

SENATE BILL 205

A1

(11r1462)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Economic Matters —

Introduced by **Senator Hettleman**

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 – 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; *providing that*
5 *certain authorization for the holders of certain licenses to sell alcoholic beverages for*
6 *off-premises consumption in a certain manner applies only in a jurisdiction in which*
7 *the local licensing board has adopted certain regulations;* authorizing ~~a county to~~
8 ~~adopt a local law or ordinance to allow~~ the holders of certain licenses that authorize
9 the sale of alcoholic beverages at a restaurant, bar, or tavern to sell certain alcoholic
10 beverages for off-premises consumption or delivery under certain circumstances;
11 prohibiting a local licensing board from charging a certain license holder an
12 additional fee under certain circumstances; authorizing a local licensing board to
13 limit the quantity of alcoholic beverages sold or delivered to an individual in a single
14 transaction; requiring the Alcohol and Tobacco Commission and the Maryland
15 Department of Health jointly to conduct a certain study and submit a certain report

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 to the General Assembly; providing for the termination of this Act; and generally
 2 relating to the sale of alcoholic beverages at restaurants, bars, and taverns.

3 BY repealing and reenacting, with amendments,

4 Article – Alcoholic Beverages

5 Section 4–507

6 Annotated Code of Maryland

7 (2016 Volume and 2020 Supplement)

8 BY adding to

9 Article – Alcoholic Beverages

10 Section 4–1107

11 Annotated Code of Maryland

12 (2016 Volume and 2020 Supplement)

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

15 **Article – Alcoholic Beverages**

16 4–507.

17 (a) This section does not apply to:

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

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

22 **(3) THE DELIVERY OF ALCOHOLIC BEVERAGES IN ACCORDANCE WITH**
 23 ~~**A LOCAL LAW OR AN ORDINANCE ADOPTED UNDER § 4–1107 OF THIS TITLE.**~~

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

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

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

29 4–1107.

30 ~~**(A) (1) A COUNTY MAY ADOPT A LOCAL LAW OR AN ORDINANCE THAT**~~
 31 ~~**ALLOWS RESTAURANTS, BARS, OR TAVERNS TO SELL ALCOHOLIC BEVERAGES FOR**~~
 32 ~~**OFF-PREMISES CONSUMPTION ONLY IN ACCORDANCE WITH THIS SECTION.**~~

1 **(A) (1) THIS SECTION APPLIES ONLY IN A JURISDICTION IN WHICH THE**
2 **LOCAL LICENSING BOARD HAS ADOPTED REGULATIONS TO AUTHORIZE THE SALE OR**
3 **DELIVERY OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION IN**
4 **ACCORDANCE WITH THIS SECTION.**

5 **(2) IN CONSIDERING WHETHER TO ADOPT ~~A LOCAL LAW OR AN~~**
6 **~~ORDINANCE~~ REGULATIONS UNDER THIS SECTION, A ~~COUNTY~~ LOCAL LICENSING**
7 **BOARD SHALL WEIGH THE NEED TO PROMOTE THE ECONOMIC RECOVERY OF**
8 **DIFFERENT CATEGORIES OF SMALL BUSINESSES IN THE WAKE OF THE COVID-19**
9 **PANDEMIC AND THE NEED TO PROTECT PUBLIC HEALTH AND WELFARE.**

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

13 **(2) ~~A LOCAL LAW OR AN ORDINANCE ADOPTED UNDER THIS SECTION~~**
14 **~~SHALL AUTHORIZE A~~ LICENSE HOLDER UNDER THIS SUBSECTION ~~MAY TO~~ MAY SELL**
15 **ANY ALCOHOLIC BEVERAGES AUTHORIZED UNDER ITS LICENSE, INCLUDING, IF**
16 **AUTHORIZED, ~~A MIXED DRINK OR COCKTAIL, IN A SEALED OR CLOSED CONTAINER~~**
17 **MIXED DRINKS OR COCKTAILS IN SEALED OR CLOSED CONTAINERS FOR**
18 **OFF-PREMISES CONSUMPTION OR DELIVERY IF:**

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

21 **(II) THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE:**

22 **1. IS AT LEAST 21 YEARS OF AGE;**

23 **2. PROVIDES VALID IDENTIFICATION AS PROOF OF AGE;**

24 **AND**

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

27 **(III) THE LICENSE HOLDER HAS REGISTERED AND RECEIVED**
28 **WRITTEN AUTHORIZATION FROM THE LOCAL LIQUOR LICENSING BOARD TO SELL**
29 **ALCOHOLIC BEVERAGES AUTHORIZED UNDER ITS LICENSE FOR OFF-PREMISES**
30 **CONSUMPTION OR DELIVERY;**

31 **(IV) EACH ALCOHOLIC BEVERAGE SOLD FOR OFF-PREMISES**
32 **CONSUMPTION OR DELIVERY IS:**

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

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

5 ~~(V) THE DELIVERY OF AN ALCOHOLIC BEVERAGE IS MADE FROM~~
6 ~~THE LICENSED PREMISES BY THE LICENSE HOLDER OR THE HOLDER'S EMPLOYEE~~
7 ~~TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE; AND~~

8 (V) THE DELIVERY OF AN ALCOHOLIC BEVERAGE IS MADE FROM
9 THE LICENSED PREMISES TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC
10 BEVERAGE BY THE LICENSE HOLDER OR THE LICENSE HOLDER'S EMPLOYEE, WHO
11 IS AT LEAST 21 YEARS OLD AND CERTIFIED IN AN ALCOHOL AWARENESS PROGRAM;
12 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)~~ (C) (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 LOCAL LAW OR AN ORDINANCE ADOPTED UNDER THIS SECTION~~
22 ~~SHALL AUTHORIZE A~~ LICENSE HOLDER UNDER THIS SUBSECTION ~~MAY TO~~ MAY
23 OBTAIN A PERMIT FROM THE LOCAL LICENSING BOARD THAT AUTHORIZES THE
24 HOLDER TO SELL ~~A MIXED DRINK OR COCKTAIL IN A SEALED OR CLOSED~~
25 ~~CONTAINER~~, IF AUTHORIZED UNDER THE HOLDER'S LICENSE, MIXED DRINKS OR
26 COCKTAILS IN SEALED OR CLOSED CONTAINERS FOR OFF-PREMISES CONSUMPTION
27 OR DELIVERY IF:

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

30 (II) THE INDIVIDUAL PURCHASING THE MIXED DRINK OR
31 COCKTAIL:

32 1. IS AT LEAST 21 YEARS OF AGE;

1 2. PROVIDES VALID IDENTIFICATION AS PROOF OF AGE;
2 AND

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

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

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

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

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

14 (IV) THE DELIVERY OF AN ALCOHOLIC BEVERAGE IS MADE FROM
15 THE LICENSED PREMISES TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC
16 BEVERAGE BY THE LICENSE HOLDER OR THE LICENSE HOLDER'S EMPLOYEE, WHO
17 IS AT LEAST 21 YEARS OLD AND CERTIFIED IN AN ALCOHOL AWARENESS PROGRAM;
18 AND

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

20 1. ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC
21 BEVERAGES; OR

22 2. AN ADDRESS LOCATED OUTSIDE OF THE LICENSED
23 JURISDICTION.

24 ~~(D) A LOCAL LAW OR AN ORDINANCE ADOPTED UNDER THIS SECTION MAY~~
25 ~~NOT IMPOSE ADDITIONAL RESTRICTIONS OR LIMITATIONS ON THE SALE OF~~
26 ~~ALCOHOLIC BEVERAGES UNDER SUBSECTION (B) OR (C) OF THIS SECTION.~~

27 ~~(C) (E)~~ ~~(1)~~ A LOCAL LICENSING BOARD:

28 (1) MAY NOT CHARGE A LICENSE HOLDER AN ADDITIONAL FEE FOR
29 SELLING OR DELIVERING ALCOHOLIC BEVERAGES IN ACCORDANCE WITH A LOCAL
30 LAW OR AN ORDINANCE ADOPTED UNDER THIS SECTION; AND

1 (2) ~~A LOCAL LICENSING BOARD~~ MAY LIMIT THE QUANTITY OF
 2 ~~ALCOHOLIC BEVERAGES THAT MAY BE SOLD OR DELIVERED UNDER A LOCAL LAW OR~~
 3 ~~AN ORDINANCE ADOPTED~~ UNDER THIS SECTION TO AN INDIVIDUAL IN A SINGLE
 4 TRANSACTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That *the Alcohol and Tobacco*
 6 *Commission and the Maryland Department of Health shall jointly:*

7 (1) conduct a study on the impact of the expansion of alcohol access under
 8 the Governor’s proclamation of March 5, 2020 “Declaration of State of Emergency and
 9 Existence of Catastrophic Health Emergency – COVID–19” and § 4–1107 of the Alcoholic
 10 Beverages Article, as enacted by Section 1 of this Act, for the years 2020, 2021, and 2022,
 11 including the impact on public health; and

12 (2) on or before December 31, 2022, report to the General Assembly, in
 13 accordance with § 2–1257 of the State Government Article on the findings of the study.

14 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 July 1, 2021. It shall remain effective for a period of 2 years and, at the end of June 30,
 16 2023, ~~this Act and any local law or ordinance adopted under~~ this Act, with no further action
 17 required by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.