

SENATE BILL 745

A1, Q7

8lr2918
CF HB 879

By: **Senators Colburn, Dyson, Klausmeier, and McFadden**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 18, 2008

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 5–101(d)
2 Annotated Code of Maryland
3 (2004 Replacement Volume and 2007 Supplement)

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

6 **Article 2B – Alcoholic Beverages**

7 1–102.

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

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

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

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

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

23 **1. BEER;**

24 **2. ALE;**

25 **3. PORTER;**

26 **4. STOUT;**

27 **5. HARD CIDER; AND**

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

29 **A. 6% OR LESS ALCOHOL BY VOLUME, DERIVED**
30 **PRIMARILY FROM THE FERMENTATION OF GRAIN, WITH NOT MORE THAN 49%**
31 **OF THE BEVERAGE’S OVERALL ALCOHOL CONTENT BY VOLUME OBTAINED FROM**

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

3 **B. 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 **Article – Tax – General**

9 5–101.

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

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

13 (i) is fit for beverage purposes; and

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

15 (2) “Alcoholic beverage” includes:

16 (i) beer;

17 (ii) distilled spirits; and

18 (iii) wine.

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

20 (2) “Beer” includes:

21 (i) ale;

22 (ii) porter; [and]

23 (iii) stout;

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

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

1 **1. 6% OR LESS ALCOHOL BY VOLUME, DERIVED**
 2 **PRIMARILY FROM THE FERMENTATION OF GRAIN, WITH NOT MORE THAN 49%**
 3 **OF THE BEVERAGE’S OVERALL ALCOHOL CONTENT BY VOLUME OBTAINED FROM**
 4 **FLAVORS AND OTHER ADDED NONBEVERAGE INGREDIENTS CONTAINING**
 5 **ALCOHOL; OR**

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

11 [(3) For the purposes of this title, hard cider, as defined in Article 2B, §
 12 1–102(a)(9–1) of the Code, shall be considered as beer in all respects.]

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.