

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 987
Economic Matters

(Delegates Valderrama and Crosby)

Finance

Alcoholic Beverages – Use of Alcoholic Beverages for Educational Purposes

This bill authorizes adult students who are not of legal drinking age in the State to “taste” alcoholic beverages while participating in educational classes at “qualified institutions of higher education” without criminal penalty to the student, instructor, or institution of high education, as specified. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: The bill is not anticipated to affect State government operations or finances.

Local Effect: The bill is not anticipated to affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary:

Definitions

A “qualified institution of higher education” means an institution of postsecondary education that (1) generally limits enrollment to graduates of secondary schools; (2) awards degrees at the associate, baccalaureate, or graduate level; and (3) offers courses or programs in enology, fermenting, brewing, or hospitality and tourism.

A “qualified student” means a student who is between 18 and 21 years old and enrolled in a course or program in enology, fermenting, brewing, or hospitality and tourism offered by a qualified institution of higher education.

To “taste” means to draw an alcoholic beverage into the mouth but does not include swallowing or otherwise consuming an alcoholic beverage.

Permitted Activity

A qualified student may taste an alcoholic beverage if the qualified student: (1) tastes the alcoholic beverage for educational purposes as part of a course or program in enology, fermenting, brewing, or hospitality and tourism that the qualified student is enrolled in at a qualified institution of higher education; and only during the dates and times of the enology, fermenting, brewing, or hospitality and tourism course or program; and spits the alcoholic beverage out after tasting the alcoholic beverage; (2) an authorized instructor offers the alcoholic beverage only during the dates and times of the enology, fermenting, brewing, or hospitality and tourism course or program; and (3) the alcoholic beverage remains under the control of an authorized instructor.

A qualified institution of higher education is not required to obtain a permit or license issued to allow qualified students to taste alcoholic beverages if the institution does not impose an extra fee or charge for the alcoholic beverage tasted by a student.

Current Law: Generally, an individual under the age of 21 is prohibited from possessing and/or consuming an alcoholic beverage, unless specific circumstances are met. Those exceptions include: (1) consumption during a religious ceremony and (2) being in possession of alcohol during the course of employment, as specified.

A person is prohibited from supplying alcoholic beverages to a person under 21 years of age. A person is prohibited from knowingly allowing a minor under 21 years of age to possess or consume alcoholic beverages on property that they lease or own. However, these prohibitions do not apply if the person providing the alcoholic beverage and the individual drinking are members of the same immediate family and the consumption occurs in a private residence of the adult or within the curtilage of the residence or the underage individual consumes the alcoholic beverage as part of a religious ceremony.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 672 (Senator Klausmeier) - Finance.

Information Source(s): Alcohol and Tobacco Commission; Maryland Higher Education Commission; Judiciary (Administrative Office of the Courts) Office of the Public Defender; Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2023
km/tso Third Reader - March 20, 2023

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