

SENATE BILL 205

A1

(PRE-FILED)

1lr1462
CF HB 12

By: **Senator Hettleman**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Sale or Delivery for Off-Premises Consumption**

3 FOR the purpose of altering the scope of a certain provision prohibiting the retail delivery
4 to a purchaser of alcoholic beverages under certain circumstances; authorizing the
5 holders of certain licenses that authorize the sale of alcoholic beverages at a
6 restaurant, bar, or tavern to sell certain alcoholic beverages for off-premises
7 consumption or delivery under certain circumstances; prohibiting a local licensing
8 board from charging a certain license holder an additional fee under certain
9 circumstances; and generally relating to the sale of alcoholic beverages at
10 restaurants, bars, and taverns.

11 BY repealing and reenacting, with amendments,
12 Article – Alcoholic Beverages
13 Section 4–507
14 Annotated Code of Maryland
15 (2016 Volume and 2020 Supplement)

16 BY adding to
17 Article – Alcoholic Beverages
18 Section 4–1107
19 Annotated Code of Maryland
20 (2016 Volume and 2020 Supplement)

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

23 **Article – Alcoholic Beverages**

24 4–507.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) This section does not apply to:

(1) the delivery of wine from a direct wine shipper to a consumer using a common carrier in accordance with Title 2, Subtitle 1, Part V of this article; [or]

(2) the holder of a common carrier permit in the course of delivering directly shipped wine in accordance with Title 2, Subtitle 1, Part V of this article; **OR**

(3) THE DELIVERY OF ALCOHOLIC BEVERAGES IN ACCORDANCE WITH § 4-1107 OF THIS TITLE.

(b) Retail delivery to a purchaser of alcoholic beverages is prohibited unless:

(1) a retail license holder obtains a letter of authorization from the local licensing board to make deliveries; and

(2) the delivery is made from the licensed premises by the retail license holder or an employee of the retail license holder.

4-1107.

(A) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSE THAT AUTHORIZES THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ONLY AT A RESTAURANT, BAR, OR TAVERN.

(2) A LICENSE HOLDER UNDER THIS SUBSECTION MAY SELL ANY ALCOHOLIC BEVERAGES AUTHORIZED UNDER ITS LICENSE, INCLUDING, IF AUTHORIZED, A MIXED DRINK OR COCKTAIL, IN A SEALED OR CLOSED CONTAINER FOR OFF-PREMISES CONSUMPTION OR DELIVERY IF:

(I) THE ALCOHOLIC BEVERAGE IS PURCHASED ALONG WITH PREPARED FOOD OTHER THAN PREPACKAGED SNACKS;

(II) THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE:

1. IS AT LEAST 21 YEARS OF AGE;

2. PROVIDES VALID IDENTIFICATION AS PROOF OF AGE;

AND

3. IF THE SALE IS FOR DELIVERY, PROVIDES ANY DOCUMENTATION THAT THE LOCAL LICENSING BOARD REQUIRES;

(III) THE LICENSE HOLDER HAS REGISTERED AND RECEIVED

1 WRITTEN AUTHORIZATION FROM THE LOCAL LIQUOR LICENSING BOARD TO SELL
2 ALCOHOLIC BEVERAGES AUTHORIZED UNDER ITS LICENSE FOR OFF-PREMISES
3 CONSUMPTION OR DELIVERY;

4 (IV) EACH ALCOHOLIC BEVERAGE SOLD FOR OFF-PREMISES
5 CONSUMPTION OR DELIVERY IS:

6 1. PROVIDED IN THE MANUFACTURER'S ORIGINAL
7 SEALED CONTAINER OR IN A CONTAINER CLOSED WITH A CAP, CORK, SEAL, OR LID
8 WITH NO HOLES FOR STRAWS OR SIPPING; AND

9 2. SOLD OR DELIVERED NOT LATER THAN 11 P.M.;

10 (V) THE DELIVERY OF AN ALCOHOLIC BEVERAGE IS MADE FROM
11 THE LICENSED PREMISES BY THE LICENSE HOLDER OR THE HOLDER'S EMPLOYEE
12 TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE; AND

13 (VI) THE ALCOHOLIC BEVERAGE IS NOT DELIVERED TO:

14 1. ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC
15 BEVERAGES; OR

16 2. AN ADDRESS LOCATED OUTSIDE OF THE LICENSED
17 JURISDICTION.

18 (B) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSE THAT
19 AUTHORIZES THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES AND
20 OFF-PREMISES CONSUMPTION AT A RESTAURANT, BAR, OR TAVERN.

21 (2) A LICENSE HOLDER UNDER THIS SUBSECTION MAY OBTAIN A
22 PERMIT FROM THE LOCAL LICENSING BOARD THAT AUTHORIZES THE HOLDER TO
23 SELL A MIXED DRINK OR COCKTAIL IN A SEALED OR CLOSED CONTAINER FOR
24 OFF-PREMISES CONSUMPTION OR DELIVERY IF:

25 (I) THE MIXED DRINK OR COCKTAIL IS PURCHASED ALONG
26 WITH PREPARED FOOD OTHER THAN PREPACKAGED SNACKS;

27 (II) THE INDIVIDUAL PURCHASING THE MIXED DRINK OR
28 COCKTAIL:

29 1. IS AT LEAST 21 YEARS OF AGE;

30 2. PROVIDES VALID IDENTIFICATION AS PROOF OF AGE;

1 AND

2 3. IF THE SALE IS FOR DELIVERY, PROVIDES ANY
3 DOCUMENTATION THAT THE LOCAL LICENSING BOARD REQUIRES;

4 (III) EACH MIXED DRINK OR COCKTAIL SOLD FOR OFF-PREMISES
5 CONSUMPTION OR DELIVERY IS:

6 1. PROVIDED IN THE MANUFACTURER'S ORIGINAL
7 SEALED CONTAINER OR IN A CONTAINER CLOSED WITH A CAP, CORK, SEAL, OR LID
8 WITH NO HOLES FOR STRAWS OR SIPPING; AND

9 2. SOLD OR DELIVERED NOT LATER THAN 11 P.M.;

10 (IV) THE DELIVERY OF THE MIXED DRINK OR COCKTAIL IS MADE
11 FROM THE LICENSED PREMISES BY THE LICENSE HOLDER OR THE HOLDER'S
12 EMPLOYEE TO THE INDIVIDUAL PURCHASING THE MIXED DRINK OR COCKTAIL; AND

13 (V) THE MIXED DRINK OR COCKTAIL IS NOT DELIVERED TO:

14 1. ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC
15 BEVERAGES; OR

16 2. AN ADDRESS LOCATED OUTSIDE OF THE LICENSED
17 JURISDICTION.

18 (C) A LOCAL LICENSING BOARD MAY NOT CHARGE A LICENSE HOLDER AN
19 ADDITIONAL FEE FOR SELLING OR DELIVERING ALCOHOLIC BEVERAGES IN
20 ACCORDANCE WITH THIS SECTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2021.