

SENATE BILL 205

A1

(PRE-FILED)

1r1462
CF HB 12

By: **Senator Hettleman**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 1, 2021

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Sale or Delivery for Off-Premises Consumption**

3 FOR the purpose of altering the scope of a certain provision prohibiting the retail delivery
4 to a purchaser of alcoholic beverages under certain circumstances; authorizing a
5 county to adopt a local law or ordinance to allow the holders of certain licenses that
6 authorize the sale of alcoholic beverages at a restaurant, bar, or tavern to sell certain
7 alcoholic beverages for off-premises consumption or delivery under certain
8 circumstances; prohibiting a local licensing board from charging a certain license
9 holder an additional fee under certain circumstances; authorizing a local licensing
10 board to limit the quantity of alcoholic beverages sold or delivered to an individual
11 in a single transaction; requiring the Maryland Department of Health to conduct a
12 certain study and submit a certain report to the General Assembly; providing for the
13 termination of this Act; and generally relating to the sale of alcoholic beverages at
14 restaurants, bars, and taverns.

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages
17 Section 4-507
18 Annotated Code of Maryland
19 (2016 Volume and 2020 Supplement)

20 BY adding to
21 Article – Alcoholic Beverages
22 Section 4-1107

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 Annotated Code of Maryland
2 (2016 Volume and 2020 Supplement)

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

5 **Article – Alcoholic Beverages**

6 4–507.

7 (a) This section does not apply to:

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

10 (2) the holder of a common carrier permit in the course of delivering
11 directly shipped wine in accordance with Title 2, Subtitle 1, Part V of this article; **OR**

12 **(3) THE DELIVERY OF ALCOHOLIC BEVERAGES IN ACCORDANCE WITH**
13 **A LOCAL LAW OR AN ORDINANCE ADOPTED UNDER § 4–1107 OF THIS TITLE.**

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

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

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

19 **4–1107.**

20 **(A) (1) A COUNTY MAY ADOPT A LOCAL LAW OR AN ORDINANCE THAT**
21 **ALLOWS RESTAURANTS, BARS, OR TAVERNS TO SELL ALCOHOLIC BEVERAGES FOR**
22 **OFF-PREMISES CONSUMPTION ONLY IN ACCORDANCE WITH THIS SECTION.**

23 **(2) IN CONSIDERING WHETHER TO ADOPT A LOCAL LAW OR AN**
24 **ORDINANCE UNDER THIS SECTION, A COUNTY SHALL WEIGH THE NEED TO PROMOTE**
25 **THE ECONOMIC RECOVERY OF DIFFERENT CATEGORIES OF SMALL BUSINESSES IN**
26 **THE WAKE OF THE COVID–19 PANDEMIC AND THE NEED TO PROTECT PUBLIC**
27 **HEALTH AND WELFARE.**

28 **~~(A)~~ (B) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSE THAT**
29 **AUTHORIZES THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES**
30 **CONSUMPTION ONLY AT A RESTAURANT, BAR, OR TAVERN.**

1 **(2) A LOCAL LAW OR AN ORDINANCE ADOPTED UNDER THIS SECTION**
2 **SHALL AUTHORIZE A LICENSE HOLDER UNDER THIS SUBSECTION ~~MAY TO SELL ANY~~**
3 **ALCOHOLIC BEVERAGES AUTHORIZED UNDER ITS LICENSE, INCLUDING, IF**
4 **AUTHORIZED, ~~A MIXED DRINK OR COCKTAIL, IN A SEALED OR CLOSED CONTAINER~~**
5 **MIXED DRINKS OR COCKTAILS IN SEALED OR CLOSED CONTAINERS FOR**
6 **OFF-PREMISES CONSUMPTION OR DELIVERY IF:**

7 **(I) THE ALCOHOLIC BEVERAGE IS PURCHASED ALONG WITH**
8 **PREPARED FOOD OTHER THAN PREPACKAGED SNACKS;**

9 **(II) THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE:**

10 1. IS AT LEAST 21 YEARS OF AGE;

11 2. PROVIDES VALID IDENTIFICATION AS PROOF OF AGE;

12 **AND**

13 3. IF THE SALE IS FOR DELIVERY, PROVIDES ANY
14 **DOCUMENTATION THAT THE LOCAL LICENSING BOARD REQUIRES;**

15 **(III) THE LICENSE HOLDER HAS REGISTERED AND RECEIVED**
16 **WRITTEN AUTHORIZATION FROM THE LOCAL LIQUOR LICENSING BOARD TO SELL**
17 **ALCOHOLIC BEVERAGES AUTHORIZED UNDER ITS LICENSE FOR OFF-PREMISES**
18 **CONSUMPTION OR DELIVERY;**

19 **(IV) EACH ALCOHOLIC BEVERAGE SOLD FOR OFF-PREMISES**
20 **CONSUMPTION OR DELIVERY IS:**

21 1. PROVIDED IN THE MANUFACTURER'S ORIGINAL
22 **SEALED CONTAINER OR IN A CONTAINER CLOSED WITH A CAP, CORK, SEAL, OR LID**
23 **WITH NO HOLES FOR STRAWS OR SIPPING; AND**

24 2. SOLD OR DELIVERED NOT LATER THAN 11 P.M.;

25 ~~**(V) THE DELIVERY OF AN ALCOHOLIC BEVERAGE IS MADE FROM**~~
26 ~~**THE LICENSED PREMISES BY THE LICENSE HOLDER OR THE HOLDER'S EMPLOYEE**~~
27 ~~**TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE; AND**~~

28 **(V) THE DELIVERY OF AN ALCOHOLIC BEVERAGE IS MADE FROM**
29 **THE LICENSED PREMISES TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC**
30 **BEVERAGE BY THE LICENSE HOLDER OR THE LICENSE HOLDER'S EMPLOYEE, WHO**
31 **IS AT LEAST 21 YEARS OLD AND CERTIFIED IN AN ALCOHOL AWARENESS PROGRAM;**
32 **AND**

1 (VI) THE ALCOHOLIC BEVERAGE IS NOT DELIVERED TO:

2 1. ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC
3 BEVERAGES; OR

4 2. AN ADDRESS LOCATED OUTSIDE OF THE LICENSED
5 JURISDICTION.

6 ~~(B)~~ (C) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSE THAT
7 AUTHORIZES THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES AND
8 OFF-PREMISES CONSUMPTION AT A RESTAURANT, BAR, OR TAVERN.

9 (2) A LOCAL LAW OR AN ORDINANCE ADOPTED UNDER THIS SECTION
10 SHALL AUTHORIZE A LICENSE HOLDER UNDER THIS SUBSECTION ~~MAY~~ TO OBTAIN A
11 PERMIT FROM THE LOCAL LICENSING BOARD THAT AUTHORIZES THE HOLDER TO
12 SELL ~~A MIXED DRINK OR COCKTAIL IN A SEALED OR CLOSED CONTAINER,~~ IF
13 AUTHORIZED UNDER THE HOLDER'S LICENSE, MIXED DRINKS OR COCKTAILS IN
14 SEALED OR CLOSED CONTAINERS FOR OFF-PREMISES CONSUMPTION OR DELIVERY
15 IF:

16 (I) THE MIXED DRINK OR COCKTAIL IS PURCHASED ALONG
17 WITH PREPARED FOOD OTHER THAN PREPACKAGED SNACKS;

18 (II) THE INDIVIDUAL PURCHASING THE MIXED DRINK OR
19 COCKTAIL:

20 1. IS AT LEAST 21 YEARS OF AGE;

21 2. PROVIDES VALID IDENTIFICATION AS PROOF OF AGE;

22 AND

23 3. IF THE SALE IS FOR DELIVERY, PROVIDES ANY
24 DOCUMENTATION THAT THE LOCAL LICENSING BOARD REQUIRES;

25 (III) EACH MIXED DRINK OR COCKTAIL SOLD FOR OFF-PREMISES
26 CONSUMPTION OR DELIVERY IS:

27 1. PROVIDED IN THE MANUFACTURER'S ORIGINAL
28 SEALED CONTAINER OR IN A CONTAINER CLOSED WITH A CAP, CORK, SEAL, OR LID
29 WITH NO HOLES FOR STRAWS OR SIPPING; AND

30 2. SOLD OR DELIVERED NOT LATER THAN 11 P.M.;

~~(IV) THE DELIVERY OF THE MIXED DRINK OR COCKTAIL IS MADE FROM THE LICENSED PREMISES BY THE LICENSE HOLDER OR THE HOLDER'S EMPLOYEE TO THE INDIVIDUAL PURCHASING THE MIXED DRINK OR COCKTAIL; AND~~

(IV) THE DELIVERY OF AN ALCOHOLIC BEVERAGE IS MADE FROM THE LICENSED PREMISES TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE BY THE LICENSE HOLDER OR THE LICENSE HOLDER'S EMPLOYEE, WHO IS AT LEAST 21 YEARS OLD AND CERTIFIED IN AN ALCOHOL AWARENESS PROGRAM; AND

(V) THE MIXED DRINK OR COCKTAIL IS NOT DELIVERED TO:

1. ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES; OR
2. AN ADDRESS LOCATED OUTSIDE OF THE LICENSED JURISDICTION.

(D) A LOCAL LAW OR AN ORDINANCE ADOPTED UNDER THIS SECTION MAY NOT IMPOSE ADDITIONAL RESTRICTIONS OR LIMITATIONS ON THE SALE OF ALCOHOLIC BEVERAGES UNDER SUBSECTION (B) OR (C) OF THIS SECTION.

~~(E)~~ (E) (1) A LOCAL LICENSING BOARD MAY NOT CHARGE A LICENSE HOLDER AN ADDITIONAL FEE FOR SELLING OR DELIVERING ALCOHOLIC BEVERAGES IN ACCORDANCE WITH A LOCAL LAW OR AN ORDINANCE ADOPTED UNDER THIS SECTION.

(2) A LOCAL LICENSING BOARD MAY LIMIT THE QUANTITY OF ALCOHOLIC BEVERAGES THAT MAY BE SOLD OR DELIVERED UNDER A LOCAL LAW OR AN ORDINANCE ADOPTED UNDER THIS SECTION TO AN INDIVIDUAL IN A SINGLE TRANSACTION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of Health shall:

(1) conduct a study on the impact of the expansion of alcohol access under the Governor's proclamation of March 5, 2020 "Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID-19" and § 4-1107 of the Alcoholic Beverages Article, as enacted by Section 1 of this Act, for the years 2020, 2021, and 2022, including the impact on public health; and

(2) on or before December 31, 2022, report to the General Assembly, in accordance with § 2-1257 of the State Government Article on the findings of the study.

1 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 2 July 1, 2021. It shall remain effective for a period of 2 years and, at the end of June 30,
 3 2023, this Act and any local law or ordinance adopted under this Act, with no further action
 4 required by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.