

# HOUSE BILL 814

A2

2lr0319

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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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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2012

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## CHAPTER \_\_\_\_\_

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; providing a certain exception to the prohibition; and  
8 generally ~~prohibiting~~ relating to the delivery of alcoholic beverages to the  
9 residence of a consumer in Prince George's County.

10 BY repealing and reenacting, with amendments,  
11 Article 2B – Alcoholic Beverages  
12 Section 12–301  
13 Annotated Code of Maryland  
14 (2011 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 12–301.

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) The deliverer is at least:

28 1. 21 years old; or

29 2. 18 years old and is accompanied by a supervisor who  
30 is at least 21 years old; and

31 (ii) The person taking possession of the delivery provides the  
32 deliverer with written certification supported by documentary proof that the person is

1 of legal age to purchase alcoholic beverages. Certification shall be in the form set forth  
2 in § 12–109(1) of this article.

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

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

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

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

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

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

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

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

20 2. The person who receives the delivery knows that it is  
21 a criminal offense for alcoholic beverages to be furnished to a person under the age of  
22 21 years; and

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

24 (3) Each delivery form endorsed under paragraph (2)(ii) of this  
25 subsection shall be submitted to the Board of License Commissioners on or before the  
26 10th day of the following month.

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

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

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

1 (F) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S  
2 COUNTY.

3 (2) THIS SUBSECTION DOES NOT APPLY IN THAT PORTION OF  
4 OXON HILL KNOWN AS NATIONAL HARBOR, FOR A BUSINESS LOCATED IN  
5 NATIONAL HARBOR THAT DELIVERS ALCOHOLIC BEVERAGES TO A PERSON IN  
6 NATIONAL HARBOR.

7 ~~(2)~~ (3) AN ALCOHOLIC BEVERAGES LICENSEE MAY NOT MAKE  
8 AN OFF-SITE RETAIL DELIVERY OF ALCOHOLIC BEVERAGES TO THE RESIDENCE  
9 OF A CONSUMER.

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.