”; and after line 30, insert:

“BY adding to

(Over)

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Article - Alcoholic Beverages  
Section 1-321  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)”.

On page 2, in line 8, after “Section” insert “3-101(e)(1) and”; and after line 10, insert:

“BY repealing and reenacting, with amendments,  
Article - State Personnel and Pensions  
Section 8-301 and 26-201(a)(2)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2019 Supplement)”;

and in line 18, strike “7” and substitute “3, 4(a)(1), 7, and 12”.

AMENDMENT NO. 2

On page 5, after line 13, insert:

“1-321.

(A) IN ORDER TO INCREASE EFFICIENCY AND ACCURACY IN THE PERFORMANCE OF THEIR RESPECTIVE DUTIES AND RESPONSIBILITIES UNDER THIS ARTICLE AND OTHER LAWS RELATING TO ALCOHOL AND TOBACCO, THE COMMISSION AND THE COMPTROLLER SHALL:

(1) COOPERATE AND SHARE INFORMATION AND PERSONNEL IN INVESTIGATIONS OF LICENSED PREMISES AND OTHER LOCATIONS AND MATERIALS RELATING TO THE ENFORCEMENT OF THE ALCOHOL AND TOBACCO LAWS OF THE STATE;

(2) COOPERATE AND SHARE INFORMATION AND PERSONNEL IN OTHER MATTERS RELATING TO THE MANUFACTURE, PROCESSING, IMPORTATION, TAXATION, SALE, AND SERVICE OF ALCOHOL AND TOBACCO IN THE STATE; AND

(3) ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE ACTIVITIES IN INSPECTIONS AND OTHER ENFORCEMENT ACTIVITIES RELATING TO THE ALCOHOL AND TOBACCO LAWS OF THE STATE.

(B) THE COMMISSION MAY ENTER INTO MEMORANDA OF UNDERSTANDING AND OTHER COOPERATIVE ARRANGEMENTS WITH FEDERAL, STATE, AND LOCAL GOVERNMENTAL UNITS IN CARRYING OUT THIS ARTICLE AND OTHER ALCOHOL AND TOBACCO LAWS OF THE STATE IN THE INTEREST OF REDUCING DUPLICATION OF EFFORTS AND REDUCING THE OVERALL COSTS OF ADMINISTRATION OF INSPECTION AND ENFORCEMENT PROGRAMS TO THE STATE.

4-109.

(b) The application shall also include a statement executed and acknowledged by the owner of the location where the business is to be conducted that:

(2) authorizes a warrantless inspection and search of the premises at any time in any part of the building in which the business is to be conducted by:

(i) the Comptroller;

(ii) THE COMMISSION;

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(III) the local licensing board and its authorized agents and employees; or

[(iii)] (IV) a peace officer of the county or municipality where the business is to be located.

6-101.

(c) (2) (i) A vehicle, a vessel, or an aircraft that is seized as contraband is forfeited unless a protest is filed within 30 days after the publication under subparagraph (ii) of this paragraph.

(ii) The Comptroller OR THE COMMISSION, AS APPROPRIATE:

1. if possible, shall notify the registered owner of the property of the seizure; and

2. shall publish a notice:

A. in a newspaper of general circulation in the county where the vehicle, vessel, or aircraft was seized; and

B. informing interested persons of the seizure and the right to file a protest.

6-103.

A vehicle, a vessel, or an aircraft used with the express or implied knowledge or consent of its owner to violate a provision of this article relating to the unlawful manufacture of alcoholic beverages or to transport, store, or hide unlawful alcoholic beverages:

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(1) is contraband; and

(2) may be seized by:

**(I) the Comptroller or the Comptroller's authorized enforcement officers; OR**

**(II) THE COMMISSION OR THE COMMISSION'S AUTHORIZED ENFORCEMENT OFFICERS; and**

**(3) MAY BE forfeited in accordance with this subtitle.**

6-105.

**(b) (3) If the court does not determine that a lienholder had knowledge, but the property is otherwise subject to forfeiture:**

**(i) the property shall be forfeited; and**

**(ii) the Comptroller OR THE EXECUTIVE DIRECTOR OF THE COMMISSION, as the Comptroller OR EXECUTIVE DIRECTOR, AS APPROPRIATE, considers in the best interest of the State, may:**

**1. pay the outstanding indebtedness secured by the lien and keep the property; or**

**2. deliver the property to the lienholder.**

6-107.

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(a) Except as provided in subsection (c) of this section, forfeited property shall be retained for official use, sold, or otherwise disposed of by:

(1) the Comptroller OR THE EXECUTIVE DIRECTOR OF THE COMMISSION, AS APPROPRIATE, if the property was seized by State officers; or

(2) if the property was not seized by State officers:

(i) the Mayor and City Council of Baltimore City; or

(ii) the board of county commissioners or the county council of the county in which the property was seized.

(b) The Comptroller, THE EXECUTIVE DIRECTOR OF THE COMMISSION, the Mayor and City Council of Baltimore City, or the board of county commissioners or county council in the county where the property was seized shall retain or dispose of the property in the way it considers to be in the best public interest.

(c) Illicit alcoholic beverages shall be destroyed and may not be returned or given to any person or disposed of in any other manner.

6-108.

(b) The officer shall report the seizure and destruction conducted under this section to the Field Enforcement Division of the [Comptroller's office] COMMISSION.

6-202.

(a) A building, vehicle, or premises where alcoholic beverages are authorized to be kept, transported, manufactured, or sold under a license or permit may be inspected and searched, without a warrant, by:

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(1) the Comptroller or an authorized deputy, inspector, or clerk of the Comptroller;

(2) THE EXECUTIVE DIRECTOR OF THE COMMISSION OR AN AUTHORIZED DEPUTY, INSPECTOR, OR CLERK OF THE COMMISSION;

(3) the local licensing board of the county or city where the place of business is located or an authorized agent or employee of the local licensing board; and

~~[(3)]~~ (4) a peace officer of the county or city where the place of business is located.

6-203.

To prevent and detect fraud by manufacturers, wholesalers, and retail dealers, the [Comptroller] COMMISSION, the local licensing board, and an authorized deputy or inspector of the [Comptroller] COMMISSION or the local licensing board:

(1) may use hydrometers, saccharometers, weighing and gauging instruments, or other means, records, or devices to ascertain the quantity or quality of alcohol in an alcoholic beverage as they consider necessary; and

(2) may adopt rules and regulations to establish a uniform system of inspection, marking, and gauging of alcoholic beverages.

6-204.

(a) For a hearing or inquiry that the [Comptroller] COMMISSION or a local licensing board may hold or make, the [Comptroller] COMMISSION or a local licensing board may issue summonses for witnesses and administer oaths or affirmations to the witnesses.

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6-205.

(b) The powers and duties conferred on the Comptroller, **THE COMMISSION**, or **ANY** other State official by this article do not relieve local officials from the duty of enforcement or prosecution.

6-308.

(a) This section does not apply to a Class 4 limited winery that brings wine or pomace brandy manufactured on its licensed premises onto a retail licensed premises if:

(3) the limited winery or winery trade association complies with any regulations that the [Comptroller] **COMMISSION** adopts relating to on-premises promotions and product sampling;

6-328.

(a) A person may not:

(4) violate a regulation that the Comptroller **OR THE COMMISSION** adopts under this article or the Tax – General Article.”.

On page 7, after line 12, insert:

“3-101.

(e) (1) “Law enforcement officer” means an individual who:

(i) in an official capacity is authorized by law to make arrests;  
and

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(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;
2. the Police Department of Baltimore City;
3. the Baltimore City School Police Force;
4. the Baltimore City Watershed Police Force;
5. the police department, bureau, or force of a county;
6. the police department, bureau, or force of a municipal corporation;
7. the office of the sheriff of a county;
8. the police department, bureau, or force of a bicounty agency;
9. the Maryland Transportation Authority Police;
10. the police forces of the Department of Transportation;
11. the police forces of the Department of Natural Resources;
12. the Field Enforcement Bureau of the Comptroller's Office;
13. THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;

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14. the Housing Authority of Baltimore City Police Force;

[14.] 15. the Crofton Police Department;

[15.] 16. the police force of the Maryland Department of Health;

[16.] 17. the police force of the Maryland Capitol Police of the Department of General Services;

[17.] 18. the police forces of the University System of Maryland;

[18.] 19. the police force of Morgan State University;

[19.] 20. the office of State Fire Marshal;

[20.] 21. the Ocean Pines Police Department;

[21.] 22. the police force of the Baltimore City Community College;

[22.] 23. the police force of the Hagerstown Community College;

[23.] 24. the Internal Investigation Unit of the Department of Public Safety and Correctional Services;

[24.] 25. the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services;

[25.] 26. the police force of the Anne Arundel Community College; or

[26.] 27. the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article.”.

On page 10, after line 19, insert:

“Article – State Personnel and Pensions

8–301.

(a) Except as provided in subsection (b) of this section, in § 8–309 of this subtitle, or otherwise by law, this subtitle applies to all employees over whom the Secretary has authority to administer pay.

(b) This subtitle does not apply to a law enforcement employee of:

(1) the Field Enforcement Bureau of the State Comptroller’s Office; OR

(2) THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION.

26–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(2) a law enforcement officer employed by:

(Over)

(I) the Field Enforcement Bureau; OR

(II) THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;”.

AMENDMENT NO. 3

On page 14, after line 18, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the initial terms of the members of the Alcohol and Tobacco Commission appointed under Section 1 of this Act shall expire as follows:

- (1) one member on June 30, [2021] 2022;
- (2) one member on June 30, [2022] 2023;
- (3) one member on June 30, [2023] 2024; and
- (4) two members on June 30, [2024] 2025.

SECTION 4. AND BE IT FURTHER ENACTED, That, as provided in this Act:

(a) It is the intent of the General Assembly that:

(1) the transfer of the Field Enforcement Division and the personnel of the Division to the Alcohol and Tobacco Commission under this Act shall take effect not later than [July] JANUARY 1, [2020] 2021;”;

in line 20, strike “MAY” and substitute “DECEMBER”; and after line 25, insert:

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“SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect  
[June] JANUARY 1, [2020] 2021.”.