

Chapter 637

(House Bill 1316)

AN ACT concerning

Alcoholic Beverages – Rectifiers – Tours, Samples, and Sales

FOR the purpose of expanding the privileges of a rectifying license so that the holder of the license may conduct guided tours of the licensed premises, and serve not more than a certain number of samples of products manufactured at the licensed premises, ~~sell certain foods and beverages, sell products manufactured on the licensed premises for consumption off the licensed premises, and sell related merchandise~~ prohibiting a license holder or entity in which a license holder has a pecuniary interest from acting as a caterer of food; specifying the times when certain activities may be conducted; providing that a Class 2 manufacturer's (rectifying) license allows the holder to operate a certain number of days a week, with a certain exception; requiring a license holder to file with the Comptroller a notice of a promotional event at least a certain time before the event is held; prohibiting a license holder from selling or allowing to be consumed at the licensed premises certain products, with a certain exception; providing that this Act does not limit the application of certain laws and regulations; making certain technical corrections; and generally relating to rectifying licenses.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 2–203

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

2–203.

(A) A Class 2 manufacturer's license:

- (1) Is a rectifying license;
- (2) Authorizes the holder to:

(i) Establish and operate in this State a plant for rectifying, blending and bottling alcoholic beverages; and

(ii) Sell and deliver alcoholic beverages to a holder of a distillery, rectifying, or wholesaler's license, or to permit holders authorized to acquire those alcoholic beverages and to persons outside this State;

(3) [Permits a licensee] **AUTHORIZES THE HOLDER** to acquire alcoholic beverages from the holder of a:

(i) Distillery, rectifying, winery, or wholesaler's license in this State; or

(ii) Nonresident dealer's permit; [and]

(4) [Permits a rectifier] **AUTHORIZES THE HOLDER** to rectify, blend, bottle and store alcoholic beverages for another person or under another trade name if a rectifying license has been issued in the name of that person or under that trade name, as the case may be; **AND**

(5) AUTHORIZES THE HOLDER TO:

(I) CONDUCT GUIDED TOURS OF THE LICENSED PREMISES;

AND

(II) SERVE NOT MORE THAN THREE SAMPLES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES, WITH EACH SAMPLE CONSISTING OF NOT MORE THAN ONE-HALF OUNCE FROM A SINGLE PRODUCT, TO PERSONS WHO HAVE ATTAINED THE LEGAL DRINKING AGE AND PARTICIPATED IN A GUIDED TOUR OF THE LICENSED PREMISES;

~~**(III) SELL OR SERVE:**~~

~~**1. NONALCOHOLIC BEVERAGES;**~~

~~**2. BREAD AND OTHER BAKED GOODS;**~~

~~**3. CHILI;**~~

~~**4. CHOCOLATE;**~~

~~**5. CRACKERS;**~~

~~**6. CURED MEAT;**~~

- ~~7. FRUITS (WHOLE AND CUT);~~
- ~~8. SALADS AND VEGETABLES (WHOLE AND CUT);~~
- ~~9. HARD AND SOFT CHEESE (WHOLE AND CUT);~~
- ~~10. ICE CREAM;~~
- ~~11. JELLY AND JAM;~~
- ~~12. VINEGAR;~~
- ~~13. PIZZA;~~
- ~~14. PREPACKAGED SANDWICHES AND OTHER PREPACKAGED FOODS READY TO BE EATEN;~~
- ~~15. SOUP; AND~~
- ~~16. CONDIMENTS; AND~~

~~(IV) SELL NOT MORE THAN THREE 750 MILLILITER BOTTLES OF PRODUCTS MANUFACTURED ON THE LICENSED PREMISES, FOR CONSUMPTION OFF THE LICENSED PREMISES, AND RELATED MERCHANDISE TO PERSONS WHO HAVE ATTAINED THE LEGAL DRINKING AGE AND PARTICIPATED IN A GUIDED TOUR OF THE LICENSED PREMISES.~~

(B) A HOLDER OF A CLASS 2 MANUFACTURER'S (RECTIFYING) LICENSE OR ENTITY IN WHICH A HOLDER HAS A PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A LICENSE HOLDER MAY CONDUCT THE ACTIVITIES SPECIFIED IN SUBSECTION (A)(5) OF THIS SECTION:

(1) FOR CONSUMPTION OFF THE LICENSED PREMISES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES AND FOR SAMPLING, EACH DAY FROM 10 A.M. TO 10 P.M.; AND

(2) FOR CONSUMPTION ON THE LICENSED PREMISES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES:

(i) FROM 10 A.M. TO 6 P.M. EACH DAY; OR

(II) IF GUESTS ARE ATTENDING A PLANNED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY ON THE LICENSED PREMISES, FROM 10 A.M. TO 10 P.M. EACH DAY.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CLASS 2 MANUFACTURER'S (RECTIFYING) LICENSE ALLOWS THE HOLDER TO OPERATE 7 DAYS A WEEK.

(2) IN GARRETT COUNTY, A LICENSE HOLDER MAY OPEN ON SUNDAYS TO ENGAGE IN THE ACTIVITIES LISTED IN SUBSECTION (A)(5) OF THIS SECTION ONLY IN AN ELECTION DISTRICT WHERE THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY SALES AT A RECTIFYING FACILITY.

(E) AT LEAST 14 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL EVENT AFTER 6 P.M., A LICENSE HOLDER SHALL FILE A NOTICE OF THE PROMOTIONAL EVENT WITH THE COMPTROLLER ON THE FORM THAT THE COMPTROLLER PROVIDES.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY NOT SELL OR ALLOW TO BE CONSUMED AT THE LICENSED PREMISES ANY PRODUCT OTHER THAN PRODUCTS PRODUCED BY THE LICENSE HOLDER UNDER THE AUTHORITY OF THIS SECTION.

(2) A HOLDER OF A CATERER'S LICENSE OR PRIVILEGE UNDER TITLE 6, SUBTITLE 7 OF THIS ARTICLE MAY EXERCISE THE PRIVILEGES OF THE LICENSE OR PRIVILEGE ON THE LICENSED PREMISES OF THE LICENSE HOLDER.

(G) NOTHING IN THIS SECTION LIMITS THE APPLICATION OF RELEVANT PROVISIONS OF TITLE 21 OF THE HEALTH - GENERAL ARTICLE, AND REGULATIONS ADOPTED UNDER THAT TITLE, TO A LICENSE HOLDER.

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

Approved by the Governor, May 22, 2012.