
By: **Delegates Giannetti, Moe, and Love**
Introduced and read first time: February 10, 2000
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Gift Basket Permit**

3 FOR the purpose of creating throughout the State a gift basket permit; allowing a
4 permit holder to acquire wine products from certain persons, include in gift
5 baskets bottles of wine up to a certain limit, and deliver wine to consumers of
6 legal drinking age in the State; making a certain exception; establishing certain
7 requirements for persons seeking gift basket permits; requiring a permit holder
8 to keep certain records and file certain reports; setting a certain permit fee; and
9 generally relating to gift basket permits issued by the Office of the Comptroller.

10 BY repealing and reenacting, without amendments,
11 Article 2B - Alcoholic Beverages
12 Section 2-101(a) and 15-204
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 2B - Alcoholic Beverages
17 Section 2-101(b)
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 1999 Supplement)

20 BY adding to
21 Article 2B - Alcoholic Beverages
22 Section 2-101(u)
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 1999 Supplement)

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

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Article 2B - Alcoholic Beverages

2 2-101.

3 (a) The Office of the Comptroller shall provide application forms for the
4 permits listed in this section and applicants shall make application to the Office of
5 the Comptroller. The procedure in issuing permits, the purchase of alcoholic
6 beverages, and the exercise of the privileges granted under the various permits shall
7 be subject to regulations promulgated by the Office of the Comptroller. The Office of
8 the Comptroller may cancel, restrict, suspend, or revoke any permit.

9 (b) (1) (i) The Office of the Comptroller shall collect a fee for the issuance
10 or renewal of the following permits:

11 1. \$50 for a solicitor's permit, an individual storage permit,
12 or a commercial nonbeverage permit;

13 2. \$75 for a public storage permit, a public transportation
14 permit, or an import and export permit;

15 3. \$100 for a public storage and transportation permit, a
16 nonresident dealer permit, or a bulk transfer permit; and

17 4. \$400 for a family beer and wine facility permit.

18 (ii) The Office of the Comptroller shall issue a nonbeverage permit
19 without the payment of any fee for an eleemosynary or a fuel-alcohol permittee.

20 (2) (i) The permits issued pursuant to this section expire on October
21 31 following the date of their issue unless otherwise provided.

22 (ii) All nonbeverage permits do not expire until cancelled or
23 revoked.

24 (3) The fee for a change of domicile permit is \$5, and when issued shall
25 cover only a specific transaction.

26 (4) The fee for an individual transportation permit is \$10.

27 (5) A bulk transfer permit shall cover only a specific transaction and
28 shall expire 10 days from the date of its issue. If the time restriction of this permit
29 would be an undue burden, the Office of the Comptroller may grant a reasonable
30 extension of time.

31 (6) (i) The Office of the Comptroller shall prescribe a means of
32 identification for each vehicle authorized under an individual transportation permit
33 or a transportation or public storage and transportation permit. The identification
34 shall be kept in or on the vehicle at all times when alcoholic beverages are being
35 transported.

36 (ii) The fee for the identification is \$2 for each vehicle.

- 1 (7) The fee for a national family beer and wine exhibition permit is \$50.
- 2 (8) The fee for the nonresident storage permit is \$500.
- 3 (9) (i) The fee for an alcohol awareness program instructor's permit is
4 \$5.
- 5 (ii) The fee for an alcohol awareness program permit is \$15.
- 6 (10) The fee for a private bulk sale permit is \$25 and shall cover the sale
7 of a specific inventory of alcoholic beverages. The permit shall expire 60 days from the
8 date of issuance. An individual or entity may be issued not more than two private
9 bulk sale permits in any calendar year.
- 10 (11) THE FEE FOR A GIFT BASKET PERMIT IS \$300.
- 11 (U) (1) IN THIS SUBSECTION, "PERMIT" MEANS A GIFT BASKET PERMIT.
- 12 (2) THE HOLDER OF A PERMIT:
- 13 (I) EXCEPT AS PROVIDED UNDER § 15-204 OF THIS ARTICLE, MAY
14 ACQUIRE WINE PRODUCTS FROM A LICENSED RETAIL DEALER IN THE STATE FOR
15 USE IN GIFT BASKETS;
- 16 (II) MAY INCLUDE ANY NUMBER OF BOTTLES OF WINE IN A GIFT
17 BASKET SO LONG AS THE RETAIL VALUE OF THE WINE DOES NOT EXCEED 25% OF
18 THE TOTAL VALUE OF THE GIFT BASKET; AND
- 19 (III) ON BEHALF OF A CLIENT, MAY DELIVER A GIFT BASKET
20 CONTAINING WINE TO CONSUMERS OF LEGAL DRINKING AGE LOCATED IN THE
21 STATE.
- 22 (3) TO QUALIFY FOR A PERMIT, A PERSON:
- 23 (I) MAY NOT HOLD ANY OTHER LICENSE OR PERMIT UNDER THIS
24 ARTICLE; AND
- 25 (II) SHALL HAVE, AS THE PERSON'S PRIMARY BUSINESS, THE
26 SELLING AND DELIVERY OF GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS TO
27 CONSUMERS IN THE STATE ON BEHALF OF CLIENTS.
- 28 (4) A HOLDER OF A PERMIT SHALL KEEP RECORDS AND FILE REPORTS
29 THAT THE OFFICE OF THE COMPTROLLER REQUIRES.
- 30 15-204.
- 31 (a) The liquor control board in each county shall have an absolute monopoly of
32 the sale and distribution of the particular alcoholic beverages which elsewhere in this
33 subtitle it is empowered to sell.

1 (b) Provided, that in Montgomery County no person, firm, or corporation shall
2 keep for sale any alcoholic beverage not purchased from the Department of Liquor
3 Control for Montgomery County, provided, however, that nothing in this subsection
4 shall apply to holders of Class F licenses, to the holder of a wholesaler's license or a
5 beer wholesaler's license who shall not sell or deliver any alcoholic beverage in
6 Montgomery County for resale except to a County liquor dispensary.

7 (d) In Wicomico County, the County dispensaries shall make wholesale sales
8 of all liquors at a markup of not more than 15 percent above the operating cost to the
9 dispensary to any licensee of a Class A, B, or C beer, wine and liquor license.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2000.