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1997 Regular Session
7lr0489

By: Chairman, Economic Matters Committee (Departmental - Comptroller)

Introduced and read first time: January 15, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Private Bulk Sale Permit**

3 FOR the purpose of creating a private bulk sale permit to be issued by the Comptroller;
4 establishing the permit fee; establishing certain requirements for the permit;
5 authorizing the Comptroller to promulgate regulations; expanding a retailer's
6 authority to receive alcohol from a permit holder; and generally relating to a private
7 bulk sale permit.

8 BY adding to

9 Article 2B - Alcoholic Beverages
10 Section 2-101(b)(10) and (t)
11 Annotated Code of Maryland
12 (1996 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Article 2B - Alcoholic Beverages
15 Section 12-107(a)
16 Annotated Code of Maryland
17 (1996 Replacement Volume)

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

20 **Article 2B - Alcoholic Beverages**

21 2-101.

22 (b) (10) THE FEE FOR A PRIVATE BULK SALE PERMIT IS \$25 AND SHALL
23 COVER THE SALE OF A SPECIFIC INVENTORY OF ALCOHOLIC BEVERAGES. THE
24 PERMIT SHALL EXPIRE 60 DAYS FROM THE DATE OF ISSUANCE. AN INDIVIDUAL OR
25 ENTITY MAY BE ISSUED NOT MORE THAN TWO PRIVATE BULK SALE PERMITS IN ANY
26 CALENDAR YEAR.

27 (T) (1) A PRIVATE BULK SALE PERMIT AUTHORIZES THE HOLDER TO SELL
28 THE HOLDER'S PRIVATE ALCOHOLIC BEVERAGES INVENTORY TO AN INDIVIDUAL
29 OR ENTITY IN ACCORDANCE WITH THIS SUBSECTION.

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1 (2) IN ORDER TO QUALIFY FOR A PRIVATE BULK SALE PERMIT, AN
2 APPLICANT MUST:

3 (I) BE AN INDIVIDUAL AT LEAST 21 YEARS OF AGE OR OLDER;

4 (II) BE A CURRENT MARYLAND RESIDENT;

5 (III) FILE AN INVENTORY WITH THE COMPTROLLER OF ALL
6 ALCOHOLIC BEVERAGES TO BE SOLD; AND

7 (IV) CERTIFY THAT ALL ALCOHOLIC BEVERAGES TO BE SOLD:

8 1. HAVE BEEN LEGALLY ACQUIRED AND TRANSPORTED
9 INTO MARYLAND IN ACCORDANCE WITH THIS ARTICLE; AND

10 2. ARE OWNED BY THE PERMIT HOLDER AT THE TIME OF
11 APPLICATION.

12 (3) SALES UNDER A PRIVATE BULK SALE PERMIT SHALL BE MADE BY:

13 (I) THE PERMIT HOLDER; OR

14 (II) AN UNLICENSED AGENT OR AUCTION COMPANY ACTING ON
15 BEHALF OF THE PERMIT HOLDER.

16 (4) SALES TRANSACTIONS MAY TAKE PLACE ON:

17 (I) A PREMISES NOT LICENSED UNDER THE PROVISIONS OF THIS
18 ARTICLE; OR

19 (II) A PRIVATE ROOM OF AN ON-PREMISE RETAIL LICENSEE.

20 (5) SALES MAY ONLY BE MADE UNDER THIS PERMIT TO ONE OR MORE
21 OF THE FOLLOWING:

22 (I) A MARYLAND RESIDENT WHO IS AT LEAST 21 YEARS OF AGE;

23 (II) A MARYLAND ALCOHOLIC BEVERAGES RETAILER WHO HOLDS
24 THE PROPER CLASS OF LICENSE; OR

25 (III) AN INDIVIDUAL OR ENTITY LOCATED OUTSIDE OF THIS STATE
26 IF THE INDIVIDUAL OR ENTITY IS AUTHORIZED TO SHIP ALCOHOLIC BEVERAGES
27 PURCHASED UNDER THE PERMIT TO THEIR HOME STATE OR STATE OF ULTIMATE
28 DESTINATION.

29 (6) THE COMPTROLLER MAY PROMULGATE REGULATIONS REGARDING
30 RECORD KEEPING, REPORTING REQUIREMENTS, AND ANY OTHER ACTIVITIES
31 RELATED TO A PRIVATE BULK SALE PERMIT.

32 12-107.

33 (a) No retail dealer, or other than the holder of a Class E, Class F or Class G
34 license, shall purchase any alcoholic beverages except from a duly licensed manufacturer,
35 [or] wholesaler, OR PRIVATE BULK SALE PERMIT HOLDER under the provisions of this
36 article, and no retail dealers shall sell to any other retail dealer any alcoholic beverages

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1 except to the holder of a special Class C beer, beer and wine and beer, wine and liquor
2 license, and shall not at any time keep or permit to be kept upon the licensed premises
3 any alcoholic beverages except those so purchased.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1997.