

SENATE BILL 226

A1

4lr0877

By: **Senators Pinsky and Young**

Introduced and read first time: January 16, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Brewing Company Off-Site Permit**

3 FOR the purpose of authorizing the Office of the Comptroller to issue a brewing
4 company off-site permit to certain persons that meet certain requirements;
5 requiring the Office to collect a fee for a brewing company off-site permit;
6 authorizing a brewing company off-site permit holder to provide and sell a
7 certain amount of beer for certain purposes under certain circumstances;
8 requiring a brewing company off-site permit holder to have a certain agent
9 present while selling beer or providing samples at a farmers' market; specifying
10 certain events at which a brewing company off-site permit may be used;
11 specifying the term of a brewing company off-site permit; requiring an
12 applicant for a brewing company off-site permit to submit a certain application
13 form developed by the Office and pay a certain fee to obtain a permit; requiring
14 a brewing company off-site permit holder to notify the Office within a certain
15 period of time of the permit holder's intention to attend an off-site event;
16 authorizing the Office to adopt regulations to require a brewing company
17 off-site permit holder to notify a certain board of license commissioners of the
18 permit holder's intention to attend an off-site event; and generally relating to
19 brewing company off-site permits.

20 BY repealing and reenacting, with amendments,
21 Article 2B – Alcoholic Beverages
22 Section 2-101(b)(1)
23 Annotated Code of Maryland
24 (2011 Replacement Volume and 2013 Supplement)

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 BY adding to
2 Article 2B – Alcoholic Beverages
3 Section 2–105
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2013 Supplement)

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

8 **Article 2B – Alcoholic Beverages**

9 2–101.

10 (b) (1) (i) The Office of the Comptroller shall collect a fee for the
11 issuance or renewal of the following permits:

12 1. \$50 for a solicitor’s permit, an individual storage
13 permit, a nonresident winery permit, or a commercial nonbeverage permit;

14 2. \$75 for a public storage permit, a public
15 transportation permit, or an import and export permit;

16 3. \$200 for a public storage and transportation permit, a
17 nonresident dealer’s permit, a resident dealer’s permit, or a bulk transfer permit;

18 4. \$400 for a family beer and wine facility permit;

19 5. \$200 for issuance or renewal of a direct wine shipper’s
20 permit;

21 6. \$100 for a common carrier permit;

22 7. \$100 for a winery off–site permit; [and]

23 8. \$100 for a wine festival permit; AND

24 **9. \$100 FOR A BREWING COMPANY OFF–SITE**
25 **PERMIT.**

26 (ii) The Office of the Comptroller shall issue a nonbeverage
27 permit without the payment of any fee for an eleemosynary or a fuel–alcohol
28 permittee.

29 **2–105.**

1 (A) THERE IS A BREWING COMPANY OFF-SITE PERMIT.

2 (B) THE OFFICE OF THE COMPTROLLER MAY ISSUE THE PERMIT TO ~~A~~
3 ~~CLASS 5 BREWERY~~, A CLASS 7 MICRO-BREWERY, THAT PRODUCES LESS THAN
4 3,000 BARRELS PER YEAR OR A CLASS 8 FARM BREWERY THAT MEETS THE
5 REQUIREMENTS OF THIS SECTION.

6 (C) DURING AN EVENT LISTED IN SUBSECTION (E) OF THIS SECTION,
7 THE PERMIT HOLDER MAY:

8 (1) PROVIDE TO A CONSUMER A SAMPLE THAT HAS BEEN
9 PRODUCED BY THE PERMIT HOLDER AND THAT MAY NOT EXCEED 1 FLUID
10 OUNCE FOR EACH BRAND;

11 (2) SELL TO A CONSUMER UP TO 288 OUNCES OF BEER THAT HAS
12 BEEN PRODUCED BY THE PERMIT HOLDER FOR OFF-PREMISES CONSUMPTION;
13 AND

14 (3) EXCEPT FOR FARMERS' MARKETS LISTED IN SUBSECTION (E)
15 OF THIS SECTION, SELL TO A CONSUMER UP TO 288 OUNCES OF BEER THAT IS
16 PRODUCED BY THE PERMIT HOLDER FOR ON- AND OFF-PREMISES
17 CONSUMPTION.

18 (D) WHILE SELLING BEER OR PROVIDING SAMPLES AT A FARMERS'
19 MARKET AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A PERMIT HOLDER
20 SHALL HAVE AN AGENT PRESENT WHO IS CERTIFIED BY AN APPROVED ALCOHOL
21 AWARENESS PROGRAM.

22 (E) THE BREWING COMPANY OFF-SITE PERMIT MAY BE USED ONLY:

23 (1) DURING THE MONTGOMERY COUNTY AGRICULTURAL FAIR;

24 (2) DURING THE MARYLAND STATE AGRICULTURAL FAIR;

25 (3) DURING THE FREDERICK COUNTY AGRICULTURAL FAIR;

26 (4) ONE NIGHT EACH WEEK FROM JUNE THROUGH NOVEMBER AT
27 THE NORTH BEACH FRIDAY NIGHT FARMERS' MARKET;

28 (5) ~~AT~~ FOR UP TO SEVEN EVENTS, AT AN EVENT THAT HAS AS ITS
29 MAJOR PURPOSE AN ACTIVITY:

30 (I) THAT IS OTHER THAN THE SALE AND PROMOTION OF
31 ALCOHOLIC BEVERAGES; AND

1 **(II) FOR WHICH THE PARTICIPATION OF A BREWING**
2 **COMPANY IS A SUBORDINATE ACTIVITY;**

3 **(6) AT OTHER FARMERS' MARKETS THAT ARE LISTED ON THE**
4 **FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF**
5 **AGRICULTURE; AND**

6 **(7) AT A BEER FESTIVAL THAT:**

7 **(I) HAS AS ITS PRIMARY PURPOSE THE PROMOTION OF**
8 **MARYLAND BEER; AND**

9 **(II) IS AUTHORIZED BY THE OFFICE OF THE COMPTROLLER**
10 **UNDER § 22-103 OF THIS SUBTITLE.**

11 **(F) THE TERM OF A BREWING COMPANY OFF-SITE PERMIT IS 1 YEAR.**

12 **(G) AN APPLICANT SHALL:**

13 **(1) SUBMIT TO THE OFFICE OF THE COMPTROLLER A**
14 **COMPLETED APPLICATION ON A FORM THAT THE OFFICE OF THE**
15 **COMPTROLLER PROVIDES; AND**

16 **(2) PAY A FEE OF \$100 FOR THE BREWING COMPANY OFF-SITE**
17 **PERMIT.**

18 **(H) (1) NO LATER THAN THE 20TH DAY OF THE MONTH PRECEDING**
19 **THE OFF-SITE EVENT, THE PERMIT HOLDER SHALL NOTIFY THE OFFICE OF THE**
20 **COMPTROLLER OF THE PERMIT HOLDER'S INTENTION TO ATTEND AN OFF-SITE**
21 **EVENT.**

22 **(2) THE NOTICE SHALL BE ON A FORM THAT THE OFFICE OF THE**
23 **COMPTROLLER PROVIDES.**

24 **(I) THE COMPTROLLER MAY ADOPT REGULATIONS TO REQUIRE THE**
25 **PERMIT HOLDER TO NOTIFY THE BOARD OF LICENSE COMMISSIONERS IN THE**
26 **COUNTY WHERE THE EVENT IS BEING HELD OF THE PERMIT HOLDER'S**
27 **INTENTION TO ATTEND AN OFF-SITE EVENT.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2014.