

SENATE BILL 431

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3lr2553
CF 3lr1458

By: **Washington County Senators**

Introduced and read first time: February 2, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Class 9 Limited Distillery License – Self-Distribution**

3 FOR the purpose of authorizing a holder of a Class 9 limited distillery license to sell and
4 deliver alcoholic beverages manufactured under the license in bulk to a person in the
5 State that is authorized to acquire them and to a person outside the State that is
6 authorized to acquire them; repealing the prohibition against a holder of a Class 9
7 limited distillery license applying for or possessing a wholesaler's license; and
8 generally relating to Class 9 limited distillery licenses.

9 BY repealing and reenacting, with amendments,
10 Article – Alcoholic Beverages
11 Section 2–203
12 Annotated Code of Maryland
13 (2016 Volume and 2022 Supplement)

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

16 **Article – Alcoholic Beverages**

17 2–203.

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

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

20 (1) Class D beer, wine, and liquor license where sales for both on- and
21 off-premises consumption are permitted for use on the premises for which the Class D
22 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.

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

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

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

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

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

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

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

18 **(I) IN BULK TO A PERSON IN THE STATE THAT IS AUTHORIZED**
19 **TO ACQUIRE THEM; AND**

20 **(II) TO A PERSON OUTSIDE THE STATE THAT IS AUTHORIZED TO**
21 **ACQUIRE THEM;**

22 (5) may sell the products manufactured under the license at retail in a
23 manner consistent with the underlying Class D or Class B license;

24 (6) may conduct guided tours of that portion of the licensed premises used
25 for the limited distillery operation;

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

29 (i) have attained the legal drinking age;

30 (ii) participated in a guided tour; and

1 (iii) are present on that portion of the premises used for the limited
2 distillery operation; and

3 (8) may sell and deliver products manufactured by the license holder to an
4 individual in accordance with § 2–219 of this subtitle.

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

6 (1) [apply for or possess a wholesaler’s license;

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

9 [(3)] (2) except as provided in subsection (e) of this section, distill, rectify,
10 bottle, or sell more than 100,000 gallons of brandy, rum, whiskey, alcohol, and neutral
11 spirits each calendar year;

12 [(4)] (3) sell at retail on the premises of the Class D or Class B license, for
13 on–premises or off–premises consumption, more than 31,000 gallons of the products
14 manufactured under the license each calendar year; and

15 [(5)] (4) own, operate, or be affiliated in any manner with another
16 manufacturer.

17 (e) To distill more than the gallonage specified in subsection [(d)(3)] (D)(2) of this
18 section, a holder of the limited distillery license shall divest itself of any Class D or Class B
19 retail license and obtain a Class 1 distillery license.

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

22 (g) The annual license fee:

23 (1) shall be determined by the Commission; and

24 (2) may not exceed \$500.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2023.