

Chapter 817

(House Bill 456)

AN ACT concerning

Howard County – Alcoholic Beverages – Gift Basket Permit

Ho. Co. 2–26

FOR the purpose of establishing, in Howard County, a gift basket permit that authorizes a permit holder to sell and deliver gift baskets containing beer, wine, or liquor to certain individuals under certain circumstances; providing that certain distance requirements do not apply to the issuance of the permit; and generally relating to alcoholic beverages in Howard County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages and Cannabis
Section 23–102
Annotated Code of Maryland
(2024 Replacement Volume and 2025 Supplement)

BY adding to
Article – Alcoholic Beverages and Cannabis
Section 23–1003.1
Annotated Code of Maryland
(2024 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages and Cannabis
Section 23–1602
Annotated Code of Maryland
(2024 Replacement Volume and 2025 Supplement)

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

Article – Alcoholic Beverages and Cannabis

23–102.

This title applies only in Howard County.

23–1003.1.

(A) THERE IS A GIFT BASKET PERMIT.

(B) (1) THE BOARD MAY ISSUE THE PERMIT TO A PERSON:

(I) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF FLOWERS;

(II) WHOSE BUSINESS INCLUDES THE SALE AND DELIVERY OF GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS; AND

(III) WHO DOES NOT HOLD ANY OTHER ALCOHOLIC BEVERAGES LICENSE OR PERMIT UNDER THIS ARTICLE.

(2) THE BOARD MAY NOT ISSUE THE PERMIT FOR USE IN CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.

(C) A HOLDER OF THE PERMIT:

(1) MAY SELL AND DELIVER, TO CONSUMERS OF A LEGAL DRINKING AGE LOCATED IN THE COUNTY, GIFT BASKETS CONTAINING:

(I) NOT MORE THAN 72 OUNCES OF BEER;

(II) NOT MORE THAN 2.25 LITERS OF WINE; OR

(III) NOT MORE THAN 2.25 LITERS OF LIQUOR; AND

(2) SHALL MAINTAIN RECORDS AND SUBMIT REPORTS AS REQUIRED BY THE BOARD.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:

(I) DELIVER THE GIFT BASKET CONTAINING ALCOHOLIC BEVERAGES; AND

(II) REQUIRE THE PERSON RECEIVING A DELIVERY OF A GIFT BASKET CONTAINING ALCOHOLIC BEVERAGES TO DISPLAY PROOF THAT THE PERSON IS AT LEAST 21 YEARS OLD.

(2) AN INDIVIDUAL WHO DELIVERS A GIFT BASKET CONTAINING ALCOHOLIC BEVERAGES SHALL BE AT LEAST 21 YEARS OLD.

(E) THE HOLDER’S ANNUAL SALES FROM ALCOHOLIC BEVERAGES MAY NOT EXCEED 10% OF THE HOLDER’S ANNUAL GROSS SALES.

(F) THE ALCOHOLIC BEVERAGES CONTAINED IN A GIFT BASKET SHALL BE PURCHASED FROM A RETAIL LICENSE HOLDER.

(G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(H) THE FEE FOR A GIFT BASKET PERMIT IS \$100.

23–1602.

(a) (1) Subject to subsection (b) of this section, the Board may not issue:

(i) a Class B license for a restaurant that is within 400 feet of the nearest point of a public school building; or

(ii) any other license for an establishment that is within 500 feet of the nearest point of a public school building.

(2) A decision of the County Board of Education to locate a public school building within 500 feet of the premises of a license holder may not be the basis to revoke or deny the renewal or transfer of the license.

(b) For a license issued on or before June 30, 1971, the Board may renew the license or approve the transfer of the license to a new license holder for the same establishment and type of license.

(C) THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO THE ISSUANCE OF A GIFT BASKET PERMIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2026.

Approved by the Governor, May 26, 2026.