

SENATE BILL 448

A1

(3lr2546)

ENROLLED BILL
— *Finance/Economic Matters* —

Introduced by **Senators Gile and Hester**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Manufacturer’s Licenses and Off-Site Permits**

3 FOR the purpose of extending the termination date for certain provisions of law relating to
4 the authorization of holders of certain manufacturer’s licenses to sell and deliver and
5 to directly ship their own alcoholic beverages products to certain individuals under
6 certain circumstances; establishing the maximum amount of beer and liquor that
7 holders of certain manufacturer’s licenses may directly ship to consumers in a
8 calendar year; delaying a certain effective date for the authorization of certain
9 manufacturer off-site permits; and generally relating to alcoholic beverages,
10 manufacturer’s licenses, and off-site permits.

11 BY repealing and reenacting, with amendments,
12 Chapter 359 of the Acts of the General Assembly of 2021, as amended by Chapters
13 477 and 478 of the Acts of the General Assembly of 2022
14 Section 4

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Chapter 360 of the Acts of the General Assembly of 2021, as amended by Chapters
 3 477 and 478 of the Acts of the General Assembly of 2022
 4 Section 4

5 BY repealing and reenacting, without amendments,
 6 Article – Alcoholic Beverages
 7 Section 2–130(c)
 8 Annotated Code of Maryland
 9 (2016 Volume and 2022 Supplement)
 10 (As enacted by Chapters 477 and 478 of the Acts of the General Assembly of 2022)

11 BY repealing and reenacting, with amendments,
 12 Article – Alcoholic Beverages
 13 Section 2–219
 14 Annotated Code of Maryland
 15 (2016 Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Chapter 477 of the Acts of the General Assembly of 2022
 18 Section 3

19 BY repealing and reenacting, with amendments,
 20 Chapter 478 of the Acts of the General Assembly of 2022
 21 Section 3

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

24 **Chapter 359 of the Acts of 2021, as amended by Chapters 477 and 478 of the Acts**
 25 **of 2022**

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
 27 measure, is necessary for the immediate preservation of the public health or safety, has
 28 been passed by a yea and nay vote supported by three–fifths of all the members elected to
 29 each of the two Houses of the General Assembly, and shall take effect from the date it is
 30 enacted. Section 3 of this Act shall remain effective through June 30, [2023] ~~2025~~ 2024,
 31 and, at the end of June 30, [2023] ~~2025~~ 2024, Section 3 of this Act, with no further action
 32 required by the General Assembly, shall be abrogated and of no further force and effect.

33 **Chapter 360 of the Acts of 2021, as amended by Chapters 477 and 478 of the Acts**
 34 **of 2022**

35 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
 36 measure, is necessary for the immediate preservation of the public health or safety, has
 37 been passed by a yea and nay vote supported by three–fifths of all the members elected to

1 each of the two Houses of the General Assembly, and shall take effect from the date it is
2 enacted. Section 3 of this Act shall remain effective through June 30, [2023] ~~2025~~ 2024,
3 and, at the end of June 30, [2023] ~~2025~~ 2024, Section 3 of this Act, with no further action
4 required by the General Assembly, shall be abrogated and of no further force and effect.

5 Article – Alcoholic Beverages

6 2–130.

7 (c) (1) During an event listed in subsection (e) of this section, the permit holder
8 may:

9 (i) provide samples and sell products to a consumer that are
10 manufactured by the permit holder under the permit holder's license;

11 (ii) provide to a consumer a sample that may not exceed:

12 1. 1 fluid ounce for each offering of wine;

13 2. 1 fluid ounce for each offering of beer; or

14 3. 0.25 fluid ounce for each offering of liquor;

15 (iii) sell to a consumer for on–premises consumption; and

16 (iv) subject to paragraph (2) of this subsection, sell to a consumer for
17 off–premises consumption.

18 (2) The holder of a Class 5 brewery license, a Class 7
19 micro–brewery license, or a Class 8 farm brewery license may sell to each consumer at an
20 approved off–site permitted event under the permit up to 288 ounces of beer for
21 off–premises consumption.

22 2–219.

23 (a) This section does not apply to the holder of a:

24 (1) Class 2 rectifying license;

25 (2) Class 3 winery license; or

26 (3) Class 6 pub–brewery license.

27 (b) [A] SUBJECT TO SUBSECTION (D) OF THIS SECTION, A holder of a
28 manufacturer's license may sell and deliver a product produced under the holder's license
29 to an individual located in the State if:

- 1 (1) the delivery is made by an employee who is:
- 2 (i) at least 18 years old; and
- 3 (ii) certified by an approved alcohol awareness program;
- 4 (2) the purchaser, or another individual at least 21 years old designated by
5 the purchaser, is physically present to receive the alcoholic beverages at the time and place
6 of delivery;
- 7 (3) the purchaser pays for the purchase at the time of the order; and
- 8 (4) the deliverer and the individual receiving the delivery each endorse a
9 delivery form that the Commission approves at the time of delivery certifying that:
- 10 (i) the individual receiving the delivery claimed to be at least 21
11 years old and the claim was supported by documentary evidence;
- 12 (ii) the individual receiving the delivery knew that it is a criminal
13 offense for alcoholic beverages to be given to an individual under the age of 21 years; and
- 14 (iii) the deliverer examined the recipient's identification.
- 15 (c) A holder of a manufacturer's license may directly ship alcohol to a consumer
16 on request, **ONLY** if the Commission:
- 17 **(1) AUTHORIZED, ON OR BEFORE APRIL 6, 2023, THE DIRECT**
18 **SHIPMENT OF ALCOHOL BY THE HOLDER OF A MANUFACTURER'S LICENSE; AND**
- 19 **(2)** authorizes the direct shipment after determining that:
- 20 ~~(1)~~ **(I)** the shipment can be completed safely using a common carrier in
21 accordance with other applicable laws; and
- 22 ~~(2)~~ **(II)** all applicable sales and excise taxes are paid.
- 23 **(D) A HOLDER OF A MANUFACTURER'S LICENSE MAY NOT DIRECTLY SHIP TO**
24 **A CONSUMER DURING A CALENDAR YEAR:**
- 25 **(1) AN AMOUNT OF LIQUOR THAT EXCEEDS THE EQUIVALENT OF 18**
26 **STANDARD SIZE 750 MILLILITER BOTTLES; OR**
- 27 **(2) AN AMOUNT OF BEER THAT EXCEEDS 3,456 OUNCES.**

1 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
2 effect July 1, [2023] ~~2025~~ 2024.

3 **Chapter 478 of the Acts of 2022**

4 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
5 effect July 1, [2023] ~~2025~~ 2024.

6 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
7 2023, and on or before June 1, 2024, each holder of a manufacturer’s license that has sold
8 and delivered a product produced under the holder’s license to an individual located in the
9 State in accordance with § 2-219 of the Alcoholic Beverages Article, as enacted by Section 1
10 of this Act, shall submit a report to the Alcohol and Tobacco Commission specifying the
11 amount of liquor or beer shipped and delivered to individuals in the State in accordance
12 with this section.

13 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.