

Chapter 284

(House Bill 270)

AN ACT concerning

Alcoholic Beverages – Brewing Company Off-Site Permits and Winery Off-Site Permits – Harford County Farm Fair

FOR the purpose of adding the Harford County Farm Fair to the list of off-site events for which a holder of a brewing company off-site permit or a winery off-site permit may use the permit; altering the time period within which a holder of a brewing company off-site permit is required to notify the Comptroller of an intention to attend an off-site event; and generally relating to brewing company off-site permits and winery off-site permits.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 2–130 and 2–133

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

2–130.

(a) In this section, “limited permit holder” means a person who holds a brewing company off-site permit and also holds a manufacturer’s license for:

(1) a Class 5 brewery that produces less than 3,000 barrels a year;

(2) a Class 7 micro-brewery that produces less than 3,000 barrels a year;

or

(3) a Class 8 farm brewery.

(b) There is a brewing company off-site permit.

(c) The Comptroller may issue the permit to:

(1) a Class 5 brewery;

(2) a Class 7 micro-brewery; or

(3) a Class 8 farm brewery.

(d) During an event listed in subsection (f) of this section, a limited permit holder may:

(1) provide to a consumer a sample of beer that has been produced by the limited permit holder and that may not exceed 1 fluid ounce for each offering;

(2) sell to a consumer up to 288 ounces of beer that has been produced by the limited permit holder for off-premises consumption; and

(3) except for farmers' markets listed in subsection (f) of this section, sell to a consumer up to 288 ounces of beer that is produced by the limited permit holder for on- and off-premises consumption.

(e) While selling beer or providing samples of beer at a farmers' market as provided in subsection (f) of this section, a limited permit holder shall have an agent present who is certified by an approved alcohol awareness program.

(f) Except as otherwise authorized under subsection (g) of this section, a limited permit holder may use the brewing company off-site permit only:

(1) at the Montgomery County Agricultural Fair;

(2) at the Maryland State Agricultural Fair;

(3) at the Frederick County Agricultural Fair;

(4) AT THE HARFORD COUNTY FARM FAIR;

[(4)] (5) one night each week from June through November at the North Beach Friday Night Farmers' Market;

[(5)] (6) for up to seven events, at an event that has as its major purpose an activity:

(i) that is other than the sale and promotion of alcoholic beverages; and

(ii) for which the participation of a brewing company is a subordinate activity; and

[(6)] (7) at other farmers' markets that are listed on the Farmers' Market Directory of the Maryland Department of Agriculture.

(g) A person that holds a brewing company off-site permit may use the permit at a nonprofit beer festival that:

- (1) has as its primary purpose the promotion of Maryland beer; and
- (2) is authorized by a local licensing board under § 2-131 of this subtitle.

(h) (1) [No later than the 20th day of the month preceding the off-site event] **WITHIN A TIME PERIOD THAT THE COMPTROLLER DETERMINES**, the permit holder shall notify the Comptroller of the permit holder's intention to attend an off-site event.

(2) The notice shall be on a form that the Comptroller provides.

(i) The permit is valid for 1 year.

(j) An applicant shall submit an application for the permit to the Comptroller on a form that the Comptroller provides.

(k) The permit fee is \$100.

2-133.

(a) There is a winery off-site permit.

(b) The Comptroller may issue the permit to a Class 4 limited winery that meets the requirements of this section.

(c) During an event listed in subsection (e) of this section, the permit holder may:

(1) provide to a consumer a sample of wine that:

- (i) has been produced by the permit holder; and
- (ii) does not exceed 1 fluid ounce for each offering;

(2) sell to a consumer wine that has been produced by the permit holder for off-premises consumption; and

(3) except for a farmers' market listed in subsection (e) of this section, sell to a consumer wine that is produced by the permit holder for on- and off-premises consumption.

(d) While selling wine or providing samples of wine at a farmers' market as provided in subsection [(e)(4)] **(E)(5)** of this section, the permit holder shall have an agent present who is certified by an approved alcohol awareness program.

(e) The permit may be used only:

(1) at the Montgomery County Agricultural Fair;

(2) AT THE HARFORD COUNTY FARM FAIR;

[(2)] (3) 1 night each week from June through November at the North Beach Friday Night Farmers' Market;

[(3)] (4) at an event that has as its major purpose an activity:

(i) that is other than the sale and promotion of alcoholic beverages;
and

(ii) for which the participation of a winery is a subordinate activity;

[(4)] (5) at a farmers' market that is listed on the Farmers' Market Directory of the Maryland Department of Agriculture; and

[(5)] (6) at a wine festival that:

(i) has as its primary purpose the promotion of Maryland wine; and

(ii) is authorized by the Comptroller under § 2-134 of this subtitle.

(f) Each calendar year, a permit holder may participate in no more than:

(1) 32 events described in subsection **[(e)(3)] (E)(4)** of this section or wine festivals described in § 2-134 of this subtitle statewide; and

(2) nine events at any single venue.

(g) (1) (i) The permit holder shall notify the Comptroller of the permit holder's intention to attend an off-site event within a time period that the Comptroller determines.

(ii) The notice shall be on a form that the Comptroller provides.

(2) The Comptroller may adopt regulations to require the permit holder to notify the board of license commissioners in the county where the event is being held of the permit holder's intention to attend an off-site event.

(h) The permit is valid for 1 year.

(i) A person shall submit the application for the permit to the Comptroller on a form the Comptroller provides.

(j) The permit fee is \$100.

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

Approved by the Governor, April 24, 2018.