
By: **Delegates Petzold, King, and Mandel**

Introduced and read first time: February 2, 2006

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Wineries - Repeal of Limits on Sales to Persons on Tour of Facilities**

3 FOR the purpose of repealing a certain limit on the wine and pomace brandy that a
4 holder of a winery license or a limited winery license may sell in a year to a
5 person who participates in a guided tour of the wine facilities; clarifying that the
6 wine and pomace brandy that may be sold or served at no charge are provided by
7 the licensee; making certain stylistic changes; and generally relating to the sale
8 of wine and pomace brandy by holders of winery licenses or limited winery
9 licenses.

10 BY repealing and reenacting, with amendments,
11 Article 2B - Alcoholic Beverages
12 Section 2-204 and 2-205
13 Annotated Code of Maryland
14 (2005 Replacement Volume)

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

17 **Article 2B - Alcoholic Beverages**

18 2-204.

19 A Class 3 manufacturer's license:

20 (1) Is a winery license; and

21 (2) Authorizes the holder to:

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

24 (ii) Import bulk wine from the holder of a nonresident dealer's
25 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;

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, PROVIDED
5 THE PERSONS HAVE ATTAINED THE MARYLAND LEGAL DRINKING AGE[. The
6 purchase shall be limited to not more than one quart per person per year provided the
7 purchaser has attained the Maryland legal drinking age]; and

8 (v) Serve at no charge not more than 6 ounces of wines made at the
9 licensed facility to a person who is participating in a guided tour of the facility,
10 provided the person has attained the Maryland legal drinking age.

11 2-205.

12 (a) In this section, "pomace brandy" means brandy that is distilled from the
13 pulpy residue of the wine press, including the skins, pips, and stalks of grapes.

14 (b) A Class 4 manufacturer's license:

15 (1) Is a limited winery license;

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

21 (3) Permits the license holder to:

22 (i) Sell and deliver this wine and pomace brandy to any [licensee]
23 LICENSE HOLDER or permit holder in this State, or person outside of this State,
24 authorized to acquire it;

25 (ii) Sell this wine and pomace brandy [made at the plant]
26 PRODUCED BY THE LICENSEE to persons participating in a guided tour of the facility,
27 PROVIDED THE PERSONS HAVE ATTAINED THE MARYLAND LEGAL DRINKING AGE
28 [The purchase is limited to one quart of each brand per person per year. Any person
29 who has attained the Maryland legal drinking age may purchase the wine. The
30 licensee may operate only in one location in the State];

31 (iii) Serve at no charge not more than 6 ounces of wine and pomace
32 brandy [made at the licensed facility] PRODUCED BY THE LICENSEE to a person who
33 is participating in a guided tour of the facility, provided the person has attained the
34 Maryland legal drinking age;

35 (iv) Sell by the glass wine and pomace brandy produced by the
36 licensee to persons participating in a guided tour of the facility or attending a
37 scheduled promotional event or other organized activity at the licensed premises,

1 PROVIDED THE PERSONS HAVE ATTAINED THE MARYLAND LEGAL DRINKING AGE;
2 and

3 (v) Store on its licensed premises, in a segregated area approved by
4 the Comptroller, the product of other Class 4 limited wineries to be used at bona fide
5 Maryland Winery Association promotional activities, provided records are maintained
6 and reports filed as may be required by the Comptroller; and

7 (4) Limits the license holder to distilling and bottling not more than 200
8 gallons of pomace brandy each year.

9 (c) In Frederick County the provisions regarding sales on Sundays of this
10 section are governed by § 11-511 of this article.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2006.