

Chapter 532

(Senate Bill 118)

AN ACT concerning

Land Use – Alcohol Production and Agricultural Alcohol Production

FOR the purpose of defining the terms “alcohol production” and “agricultural alcohol production”; authorizing a local jurisdiction to adopt the definitions of “alcohol production” and “agricultural alcohol production” by local ordinance, resolution, law, or rule; providing for the application of this Act to charter counties; and generally relating to alcohol production and agricultural alcohol production.

BY repealing and reenacting, with amendments,
Article – Land Use
Section 1–401(b)
Annotated Code of Maryland
(2012 Volume and 2019 Supplement)

BY adding to
Article – Land Use
Section 4–213 and 4–214
Annotated Code of Maryland
(2012 Volume and 2019 Supplement)

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

Article – Land Use

1–401.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III (Charter county – Comprehensive plans);

(2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”, and “Sensitive area”);

(3) § 1–201 (Visions);

(4) § 1–206 (Required education);

(5) § 1–207 (Annual report – In general);

- (6) § 1–208 (Annual report – Measures and indicators);
- (7) Title 1, Subtitle 3 (Consistency);
- (8) Title 1, Subtitle 5 (Growth Tiers);
- (9) § 4–104(b) (Limitations – Bicycle parking);
- (10) § 4–208 (Exceptions – Maryland Accessibility Code);
- (11) § 4–210 (Permits and variances – Solar panels);
- (12) § 4–211 (Change in zoning classification – Energy generating systems);
- (13) § 4–212 (Agritourism);
- (14) § 4–213 (ALCOHOL PRODUCTION);**
- (15) § 4–214 (AGRICULTURAL ALCOHOL PRODUCTION);**
- [(14)] **(16)** § 5–102(d) (Subdivision regulations – Burial sites);
- [(15)] **(17)** § 5–104 (Major subdivision – Review);
- [(16)] **(18)** Title 7, Subtitle 1 (Development Mechanisms);
- [(17)] **(19)** Title 7, Subtitle 2 (Transfer of Development Rights);
- [(18)] **(20)** except in Montgomery County or Prince George’s County, Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);
- [(19)] **(21)** Title 7, Subtitle 4 (Inclusionary Zoning);
- [(20)] **(22)** § 8–401 (Conversion of overhead facilities);
- [(21)] **(23)** for Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions – Baltimore County);
- [(22)] **(24)** for Frederick County only, Title 9, Subtitle 10 (Single–County Provisions – Frederick County);
- [(23)] **(25)** for Howard County only, Title 9, Subtitle 13 (Single–County Provisions – Howard County);
- [(24)] **(26)** for Talbot County only, Title 9, Subtitle 18 (Single–County

Provisions – Talbot County); and

[(25)] (27) Title 11, Subtitle 2 (Civil Penalty).

4-213.

(A) (1) IN THIS SECTION, “ALCOHOL PRODUCTION” MEANS AN ACTIVITY THAT IS:

(I) CARRIED OUT BY A LICENSE HOLDER, AS DEFINED IN § 1-101 OF THE ALCOHOLIC BEVERAGES ARTICLE; AND

(II) RELATED TO THE MANUFACTURE, PACKAGING, STORAGE, PROMOTION, OR SALE OF ALCOHOLIC BEVERAGES.

(2) “ALCOHOL PRODUCTION” INCLUDES THE USE OF AN AREA TO:

(I) PROVIDE TASTINGS OF ALCOHOLIC BEVERAGES; OR

(II) ACCOMMODATE THE LICENSE HOLDER’S CUSTOMERS.

(B) A LOCAL JURISDICTION MAY ADOPT THE DEFINITION OF “ALCOHOL PRODUCTION” AS DEFINED IN THIS SECTION BY LOCAL ORDINANCE, RESOLUTION, LAW, OR RULE.

4-214.

(A) (1) IN THIS SECTION, “AGRICULTURAL ALCOHOL PRODUCTION” MEANS AN ACTIVITY THAT:

(I) IS CARRIED OUT BY A LICENSE HOLDER, AS DEFINED IN § 1-101 OF THE ALCOHOLIC BEVERAGES ARTICLE;

(II) OCCURS ON AGRICULTURAL LAND; AND

(III) IS RELATED TO THE MANUFACTURE, PACKAGING, STORAGE, PROMOTION, OR SALE OF ALCOHOLIC BEVERAGES THAT USE INGREDIENTS PRODUCED ON THE AGRICULTURAL LAND OR ANY ASSOCIATED AGRICULTURAL LAND.

(2) “AGRICULTURAL ALCOHOL PRODUCTION” INCLUDES THE USE OF AN AREA TO:

- (I) PROVIDE TASTINGS OF ALCOHOLIC BEVERAGES; OR**
- (II) ACCOMMODATE THE LICENSE HOLDER’S CUSTOMERS.**

(B) A LOCAL JURISDICTION MAY ADOPT THE DEFINITION OF “AGRICULTURAL ALCOHOL PRODUCTION” AS DEFINED IN THIS SECTION BY LOCAL ORDINANCE, RESOLUTION, LAW, OR RULE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.