

HOUSE BILL 252

A1, A2

7lr1343

By: **Delegate Barkley**

Introduced and read first time: January 23, 2017

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2017

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Liquor and Wine**

3 FOR the purpose of adding a definition of “liquor” to the Alcoholic Beverages Article; adding
4 a certain alcohol content limitation on wine that is sold under a beer and wine license
5 in certain jurisdictions; and generally relating to liquor and wine as those terms are
6 used in the Alcoholic Beverages Article.

7 BY renumbering

8 Article – Alcoholic Beverages

9 Section 1–101(p) through (dd), 13–801 through 13–804, 15–801 through 15–805,
10 16–801 through 16–804, 17–801 through 17–804, 19–801 through 19–804,
11 20–801 through 20–804, 21–801 through 21–805, 22–801 through 22–807,
12 22–807.1, 22–808, 24–801 through 25–801 through 25–804, 25–805, 27–801
13 through 27–804, 28–801 through 28–804, 29–801 through 29–804, 30–801
14 through 30–804, 32–801 through 32–804, and 33–801 through 33–804,
15 respectively

16 to be Section 1–101(q) through (ee), 13–802 through 13–805, 15–802 through 15–806,
17 16–802 through 16–805, 17–802 through 17–805, 19–802 through 19–805,
18 20–802 through 20–805, 21–802 through 21–806, 22–802 through 22–810,
19 24–802 through 24–805, 25–802 through 25–806, 27–802 through 27–805,
20 28–802 through 28–805, 29–802 through 29–805, 30–802 through 30–805,
21 32–802 through 32–805, and 33–802 through 33–805, respectively

22 Annotated Code of Maryland
23 (2016 Volume and 2016 Supplement)

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 BY repealing and reenacting, without amendments,
2 Article – Alcoholic Beverages
3 Section 1–101(a) and (b), 13–102, 15–102, 16–102, 17–102, 19–102, 20–102, 21–102,
4 22–102, 24–102, 25–102, 27–102, 28–102, 29–102, 30–102, 32–102, and
5 33–102
6 Annotated Code of Maryland
7 (2016 Volume and 2016 Supplement)

8 BY adding to
9 Article – Alcoholic Beverages
10 Section 1–101(p), 13–801, 15–801, 16–801, 17–801, 19–801, 20–801, 21–801, 22–801,
11 24–801, 25–801, 27–801, 28–801, 29–801, 30–801, 32–801, and 33–801
12 Annotated Code of Maryland
13 (2016 Volume and 2016 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Tax – General
16 Section 5–101(g)
17 Annotated Code of Maryland
18 (2016 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That Section(s) 1–101(p) through (dd), 13–801 through 13–804, 15–801 through 15–805,
21 16–801 through 16–804, 17–801 through 17–804, 19–801 through 19–804, 20–801 through
22 20–804, 21–801 through 21–805, 22–801 through 22–807, 22–807.1, and 22–808, 24–801
23 through 24–804, 25–801 through 25–805, 27–801 through 27–804, 28–801 through 28–804,
24 29–801 through 29–804, 30–801 through 30–804, 32–801 through 32–804, and 33–801
25 through 33–804, respectively, of Article – Alcoholic Beverages of the Annotated Code of
26 Maryland be renumbered to be Section(s) 1–101(q) through (ee), 13–802 through 13–805,
27 15–802 through 15–806, 16–802 through 16–805, 17–802 through 17–805, 19–802 through
28 19–805, 20–802 through 20–805, 21–802 through 21–806, 22–802 through 22–810, 24–802
29 through 24–805, 25–802 through 25–806, 27–802 through 27–805, 28–802 through 28–805,
30 29–802 through 29–805, 30–802 through 30–805, 32–802 through 32–805, and 33–802
31 through 33–805, respectively.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
33 as follows:

34 **Article – Alcoholic Beverages**

35 1–101.

36 (a) In this article the following words have the meanings indicated.

37 (b) (1) “Alcoholic beverage” means a spirituous, vinous, malt, or fermented
38 liquor, liquid, or compound that:

1 (i) contains at least one-half of 1% of alcohol by volume; and

2 (ii) is suitable for beverage purposes.

3 (2) "Alcoholic beverage" includes alcohol, brandy, whiskey, rum, gin,
4 cordial, beer, and wine.

5 (3) "Alcoholic beverage" does not include a confectionery food product that
6 contains up to 5% of alcohol by volume and is regulated by the Department of Health and
7 Mental Hygiene under § 21-209 of the Health – General Article.

8 (P) "LIQUOR" HAS THE SAME MEANING AS "DISTILLED SPIRITS" UNDER §
9 5-101(G) OF THE TAX – GENERAL ARTICLE.

10 13-102.

11 This title applies only in Baltimore County.

12 13-801.

13 THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT
14 CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.

15 15-102.

16 This title applies only in Caroline County.

17 15-801.

18 THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT
19 CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.

20 16-102.

21 This title applies only in Carroll County.

22 16-801.

23 THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT
24 CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.

25 17-102.

26 This title applies only in Cecil County.

27 17-801.

1 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
2 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.**

3 19-102.

4 This title applies only in Dorchester County.

5 **19-801.**

6 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
7 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.**

8 20-102.

9 This title applies only in Frederick County.

10 **20-801.**

11 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
12 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.**

13 21-102.

14 This title applies only in Garrett County.

15 **21-801.**

16 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
17 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.**

18 22-102.

19 This title applies only in Harford County.

20 **22-801.**

21 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
22 **CONTAIN MORE THAN 23% OF ALCOHOL BY VOLUME.**

23 24-102.

24 This title applies only in Kent County.

25 **24-801.**

1 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
2 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.**

3 25-102.

4 This title applies only in Montgomery County.

5 **25-801.**

6 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
7 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME, INCLUDING NATURALLY**
8 **FERMENTED OR FORTIFIED WINE.**

9 27-102.

10 This title applies only in Queen Anne's County.

11 **27-801.**

12 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
13 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.**

14 28-102.

15 This title applies only in St. Mary's County.

16 **28-801.**

17 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
18 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.**

19 29-102.

20 This title applies only in Somerset County.

21 **29-801.**

22 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
23 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.**

24 30-102.

25 This title applies only in Talbot County.

26 **30-801.**

1 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
2 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.**

3 32-102.

4 This title applies only in Wicomico County.

5 **32-801.**

6 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
7 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.**

8 33-102.

9 This title applies only in Worcester County.

10 **33-801.**

11 **THE WINE THAT MAY BE SOLD UNDER A BEER AND WINE LICENSE MAY NOT**
12 **CONTAIN MORE THAN 22% OF ALCOHOL BY VOLUME.**

13 **Article – Tax – General**

14 5-101.

15 (g) (1) “Distilled spirits” means a distilled alcoholic beverage.

16 (2) “Distilled spirits” includes:

17 (i) alcohol;

18 (ii) brandy;

19 (iii) cordials;

20 (iv) gin;

21 (v) liqueur;

22 (vi) rum;

23 (vii) vodka;

24 (viii) whiskey; and

1 (ix) solutions or mixtures of distilled spirits except fortified wines.

2 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
3 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.