

HOUSE BILL 871  
EMERGENCY BILL

Unofficial Copy  
A1

1998 Regular Session  
8r1674

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By: **Delegates Kach, Barve, Gordon, Krysiak, Pendergrass, Goldwater,  
Brinkley, Frank, Kelly, Love, Crumlin, V. Mitchell, Eckardt,  
McClenahan, Harrison, Fulton, Klima, Boston, Schade, Walkup, Holt,  
Donoghue, Kirk, La Vay, and Exum**

Introduced and read first time: February 12, 1998

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Wineries - Samples**

3 FOR the purpose of establishing that a Class 3 and Class 4 wine manufacturer's  
4 license authorizes a winery to serve at no charge a certain amount of samples of  
5 products made at its facility to persons of legal drinking age touring that facility;  
6 making this Act an emergency measure; and generally relating to wineries in  
7 the State.

8 BY repealing and reenacting, with amendments,  
9 Article 2B - Alcoholic Beverages  
10 Section 2-204 and 2-205  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1997 Supplement)

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

15 **Article 2B - Alcoholic Beverages**

16 2-204.

17 A Class 3 manufacturer's license:

18 (1) Is a winery license; and

19 (2) Authorizes the holder to:

20 (i) Establish and operate in this State a plant for fermenting and  
21 bottling wine at the location described in the license;

22 (ii) Import bulk wine from the holder of a nonresident dealer's  
23 permit;

1 (iii) Sell and deliver wine to any wholesale licensee or permit holder  
2 in this State, or person outside of this State authorized to acquire wine; [and]

3 (iv) Sell wine made from products grown in Maryland at a retail  
4 price at the plant to persons participating in a guided tour of the facility. The  
5 purchase shall be limited to not more than one quart per person per year provided the  
6 purchaser has attained the Maryland legal drinking age; AND

7 (V) SERVE AT NO CHARGE NOT MORE THAN 6 OUNCES OF WINES  
8 MADE AT THE LICENSED FACILITY TO A PERSON WHO IS PARTICIPATING IN A  
9 GUIDED TOUR OF THE FACILITY, PROVIDED THE PERSON HAS ATTAINED THE  
10 MARYLAND LEGAL DRINKING AGE.

11 2-205.

12 (a) A Class 4 manufacturer's license:

13 (1) Is a limited winery license;

14 (2) Authorizes the holder to establish and operate in this State a plant  
15 for fermenting and bottling wine made from Maryland agriculture products at the  
16 location described in the license, unless the Secretary of Agriculture determines that  
17 there is insufficient supply available of Maryland agriculture products; and

18 (3) Permits the license holder to:

19 (i) Sell and deliver this wine to any licensee or permit holder in  
20 this State, or person outside of this State, authorized to acquire it; [or]

21 (ii) Sell this wine made at the plant to persons participating in a  
22 guided tour of the facility. The purchase is limited to one quart of each brand per  
23 person per year. Any person who has attained the Maryland legal drinking age may  
24 purchase the wine. The licensee may operate only in one location in the State; AND

25 (III) SERVE NOT MORE THAN 6 OUNCES OF WINES MADE AT THE  
26 LICENSED FACILITY TO A PERSON WHO IS PARTICIPATING IN A GUIDED TOUR OF THE  
27 FACILITY, PROVIDED THE PERSON HAS ATTAINED THE MARYLAND LEGAL DRINKING  
28 AGE.

29 (b) In Frederick County the provisions regarding sales on Sundays of this  
30 section are governed by § 11-511 of this article.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an  
32 emergency measure, is necessary for the immediate preservation of the public health  
33 and safety, has been passed by a ye and nay vote supported by three-fifths of all the  
34 members elected to each of the two Houses of the General Assembly, and shall take  
35 effect from the date it is enacted.