

HOUSE BILL 1155

A2

11r0498

By: **Howard County Delegation**

Introduced and read first time: February 8, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages – Delivery**

3 **Ho. Co. 01–21**

4 FOR the purpose of authorizing a holder of a Class A alcoholic beverages license in Howard
5 County to deliver alcoholic beverages in the county; authorizing certain employees
6 of a license holder to deliver alcoholic beverages; requiring that an employee making
7 certain deliveries be of a certain age; requiring an individual receiving a certain
8 alcoholic beverages delivery to provide certain proof of age; providing for the manner
9 in which an individual receiving a delivery of alcoholic beverages provides proof of
10 age; requiring the Board of License Commissioners for Howard County to approve a
11 certain certification; requiring the purchaser of certain alcoholic beverages or a
12 certain designated individual of a certain age to be present to receive a delivery of
13 alcoholic beverages; and generally relating to alcoholic beverages in Howard County.

14 BY repealing and reenacting, without amendments,

15 Article – Alcoholic Beverages
16 Section 4–507, 23–102, and 23–1901(b)
17 Annotated Code of Maryland
18 (2016 Volume and 2020 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Alcoholic Beverages
21 Section 23–1904
22 Annotated Code of Maryland
23 (2016 Volume and 2020 Supplement)

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

26 **Article – Alcoholic Beverages**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-507.

2 (a) This section does not apply to:

3 (1) the delivery of wine from a direct wine shipper to a consumer using a
4 common carrier in accordance with Title 2, Subtitle 1, Part V of this article; or

5 (2) the holder of a common carrier permit in the course of delivering
6 directly shipped wine in accordance with Title 2, Subtitle 1, Part V of this article.

7 (b) Retail delivery to a purchaser of alcoholic beverages is prohibited unless:

8 (1) a retail license holder obtains a letter of authorization from the local
9 licensing board to make deliveries; and

10 (2) the delivery is made from the licensed premises by the retail license
11 holder or an employee of the retail license holder.

12 23-102.

13 This title applies only in Howard County.

14 23-1901.

15 (b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License
16 Holders”) of Division I of this article apply in the county:

17 (1) § 4-504 (“Employment of underage individuals”), subject to § 23-1902
18 of this subtitle;

19 (2) § 4-505 (“Alcohol awareness program”), subject to § 23-1903 of this
20 subtitle; and

21 (3) § 4-507 (“Retail delivery of alcoholic beverages”), subject to § 23-1904
22 of this subtitle.

23 23-1904.

24 **(A) (1) THE HOLDER OF A CLASS A LICENSE OR AN EMPLOYEE OF THE**
25 **LICENSE HOLDER MAY DELIVER ALCOHOLIC BEVERAGES ONLY WITHIN THE**
26 **COUNTY.**

27 **(2) AN EMPLOYEE MAKING A DELIVERY SHALL MEET THE AGE**
28 **REQUIREMENTS OF § 23-1902 OF THIS SUBTITLE.**

1 **(B) THE DELIVERER AND INDIVIDUAL RECEIVING THE DELIVERY SHALL, AT**
2 **THE TIME OF DELIVERY, ENDORSE A DELIVERY FORM THAT THE BOARD APPROVES,**
3 **CERTIFYING THAT:**

4 **(1) THE INDIVIDUAL RECEIVING THE DELIVERY CLAIMED TO BE AT**
5 **LEAST 21 YEARS OLD AND THE CLAIM WAS SUPPORTED BY DOCUMENTARY**
6 **EVIDENCE;**

7 **(2) THE INDIVIDUAL RECEIVING THE DELIVERY KNEW THAT IT IS A**
8 **CRIMINAL OFFENSE FOR ALCOHOLIC BEVERAGES TO BE GIVEN TO AN INDIVIDUAL**
9 **UNDER THE AGE OF 21 YEARS; AND**

10 **(3) THE DELIVERER EXAMINED THE RECIPIENT'S IDENTIFICATION.**

11 **(C) A license holder OR AN EMPLOYEE OF A LICENSE HOLDER may not make a**
12 **retail delivery of alcoholic beverages unless the purchaser:**

13 **(1) OR ANOTHER INDIVIDUAL AT LEAST 21 YEARS OLD DESIGNATED**
14 **BY THE PURCHASER, is physically present [on the licensed premises when the purchaser**
15 **orders the alcoholic beverages] TO RECEIVE THE ALCOHOLIC BEVERAGES AT THE TIME**
16 **AND PLACE OF DELIVERY; and**

17 **(2) pays for the purchase at the time of the order.**

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
19 **1, 2021.**