

# HOUSE BILL 814

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By: **Prince George's County Delegation**

Introduced and read first time: February 9, 2012

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages Licensee – Retail Delivery to**  
3 **Consumer – Prohibition**

4 **PG 301–12**

5 FOR the purpose of prohibiting an alcoholic beverages licensee in Prince George's  
6 County from making an off-site retail delivery of alcoholic beverages to the  
7 residence of a consumer; and generally prohibiting the delivery of alcoholic  
8 beverages to the residence of a consumer in Prince George's County.

9 BY repealing and reenacting, with amendments,  
10 Article 2B – Alcoholic Beverages  
11 Section 12–301  
12 Annotated Code of Maryland  
13 (2011 Replacement Volume)

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

16 **Article 2B – Alcoholic Beverages**

17 12–301.

18 (a) (1) A retail dealer may not employ any solicitor or salesman for the  
19 purpose of soliciting, outside of the licensed place of business, orders for the sale of any  
20 alcoholic beverages within this State.

21 (2) The sale of alcoholic beverages may not be consummated outside of  
22 the licensed place of business.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (3)    These provisions do not prohibit the receiving of orders by mail,  
2 telephone or messenger and the filling of such orders by delivery and the payment for  
3 them at the place of delivery.

4           (b)    Retail delivery to a purchaser of any alcoholic beverages is prohibited  
5 unless:

6           (1)    The delivery is made from the retail licensed premises by the retail  
7 license holder or employee of the retail license holder authorized to sell and distribute  
8 alcoholic beverages by the local licensing authority in the jurisdiction where the  
9 delivery is made; and

10          (2)    The retail license holder obtains a letter of authorization from the  
11 local licensing authority to make deliveries and complies with any regulations  
12 promulgated by the local licensing authority pertaining to those deliveries.

13          (c)    (1)    This subsection applies only in Howard County.

14          (2)    An alcoholic beverages licensee may not make a retail delivery of  
15 alcoholic beverages unless the purchaser:

16                  (i)    Is physically present on the licensed premises when the  
17 purchaser orders the alcoholic beverages; and

18                  (ii)   Makes payment for the purchase at the time of the order.

19          (d)    (1)    This subsection applies only in Montgomery County.

20          (2)    An alcoholic beverages licensee may not make an off-site retail  
21 delivery of alcoholic beverages unless:

22                  (i)    The deliverer is at least:

23                          1.    21 years old; or

24                          2.    18 years old and is accompanied by a supervisor who  
25 is at least 21 years old; and

26                  (ii)   The person taking possession of the delivery provides the  
27 deliverer with written certification supported by documentary proof that the person is  
28 of legal age to purchase alcoholic beverages. Certification shall be in the form set forth  
29 in § 12-109(1) of this article.

30          (3)    (i)    Each certification executed under this subsection shall be  
31 retained by the licensee for at least 1 year.

1                   (ii) The certifications shall be available for examination during  
2 regular business hours by an authorized representative of the Board of License  
3 Commissioners.

4                   (4) The Board of License Commissioners shall adopt regulations to  
5 implement this subsection.

6           (e)    (1) This subsection applies only in Garrett County.

7                   (2) The Board of License Commissioners may issue a delivery option  
8 that entitles an alcoholic beverages licensee or an authorized employee of the licensee  
9 to make an off-site retail delivery of alcoholic beverages if:

10                   (i) The deliverer is at least 21 years old and certified by an  
11 approved alcohol awareness program;

12                   (ii) The deliverer and purchaser endorse a delivery form that  
13 the Board of License Commissioners approves certifying that:

14                               1. The person who receives the delivery claims to be at  
15 least 21 years old, and the claim is supported by documentary proof;

16                               2. The person who receives the delivery knows that it is  
17 a criminal offense for alcoholic beverages to be furnished to a person under the age of  
18 21 years; and

19                               3. The deliverer examined the purchaser's identification.

20                   (3) Each delivery form endorsed under paragraph (2)(ii) of this  
21 subsection shall be submitted to the Board of License Commissioners on or before the  
22 10th day of the following month.

23                   (4)    (i) The annual fee for a delivery option is \$150.

24                               (ii) In addition to an annual fee, the Board of License  
25 Commissioners shall charge an issuing fee of \$150.

26                   (5) The Board of License Commissioners shall adopt regulations to  
27 carry out this subsection.

28           **(F)    (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S**  
29 **COUNTY.**

30                   **(2) AN ALCOHOLIC BEVERAGES LICENSEE MAY NOT MAKE AN**  
31 **OFF-SITE RETAIL DELIVERY OF ALCOHOLIC BEVERAGES TO THE RESIDENCE OF**  
32 **A CONSUMER.**

1           **[(f)] (G)**   This section does not apply to:

2                   (1)    The delivery of wine from a direct wine shipper to a consumer  
3    using a common carrier in accordance with Title 7.5 of this article; or

4                   (2)    The holder of a common carrier permit in the course of delivering  
5    directly shipped wine in accordance with Title 7.5 of this article.

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7    July 1, 2012.