

SENATE BILL 910

A1

8lr3415

By: **Senator Waugh**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Class 9 Limited Distillery License – On-Site Consumption**
3 **Permit**

4 FOR the purpose of authorizing the Comptroller to grant a Class 9 limited distillery license
5 to the holder of an on-site consumption permit; authorizing a holder of the permit to
6 sell mixed drinks made from liquor that the holder produces and other ingredients
7 for on-premises consumption; authorizing a local licensing board to establish and
8 charge a fee for a certain permit; requiring the holder of a certain permit to comply
9 with certain requirements; and generally relating to Class 9 distillery licenses.

10 BY repealing and reenacting, with amendments,
11 Article – Alcoholic Beverages
12 Section 2–203
13 Annotated Code of Maryland
14 (2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

18 2–203.

19 (a) There is a Class 9 limited distillery license.

20 (b) The limited distillery license may be issued only to a holder of a:

21 (1) Class D beer, wine, and liquor license where sales for both on- and
22 off-premises consumption are permitted for use on the premises for which the Class D
23 license was issued; [or]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Class B beer, wine, and liquor license where sales for both on- and
2 off-premises consumption are permitted for use on the premises for which the Class B
3 license was issued; **OR**

4 **(3) PERMIT AUTHORIZED UNDER SUBSECTION (G) OF THIS SECTION.**

5 (c) A holder of the limited distillery license:

6 (1) may establish and operate a plant in the State for distilling, rectifying,
7 and bottling brandy, rum, whiskey, alcohol, and neutral spirits if the holder:

8 (i) maintains only one brand at any one time for each product of
9 brandy, rum, whiskey, alcohol, and neutral spirits that is distilled, rectified, and sold; and

10 (ii) does not manufacture or rectify product of any other brand for
11 another entity;

12 (2) may acquire bulk alcoholic beverages from the holder of a distillery or
13 rectifying license in the State or from the holder of a nonresident dealer's permit;

14 (3) after acquiring an individual storage permit, may store on the licensed
15 premises those products manufactured under the license;

16 (4) may sell and deliver those products manufactured under the license
17 only to a licensed wholesaler in the State or person authorized to acquire distilled spirits
18 in another state and not to a county dispensary;

19 (5) may sell the products manufactured under the license at retail in a
20 manner consistent with the underlying Class D LICENSE, [or] Class B license, **OR PERMIT**
21 **AUTHORIZED UNDER SUBSECTION (G) OF THIS SECTION;**

22 (6) may conduct guided tours of that portion of the licensed premises used
23 for the limited distillery operation; and

24 (7) may serve not more than three samples of products manufactured at
25 the licensed premises, with each sample consisting of not more than one-half ounce from a
26 single product, to persons who:

27 (i) have attained the legal drinking age;

28 (ii) participated in a guided tour; and

29 (iii) are present on that portion of the premises used for the limited
30 distillery operation.

31 (d) A holder of the limited distillery license may not:

1 (1) apply for or possess a wholesaler's license;

2 (2) sell bottles of the products manufactured at the Class 9 limited
3 distillery on that part of the premises used for the distillery operation;

4 (3) except as provided in subsection (e) of this section, distill, rectify, bottle,
5 or sell more than 100,000 gallons of brandy, rum, whiskey, alcohol, and neutral spirits each
6 calendar year;

7 (4) sell at retail on the premises of the Class D LICENSE, [or] Class B
8 license, **OR PERMIT AUTHORIZED UNDER SUBSECTION (G) OF THIS SECTION**, for
9 on-sale or off-sale consumption, more than 15,500 gallons of the products manufactured
10 under the license each calendar year; and

11 (5) own, operate, or be affiliated in any manner with another
12 manufacturer.

13 (e) To distill more than the gallonage specified in subsection (d)(3) of this section,
14 a holder of the limited distillery license shall divest itself of any Class D **RETAIL LICENSE**,
15 [or] Class B retail license, **OR A PERMIT AUTHORIZED UNDER SUBSECTION (G) OF THIS**
16 **SECTION** and obtain a Class 1 distillery license.

17 (f) A holder of the limited distillery license shall abide by all trade practice
18 restrictions applicable to distilleries.

19 (g) **(1) A LOCAL LICENSING BOARD THAT DOES NOT ISSUE A CLASS D**
20 **BEER, WINE, AND LIQUOR LICENSE MAY GRANT AN ON-PREMISES AND**
21 **OFF-PREMISES CONSUMPTION PERMIT THAT AUTHORIZES:**

22 **(I) THE SALE OF PRODUCTS THE APPLICANT PRODUCES FOR**
23 **OFF-PREMISES CONSUMPTION; AND**

24 **(II) THE SALE OF LIQUOR MANUFACTURED BY THE APPLICANT**
25 **THAT IS MIXED WITH OTHER INGREDIENTS FOR ON-PREMISES CONSUMPTION.**

26 **(2) A LOCAL LICENSING BOARD:**

27 **(I) MAY ESTABLISH AND CHARGE A PERMIT FEE; AND**

28 **(II) SHALL REQUIRE THE PERMIT HOLDER TO COMPLY WITH**
29 **THE ALCOHOL AWARENESS REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE.**

30 **(H) The annual license fee is \$500.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2018.