

# HOUSE BILL 879

A1, Q7

8lr2980  
CF SB 745

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By: **Delegate Love**

Introduced and read first time: February 6, 2008

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Definitions – Beer**

3 FOR the purpose of altering the definition of beer as used in certain provisions of  
4 State law; making certain stylistic changes; and generally relating to alcoholic  
5 beverages.

6 BY repealing and reenacting, without amendments,  
7 Article 2B – Alcoholic Beverages  
8 Section 1–102(a)(1) and (2)  
9 Annotated Code of Maryland  
10 (2005 Replacement Volume and 2007 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 1–102(a)(3)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2007 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – Tax – General  
18 Section 5–101(a) and (b)  
19 Annotated Code of Maryland  
20 (2004 Replacement Volume and 2007 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Tax – General  
23 Section 5–101(d)  
24 Annotated Code of Maryland  
25 (2004 Replacement Volume and 2007 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article 2B – Alcoholic Beverages**

4 1–102.

5 (a) (1) In this article the following words have the meanings indicated.

6 (2) (i) “Alcoholic beverages” means alcohol, brandy, whiskey, rum,  
7 gin, cordial, beer, ale, porter, stout, wine, cider, and any other spirituous, vinous, malt  
8 or fermented liquor, liquid, or compound, by whatever name called, which contains,  
9 except as provided in subparagraph (ii) of this paragraph, one-half of one percent or  
10 more of alcohol by volume, which is fit for beverage purposes.

11 (ii) “Alcoholic beverages” does not include a confectionery food  
12 product that contains up to 5 percent of alcohol by volume and is regulated by the  
13 Department of Health and Mental Hygiene under § 21–209 of the Health – General  
14 Article.

15 (3) (i) “Beer” means any brewed alcoholic beverage[, and includes  
16 beer, ale, porter and stout].

17 (ii) [For the purposes of this article and the Tax – General  
18 Article, hard cider, as defined in paragraph (9–1) of this subsection, shall be  
19 considered as beer in all respects.] **“BEER” INCLUDES:**

20 **1. BEER;**

21 **2. ALE;**

22 **3. PORTER;**

23 **4. STOUT;**

24 **5. HARD CIDER; AND**

25 **6. ALCOHOLIC BEVERAGES THAT CONTAIN:**

26 **A. 6% OR LESS ALCOHOL BY VOLUME, DERIVED**  
27 **PRIMARILY FROM THE FERMENTATION OF GRAIN, WITH NOT MORE THAN 49%**  
28 **OF THE BEVERAGE’S OVERALL ALCOHOL CONTENT BY VOLUME OBTAINED FROM**  
29 **FLAVORS AND OTHER ADDED NONBEVERAGE INGREDIENTS CONTAINING**  
30 **ALCOHOL; OR**

1                   **B. MORE THAN 6% ALCOHOL BY VOLUME, DERIVED**  
2 **PRIMARILY FROM THE FERMENTATION OF GRAIN, WITH NOT MORE THAN 1.5%**  
3 **OF THE BEVERAGE’S OVERALL ALCOHOL CONTENT BY VOLUME OBTAINED FROM**  
4 **FLAVORS AND OTHER ADDED NONBEVERAGE INGREDIENTS CONTAINING**  
5 **ALCOHOL.**

6                                   **Article – Tax – General**

7 5–101.

8           (a) In this title the following words have the meanings indicated.

9           (b) (1) “Alcoholic beverage” means a spirituous, vinous, malt, or  
10 fermented liquor, liquid, or compound that:

11                           (i) is fit for beverage purposes; and

12                           (ii) contains one-half of 1% or more of alcohol by volume.

13           (2) “Alcoholic beverage” includes:

14                           (i) beer;

15                           (ii) distilled spirits; and

16                           (iii) wine.

17           (d) (1) “Beer” means a brewed alcoholic beverage.

18           (2) “Beer” includes:

19                           (i) ale;

20                           (ii) porter; [and]

21                           (iii) stout;

22                           (IV) **HARD CIDER, AS DEFINED IN § 1–102(A)(9–1) OF THIS**  
23 **ARTICLE; AND**

24                           (V) **ALCOHOLIC BEVERAGES THAT CONTAIN:**

25                                   **1. 6% OR LESS ALCOHOL BY VOLUME, DERIVED**  
26 **PRIMARILY FROM THE FERMENTATION OF GRAIN, WITH NOT MORE THAN 49%**  
27 **OF THE BEVERAGE’S OVERALL ALCOHOL CONTENT BY VOLUME OBTAINED FROM**

1 FLAVORS AND OTHER ADDED NONBEVERAGE INGREDIENTS CONTAINING  
2 ALCOHOL; OR

3                                   **2. MORE THAN 6% ALCOHOL BY VOLUME, DERIVED**  
4 **PRIMARILY FROM THE FERMENTATION OF GRAIN, WITH NOT MORE THAN 1.5%**  
5 **OF THE BEVERAGE'S OVERALL ALCOHOL CONTENT BY VOLUME OBTAINED FROM**  
6 **FLAVORS AND OTHER ADDED NONBEVERAGE INGREDIENTS CONTAINING**  
7 **ALCOHOL.**

8                                   [(3) For the purposes of this title, hard cider, as defined in Article 2B, §  
9 1-102(a)(9-1) of the Code, shall be considered as beer in all respects.]

10                                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2008.