

# HOUSE BILL 1059

A2

11r2548  
CF SB 731

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By: **Allegany County Delegation and Garrett County Delegation**

Introduced and read first time: February 5, 2021

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 4, 2021

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

1 AN ACT concerning

2 **Allegany and Garrett Counties – Alcoholic Beverages – Gift Basket Permits**

3 FOR the purpose of establishing, in Allegany and Garrett counties, gift basket permits;  
4 authorizing the Board of License Commissioners for Allegany County to issue a gift  
5 basket permit to certain persons; authorizing the Board of License Commissioners  
6 for Garrett County to issue a gift basket permit to certain persons; prohibiting each  
7 of the Boards from issuing the permit for certain uses; providing that the permit  
8 authorizes a permit holder to sell and deliver gift baskets containing beer, wine, or  
9 liquor to certain individuals under certain circumstances; requiring a permit holder  
10 to maintain certain records and submit certain reports; requiring a permit holder or  
11 certain employee to deliver a certain gift basket and require the person receiving a  
12 delivery of a certain gift basket to display proof of a certain age; requiring an  
13 individual who delivers a certain gift basket to be at least a certain age; limiting the  
14 total annual sales from alcoholic beverages to a certain percentage of the annual  
15 gross sales of the permit holder; requiring the alcoholic beverages contained in a gift  
16 basket to be purchased from a retail license holder; requiring each of the Boards to  
17 adopt certain regulations; establishing fees in each county for the permit; and  
18 generally relating to alcoholic beverages in Allegany and Garrett counties.

19 BY repealing and reenacting, without amendments,

20 Article – Alcoholic Beverages

21 Section 9–102 and 21–102

22 Annotated Code of Maryland

23 (2016 Volume and 2020 Supplement)

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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 BY adding to  
2 Article – Alcoholic Beverages  
3 Section 9–1001.2 and 21–1001.2  
4 Annotated Code of Maryland  
5 (2016 Volume and 2020 Supplement)

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

8 **Article – Alcoholic Beverages**

9 9–102.

10 This title applies only in Allegany County.

11 **9–1001.2.**

12 **(A) THERE IS A GIFT BASKET PERMIT.**

13 **(B) (1) THE BOARD MAY ISSUE THE PERMIT TO A PERSON:**

14 **(I) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF:**

15 **1. FLOWERS; OR**

16 **2. GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS;**

17 **AND**

18 **(II) WHO DOES NOT HOLD ANY OTHER ALCOHOLIC BEVERAGES**  
19 **LICENSE OR PERMIT UNDER THIS ARTICLE.**

20 **(2) THE BOARD MAY NOT ISSUE THE PERMIT FOR USE IN**  
21 **CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR**  
22 **DISCOUNT HOUSE.**

23 **(C) A HOLDER OF THE PERMIT:**

24 **(1) MAY SELL AND DELIVER, TO CONSUMERS OF A LEGAL DRINKING**  
25 **AGE LOCATED IN THE COUNTY, GIFT BASKETS CONTAINING:**

26 **(I) NOT MORE THAN 72 OUNCES OF BEER;**

27 **(II) NOT MORE THAN 2.25 LITERS OF WINE; OR**

1 (III) NOT MORE THAN 2.25 LITERS OF LIQUOR; AND

2 (2) SHALL MAINTAIN RECORDS AND SUBMIT REPORTS AS REQUIRED  
3 BY THE BOARD.

4 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT  
5 HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:

6 (I) DELIVER THE GIFT BASKET CONTAINING ALCOHOLIC  
7 BEVERAGES; AND

8 (II) REQUIRE THE PERSON RECEIVING A DELIVERY OF A GIFT  
9 BASKET CONTAINING ALCOHOLIC BEVERAGES TO DISPLAY PROOF THAT THE  
10 PERSON IS AT LEAST 21 YEARS OLD.

11 (2) AN INDIVIDUAL WHO DELIVERS A GIFT BASKET CONTAINING  
12 ALCOHOLIC BEVERAGES SHALL BE AT LEAST 21 YEARS OLD.

13 (E) THE HOLDER'S ANNUAL SALES FROM ALCOHOLIC BEVERAGES MAY NOT  
14 EXCEED 10% OF THE HOLDER'S ANNUAL GROSS SALES.

15 (F) THE ALCOHOLIC BEVERAGES CONTAINED IN A GIFT BASKET SHALL BE  
16 PURCHASED FROM A RETAIL LICENSE HOLDER.

17 (G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

18 (H) THE FEE FOR A GIFT BASKET PERMIT IS \$100.

19 21-102.

20 This title applies only in Garrett County.

21 21-1001.2.

22 (A) THERE IS A GIFT BASKET PERMIT.

23 (B) (1) THE BOARD MAY ISSUE THE PERMIT TO A PERSON:

24 (I) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF:

25 1. FLOWERS; OR

26 2. GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS;

27 AND

1                   **(II) WHO DOES NOT HOLD ANY OTHER ALCOHOLIC BEVERAGES**  
2 **LICENSE OR PERMIT UNDER THIS ARTICLE.**

3                   **(2) THE BOARD MAY NOT ISSUE THE PERMIT FOR USE IN**  
4 **CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR**  
5 **DISCOUNT HOUSE.**

6           **(C) A HOLDER OF THE PERMIT:**

7                   **(1) MAY SELL AND DELIVER, TO CONSUMERS OF A LEGAL DRINKING**  
8 **AGE LOCATED IN THE COUNTY, GIFT BASKETS CONTAINING:**

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12                   **(2) SHALL MAINTAIN RECORDS AND SUBMIT REPORTS AS REQUIRED**  
13 **BY THE BOARD.**

14           **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT**  
15 **HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:**

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17 **BEVERAGES; AND**

18                           **(II) REQUIRE THE PERSON RECEIVING A DELIVERY OF A GIFT**  
19 **BASKET CONTAINING ALCOHOLIC BEVERAGES TO DISPLAY PROOF THAT THE**  
20 **PERSON IS AT LEAST 21 YEARS OLD.**

21                   **(2) AN INDIVIDUAL WHO DELIVERS A GIFT BASKET CONTAINING**  
22 **ALCOHOLIC BEVERAGES SHALL BE AT LEAST 21 YEARS OLD.**

23           **(E) THE HOLDER'S ANNUAL SALES FROM ALCOHOLIC BEVERAGES MAY NOT**  
24 **EXCEED 10% OF THE HOLDER'S ANNUAL GROSS SALES.**

25           **(F) THE ALCOHOLIC BEVERAGES CONTAINED IN A GIFT BASKET SHALL BE**  
26 **PURCHASED FROM A RETAIL LICENSE HOLDER.**

27           **(G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

1           **(H) (1) THE FEE FOR A GIFT BASKET PERMIT IS \$100.**

2                   **(2) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW**  
3 **PERMIT IN AN AMOUNT EQUAL TO THE ANNUAL PERMIT FEE.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
5 1, 2021.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.