

# HOUSE BILL 549

A1

(9lr1758)

## ENROLLED BILL

— Economic Matters/Education, Health, and Environmental Affairs —

Introduced by Delegates Miller, Lisanti, Healey, Krebs, R. Lewis, and Miller, and Mautz

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

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

1 AN ACT concerning

### 2 **Alcoholic Beverages – Class 1 Distillery License – On-Site Consumption Permit**

3 FOR the purpose of authorizing the holder of a Class 1 distillery license to sell mixed drinks  
4 made from certain liquor and *certain* other ingredients, under certain circumstances;  
5 authorizing a local licensing board to grant an on-site consumption permit to the  
6 holder of a Class 1 distillery license; ~~allowing mixed drinks sold by the permit holder~~  
7 ~~to contain alcohol not produced by the holder, under certain circumstances;~~  
8 ~~prohibiting the permit holder from possessing more than a certain amount of alcohol~~  
9 ~~not produced by the holder;~~ prohibiting the permit holder from using more than a  
10 certain amount annually of liquor the holder produces for mixed drinks; authorizing  
11 a local licensing board to establish and charge a fee for a certain permit; requiring  
12 the holders of a certain permit to comply with certain requirements and restrictions;  
13 and generally relating to Class 1 distillery licenses.

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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.

*Italics* indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,  
2 Article – Alcoholic Beverages  
3 Section 2–202  
4 Annotated Code of Maryland  
5 (2016 Volume and 2018 Supplement)

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

8 **Article – Alcoholic Beverages**

9 2–202.

- 10 (a) There is a Class 1 distillery license.
- 11 (b) The license shall be obtained for each trade name and each distillery in the  
12 State.
- 13 (c) A license holder may:
- 14 (1) establish and operate a plant for distilling, rectifying, blending, and  
15 bottling, at the location described in the license:
- 16 (i) brandy;
- 17 (ii) rum;
- 18 (iii) whiskey;
- 19 (iv) alcohol; and
- 20 (v) neutral spirits;
- 21 (2) sell and deliver the alcoholic beverages:
- 22 (i) in bulk to a person in the State that is authorized to acquire  
23 them; and
- 24 (ii) to a person outside the State that is authorized to acquire them;
- 25 (3) manufacture an alcoholic beverage listed in item (1) of this subsection  
26 in the name of another person or under a trade name if the other person or trade name also  
27 holds a Class 1 distillery license;
- 28 (4) acquire alcoholic beverages from the holder of a manufacturer’s license  
29 or wholesaler’s license or nonresident dealer’s permit for use in manufacturing; [and]

1 (5) (i) conduct guided tours of the licensed premises;

2 (ii) at no cost or for a fee, serve to an individual who has attained the  
3 legal drinking age and participated in a guided tour of the licensed premises, not more than  
4 2 ounces of products, with each product sample consisting of not more than one-half ounce  
5 from a single product manufactured by the license holder;

6 (iii) serve samples blended with other products manufactured by the  
7 license holder or nonalcoholic ingredients; and

8 (iv) sell not more than 2.25 liters of products manufactured on the  
9 licensed premises, for off-premises consumption, and related merchandise to an individual  
10 who has attained the legal drinking age and participated in a guided tour of the licensed  
11 premises; **AND**

12 **(6) SUBJECT TO SUBSECTION (I) OF THIS SECTION, SELL LIQUOR**  
13 **MANUFACTURED BY THE LICENSE HOLDER THAT IS MIXED WITH OTHER**  
14 **NONALCOHOLIC INGREDIENTS.**

15 (d) A license holder or entity in which a license holder has a pecuniary interest  
16 may not act as a caterer of food.

17 (e) Subject to subsection (f) of this section, a license holder may conduct the  
18 activities specified in [subsection] **SUBSECTIONS (c)(5) AND (I)(2)** of this section from 10  
19 a.m. to 10 p.m. each day.

20 (f) A Class 1 distillery license allows the license holder to operate 7 days a week.

21 (g) At least 14 days before holding a planned promotional event after 6 p.m., a  
22 license holder shall file a notice of the promotional event with the Comptroller on the form  
23 that the Comptroller provides.

24 (h) A holder of a caterer's license or privilege under Subtitle 5 of this title or  
25 Subtitle 12 of various titles of Division II of this article may exercise the privileges of the  
26 license or privilege on the licensed premises of the license holder.

27 (i) **(1) A LOCAL LICENSING BOARD MAY GRANT AN ON-SITE**  
28 **CONSUMPTION PERMIT FOR USE AT THE LOCATION OF THE CLASS 1 DISTILLERY**  
29 **LICENSE TO A HOLDER OF A CLASS 1 DISTILLERY LICENSE.**

30 **(2) (I) THE PERMIT AUTHORIZES THE HOLDER TO SELL MIXED**  
31 **DRINKS MADE FROM LIQUOR THAT THE HOLDER PRODUCES THAT IS MIXED WITH**  
32 **OTHER NONALCOHOLIC INGREDIENTS FOR ON-PREMISES CONSUMPTION.**

~~(H) THE MIXED DRINKS SOLD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY CONTAIN ALCOHOL THAT THE HOLDER DOES NOT PRODUCE, PROVIDED THAT:~~

~~1. AT LEAST 75 PERCENT OF THE ALCOHOL USED IN THE MIXED DRINKS IS PRODUCED BY THE HOLDER; AND~~

~~2. THE ALCOHOL THAT IS NOT PRODUCED BY THE HOLDER IS PURCHASED FROM A LICENSED RETAILER.~~

~~(III) THE HOLDER MAY NOT KEEP MORE THAN 10 VARIETIES OF ALCOHOL NOT PRODUCED BY THE HOLDER ON THE LICENSED PREMISES.~~

~~(IV) (II) THE HOLDER MAY NOT USE MORE THAN AN AGGREGATE OF 7,750 GALLONS ANNUALLY OF LIQUOR THE HOLDER PRODUCES FOR MIXED DRINKS SOLD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

**(3) A LOCAL LICENSING BOARD:**

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

**(II) SHALL REQUIRE THE PERMIT HOLDER TO:**

**1. COMPLY WITH THE ALCOHOL AWARENESS REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE; AND**

**2. ABIDE BY ALL APPLICABLE TRADE PRACTICE RESTRICTIONS.**

**(J)** 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.

**[j] (K)** The annual license fee is \$2,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.