

HOUSE BILL 1333

A1, D5

01r3124

By: **Delegate D. Barnes**

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2020

CHAPTER _____

1 AN ACT concerning

2 **Minority Participation in the Alcoholic Beverages Industry – Study**

3 FOR the purpose of requiring the Governor’s Office of Small, Minority, and Women
4 Business Affairs to conduct a certain study concerning the alcoholic beverages
5 industry in the State; providing for the matters to be included in the study; requiring
6 the Governors’ Office of Small, Minority, and Women Business Affairs to conduct the
7 study in consultation and cooperation with certain agencies and interests; requiring
8 the Office of the Attorney General and the Department of Transportation to provide
9 staff for the study; requiring the Governor’s Office of Small, Minority, and Women
10 Business Affairs to report its findings and recommendations to the Governor and the
11 General Assembly on or before a certain date; providing for the termination of this
12 Act; and generally relating to the alcoholic beverages industry and minority
13 communities.

14 Preamble

15 WHEREAS, Since the end of Prohibition in 1933, the alcoholic beverages industry
16 has been dominated by a small number of companies, particularly in the area of distilled
17 spirits; and

18 WHEREAS, Although minorities, particularly African Americans, constitute a
19 considerable portion of the consumers of alcoholic beverages, they are underrepresented in
20 the alcoholic beverages industry as manufacturers, distributors, and retailers; and

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 WHEREAS, Because of the sensitivity to community values and concerns that
2 belonging to a minority community brings to economic activity in the community,
3 meaningful participation by minorities in the alcoholic beverages industry, particularly in
4 the distribution and retail sectors, may provide a substantial benefit to minority
5 communities and to the State at large; and

6 WHEREAS, Under federal precedent, state–encouraged participation in an industry
7 through a set–aside or preference system requires demonstration of a disparity in the
8 industry based on historical discrimination; now, therefore,

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That:

11 (a) The Governor’s Office of Small, Minority, and Women Business Affairs shall
12 conduct a study of the participation of minority–owned businesses in the alcoholic
13 beverages industry in the State.

14 (b) The study shall include:

15 (1) historical and current levels of participation by minority–owned
16 businesses in the manufacturing, distributing, and retail sales tiers of the alcoholic
17 beverages industry in the State;

18 (2) historical and current levels of market activity in retail sales of
19 alcoholic beverages in the State, especially in areas with high concentrations of minority
20 population;

21 (3) a demonstration of historical and current disparities in the levels of
22 participation of minorities in the manufacturing, distributing, and retail sales tiers of the
23 alcoholic beverages industry in the State through a commissioned and completed disparity
24 study; and

25 (4) consideration and development of legally supportable mechanisms to
26 increase the participation of minorities in each tier of the alcoholic beverages industry in
27 the State by set–aside, by preference, by economic development assistance, or by other
28 appropriate mechanisms.

29 (c) The Office shall conduct the study in consultation and cooperation with:

30 (1) the Office of the Attorney General;

31 (2) the Office of the Comptroller;

32 (3) the Executive Director of the Field Enforcement Division of the Alcohol
33 and Tobacco Commission;

34 (4) the Department of Commerce;

1 (5) the Department of Transportation;

2 ~~(5)~~ (6) local governments and local licensing boards, particularly from
3 jurisdictions with substantial minority populations;

4 ~~(6)~~ (7) representatives of the manufacturing, distributing, and retail sales
5 tiers of the alcoholic beverages industry in the State; and

6 ~~(7)~~ (8) representatives of minority communities in the State.

7 (d) The Office of the Attorney General and the Department of Transportation
8 shall provide staff for the study.

9 (e) On or before January 1, 2021, the Governor’s Office of Small, Minority, and
10 Women Business Affairs shall report its findings and recommendations to the Governor
11 and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
13 1, 2020. It shall remain effective for a period of 1 year and 1 month and, at the end of June
14 30, 2021, this Act, with no further action required by the General Assembly, shall be
15 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.