

## **CHAPTER 702**

**(Senate Bill 745)**

AN ACT concerning

### **Alcoholic Beverages – Definitions – Beer**

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

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

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

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

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

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

### **Article 2B – Alcoholic Beverages**

1–102.

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

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

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

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

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

1. **BEER;**
2. **ALE;**
3. **PORTER;**
4. **STOUT;**
5. **HARD CIDER; AND**
6. **ALCOHOLIC BEVERAGES THAT CONTAIN:**
  - A. **6% OR LESS ALCOHOL BY VOLUME, DERIVED PRIMARILY FROM THE FERMENTATION OF GRAIN, WITH NOT MORE THAN 49% OF THE BEVERAGE’S OVERALL ALCOHOL CONTENT BY VOLUME OBTAINED FROM FLAVORS AND OTHER ADDED NONBEVERAGE INGREDIENTS CONTAINING ALCOHOL; OR**
  - B. **MORE THAN 6% ALCOHOL BY VOLUME, DERIVED PRIMARILY FROM THE FERMENTATION OF GRAIN, WITH NOT MORE THAN 1.5% OF THE BEVERAGE’S OVERALL ALCOHOL CONTENT BY VOLUME OBTAINED FROM FLAVORS AND OTHER ADDED NONBEVERAGE INGREDIENTS CONTAINING ALCOHOL.**

**Article – Tax – General**

5-101.

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

(b) (1) "Alcoholic beverage" means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that:

- (i) is fit for beverage purposes; and
- (ii) contains one-half of 1% or more of alcohol by volume.

(2) "Alcoholic beverage" includes:

- (i) beer;
- (ii) distilled spirits; and
- (iii) wine.

(d) (1) "Beer" means a brewed alcoholic beverage.

(2) "Beer" includes:

- (i) ale;
- (ii) porter; [and]
- (iii) stout;

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

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

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

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

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

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

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 24, 2008.**