

HOUSE BILL 871
EMERGENCY BILL

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1998 Regular Session
8r1674

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 1998

CHAPTER _____

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

- 1 (2) Authorizes the holder to:
- 2 (i) Establish and operate in this State a plant for fermenting and
3 bottling wine at the location described in the license;
- 4 (ii) Import bulk wine from the holder of a nonresident dealer's
5 permit;
- 6 (iii) Sell and deliver wine to any wholesale licensee or permit holder
7 in this State, or person outside of this State authorized to acquire wine; [and]
- 8 (iv) Sell wine made from products grown in Maryland at a retail
9 price at the plant to persons participating in a guided tour of the facility. The
10 purchase shall be limited to not more than one quart per person per year provided the
11 purchaser has attained the Maryland legal drinking age; AND
- 12 (V) SERVE AT NO CHARGE NOT MORE THAN 6 OUNCES OF WINES
13 MADE AT THE LICENSED FACILITY TO A PERSON WHO IS PARTICIPATING IN A
14 GUIDED TOUR OF THE FACILITY, PROVIDED THE PERSON HAS ATTAINED THE
15 MARYLAND LEGAL DRINKING AGE.
- 16 2-205.
- 17 (a) A Class 4 manufacturer's license:
- 18 (1) Is a limited winery license;
- 19 (2) Authorizes the holder to establish and operate in this State a plant
20 for fermenting and bottling wine made from Maryland agriculture products at the
21 location described in the license, unless the Secretary of Agriculture determines that
22 there is insufficient supply available of Maryland agriculture products; and
- 23 (3) Permits the license holder to:
- 24 (i) Sell and deliver this wine to any licensee or permit holder in
25 this State, or person outside of this State, authorized to acquire it; [or]
- 26 (ii) Sell this wine made at the plant to persons participating in a
27 guided tour of the facility. The purchase is limited to one quart of each brand per
28 person per year. Any person who has attained the Maryland legal drinking age may
29 purchase the wine. The licensee may operate only in one location in the State; AND
- 30 (III) SERVE AT NO CHARGE NOT MORE THAN 6 OUNCES OF WINES
31 MADE AT THE LICENSED FACILITY TO A PERSON WHO IS PARTICIPATING IN A
32 GUIDED TOUR OF THE FACILITY, PROVIDED THE PERSON HAS ATTAINED THE
33 MARYLAND LEGAL DRINKING AGE.
- 34 (b) In Frederick County the provisions regarding sales on Sundays of this
35 section are governed by § 11-511 of this article.

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