

**THE STATE OF**  
**MARYLAND**

**ALCOHOL, TOBACCO, AND CANNABIS COMMISSION**

2024 LEGISLATIVE UPDATE



**Hon. Wes Moore**

Governor

**Hon. Aruna K. Miller**

Lt. Governor

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**Jeffrey A. Kelly**

Executive Director

**Alan Silverstein**

Chairman

**ATCC**  
*Alcohol, Tobacco, and Cannabis Commission*



## Legislative Update Foreword

**T**he following compilation gathers the full legislative text for alcohol, tobacco, and cannabis bills passed into law in the 2024 Legislative Session of the Maryland State Legislature, and includes summary outlines of each piece of legislation. We intend for this to be a reference document so that regulators, members of industry, and interested community members can quickly find and review the law changes related to the commercial alcohol, tobacco, and cannabis industries side by side. Note that this reference focuses on licensing and regulation of the commercial markets for these commodities, and does not contain all criminal, occupational, or public safety laws related to these items.

The first section of the Legislative Update covers Statewide laws that affect the alcoholic beverages industry throughout Maryland. This is followed by a jurisdiction-by-jurisdiction review of local law changes in alphabetical order by County or Municipality. The final two sections will cover tobacco and cannabis laws respectively, each of which will apply to the entire State. Within each subsection the bills are listed in order first by their House Bill numbers, followed by the Senate Bill numbers.

The summaries contained here are intended to address the primary effects of each bill, but the ATCC would encourage you to carefully review the text of the law directly to address detailed questions about compliance with each new law. If you have questions about these laws, or the Legislative Update as a whole, please feel free to contact the ATCC by phone at: **443-300-6990** or email at: **[atcc.info@maryland.gov](mailto:atcc.info@maryland.gov)**.



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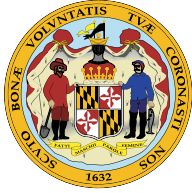


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# ***STATE ALCOHOL LAWS***



## HB0808/ SB0456

### Alcoholic Beverages – Retail Delivery – Local Delivery Service Permit

## Jurisdiction

### Statewide

## Statutes Affected

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 2-206, 22-102, 22-1005.2, 22-1005.3, 22-1005.4., 22-1501(b)(2).

## Summary

- This bill establishes a Local Delivery Service Permit, which authorizes jurisdictions to create rules and regulations that allow for third party contractors to deliver on behalf of licensed retailers.
  - ▶ Local Boards must “opt-in” to allow for this privilege by passing rules and regulations authorizing delivery by a third party contractor.
- The bill establishes the following criteria that licensed retailer/third party contractor shall follow when conducting deliveries of alcoholic beverages:
  - ▶ Delivery can be facilitated by employees or independent contractors of the licensed delivery service.
  - ▶ Licensed delivery services are only permitted to deliver alcohol on behalf of retailers within the retailer’s jurisdiction (county).
- Deliveries by third party contractors shall occur only when the retail license holder
  - ▶ is open for in-store purchase, subject to the following conditions:
    - ▶ Delivery must be done by someone at least 21 years old and who has completed the alcohol awareness program.
    - ▶ Alcoholic beverages must be delivered to a person at least 21 years old and who presents valid identification.
    - ▶ Alcoholic beverages must be provided in the manufacturer’s original sealed containers.
- Local Delivery Service Permit holders are subject to the following penalties as imposed by local jurisdictions for violating the provisions of this law:
  - ▶ First Violation: \$1,000.
  - ▶ Second Violation: \$3,000 and the local delivery service permit will be suspended for 30 days.
  - ▶ Third Violation: \$6,000 and a suspension of 60 days.
  - ▶ Subsequent Violations: Revocation of the local delivery service permit.
- The ATCC is authorized to adopt regulations, in addition to local boards, to enforce this law.

**Effective Dates: July 1, 2024.**

## Chapter 774

**(House Bill 808)**

AN ACT concerning

**Alcoholic Beverages – Retail Delivery – Local Delivery Service Permit**

FOR the purpose of establishing a local delivery service permit that authorizes the holder to deliver alcoholic beverages from a certain retail license holder that is authorized to deliver alcoholic beverages to purchasers in a certain jurisdiction under certain circumstances; authorizing certain retail license holders to deliver alcoholic beverages to purchasers in a certain jurisdiction through a third-party contractor, an independent contractor, or an agent that holds a certain delivery service permit under certain circumstances; altering certain standards and requirements for the retail delivery of alcoholic beverages; and generally relating to retail delivery of alcoholic beverages.

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 4–507  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 4–1107  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

4–507.

(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.

(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]:

**(I) THE RETAIL LICENSE HOLDER;**

**(II) AN EMPLOYEE OF THE RETAIL LICENSE HOLDER; OR**

**(III) A THIRD-PARTY CONTRACTOR, AN INDEPENDENT CONTRACTOR, OR AN AGENT THAT:**

**1. HOLDS A LOCAL DELIVERY SERVICE PERMIT ISSUED UNDER § 4-1107 OF THIS TITLE; AND**

**2. HAS CONTRACTED WITH THE RETAIL LICENSE HOLDER TO MAKE DELIVERIES OF ALCOHOLIC BEVERAGES.**

**4-1107.**

**(A) THIS SECTION APPLIES ONLY IN A JURISDICTION WHERE THE LOCAL LICENSING BOARD HAS ADOPTED REGULATIONS TO AUTHORIZE THE DELIVERY OF ALCOHOLIC BEVERAGES BY A THIRD-PARTY CONTRACTOR, AN INDEPENDENT CONTRACTOR, OR AN AGENT.**

**(B) A LOCAL LICENSING BOARD MAY ISSUE A LOCAL DELIVERY SERVICE PERMIT.**

**(C) THE PERMIT AUTHORIZES THE HOLDER TO DELIVER ALCOHOLIC BEVERAGES FROM A RETAIL LICENSE HOLDER AUTHORIZED TO DELIVER ALCOHOLIC BEVERAGES UNDER § 4-507 OF THIS TITLE TO AN INDIVIDUAL IN THE JURISDICTION WHERE THE RETAIL LICENSE HOLDER IS LOCATED.**

**(D) A LOCAL LICENSING BOARD MAY SET BY REGULATION:**

**(1) THE APPLICATION REQUIREMENTS FOR THE LOCAL DELIVERY SERVICE PERMIT; AND**

**(2) ADDITIONAL REQUIREMENTS FOR HOLDERS OF THE LOCAL DELIVERY SERVICE PERMIT WHO DELIVER ALCOHOLIC BEVERAGES ON BEHALF OF A RETAIL LICENSE HOLDER.**

**(E) (1) THE LOCAL LICENSING BOARD MAY CHARGE A FEE FOR THE LOCAL DELIVERY SERVICE PERMIT.**

**(2) THE ANNUAL FEE FOR THE LOCAL DELIVERY SERVICE PERMIT IS \$1,000.**

**(F) A LOCAL DELIVERY SERVICE PERMIT HOLDER MAY:**

**(1) USE THE DELIVERY SERVICE'S EMPLOYEES OR INDEPENDENT CONTRACTORS WHO ARE AT LEAST 21 YEARS OLD TO DELIVER ALCOHOLIC BEVERAGES; AND**

**(2) FACILITATE ORDERS FOR THE SALE AND DELIVERY OF ALCOHOLIC BEVERAGES BY TELEPHONE, INTERNET, OR OTHER ELECTRONIC MEANS.**

**(G) THE PURCHASER OR RECEIVER OF ALCOHOLIC BEVERAGES UNDER THIS SECTION SHALL:**

**(1) BE AT LEAST 21 YEARS OLD; AND**

**(2) PROVIDE VALID IDENTIFICATION AS PROOF OF AGE ON RECEIPT OF THE ALCOHOLIC BEVERAGES.**

**(H) ALCOHOLIC BEVERAGES SOLD FOR OFF-PREMISES DELIVERY UNDER THIS SECTION SHALL BE:**

**(1) PROVIDED IN THE MANUFACTURER'S ORIGINAL SEALED CONTAINER; AND**

**(2) SOLD ONLY DURING THE HOURS THE RETAIL LICENSE HOLDER IS OPEN FOR IN-STORE PURCHASES.**

**(I) AN INDIVIDUAL DELIVERING ALCOHOLIC BEVERAGES UNDER A LOCAL DELIVERY SERVICE PERMIT SHALL:**

**(1) BE AT LEAST 21 YEARS OLD; AND**

**(2) HAVE SUCCESSFULLY COMPLETED AN APPROVED ALCOHOL AWARENESS PROGRAM UNDER § 4-505 OF THIS TITLE.**

**(J) A LOCAL DELIVERY SERVICE PERMIT HOLDER MAY NOT DELIVER ALCOHOLIC BEVERAGES TO:**

(1) AN INDIVIDUAL WHO DOES NOT PROVIDE VALID IDENTIFICATION PROVING THAT THE INDIVIDUAL IS AT LEAST 21 YEARS OLD;

(2) ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES;  
OR

(3) AN INDIVIDUAL LOCATED OUTSIDE THE JURISDICTION WHERE THE RETAIL LICENSE HOLDER IS LOCATED.

(K) A LOCAL DELIVERY SERVICE PERMIT HOLDER IS SUBJECT TO THE FOLLOWING PENALTIES FOR VIOLATING THIS SECTION:

(1) FOR A FIRST VIOLATION, A FINE OF \$1,000;

(2) FOR A SECOND VIOLATION, A FINE OF \$3,000 AND A SUSPENSION OF THE LOCAL DELIVERY SERVICE PERMIT FOR 30 DAYS;

(3) FOR A THIRD VIOLATION, A FINE OF \$6,000 AND A SUSPENSION OF THE LOCAL DELIVERY SERVICE PERMIT FOR 60 DAYS; AND

(4) FOR ANY SUBSEQUENT VIOLATION, REVOCATION OF THE LOCAL DELIVERY SERVICE PERMIT.

(L) THE HOLDER OF A LOCAL DELIVERY SERVICE PERMIT MAY NOT:

(1) SELL ALCOHOLIC BEVERAGES; OR

(2) STORE ALCOHOLIC BEVERAGES FOR DELIVERY.

(M) (1) A PERSON SHALL APPLY TO THE LOCAL LICENSING BOARD FOR A LOCAL DELIVERY SERVICE PERMIT BEFORE CONTRACTING TO DELIVER ALCOHOLIC BEVERAGES FOR A RETAIL LICENSE HOLDER.

(2) IF A RETAIL LICENSE HOLDER CONTRACTS WITH A LOCAL DELIVERY SERVICE PERMIT HOLDER TO DELIVER ALCOHOLIC BEVERAGES, THE RETAIL LICENSE HOLDER AND THE LOCAL DELIVERY SERVICE PERMIT HOLDER SHALL ESTABLISH A METHOD TO ENSURE THAT THE RETAIL LICENSE HOLDER RETAINS CONTROL OVER SALES TO AND PAYMENTS MADE FROM A PURCHASER FOR THE ALCOHOLIC BEVERAGES.

(N) THE EXECUTIVE DIRECTOR MAY ADOPT REGULATIONS TO ENFORCE THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 775

**(Senate Bill 456)**

AN ACT concerning

**Alcoholic Beverages – Retail Delivery – Local Delivery Service Permit**

FOR the purpose of establishing a local delivery service permit that authorizes the holder to deliver alcoholic beverages from a certain retail license holder that is authorized to deliver alcoholic beverages to purchasers in a certain jurisdiction under certain circumstances; authorizing certain retail license holders to deliver alcoholic beverages to purchasers in a certain jurisdiction through a third-party contractor, an independent contractor, or an agent that holds a certain delivery service permit under certain circumstances; altering certain standards and requirements for the retail delivery of alcoholic beverages; and generally relating to retail delivery of alcoholic beverages.

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 4–507  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 4–1107  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

4–507.

(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.

(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]:

(I) THE RETAIL LICENSE HOLDER;

(II) AN EMPLOYEE OF THE RETAIL LICENSE HOLDER; OR

(III) A THIRD-PARTY CONTRACTOR, AN INDEPENDENT CONTRACTOR, OR AN AGENT THAT:

1. HOLDS A LOCAL DELIVERY SERVICE PERMIT ISSUED UNDER ~~§ 4-1108~~ § 4-1107 OF THIS TITLE; AND

2. HAS CONTRACTED WITH THE RETAIL LICENSE HOLDER TO MAKE DELIVERIES OF ALCOHOLIC BEVERAGES.

4-1107.

(A) THIS SECTION APPLIES ONLY IN A JURISDICTION WHERE THE LOCAL LICENSING BOARD HAS ADOPTED REGULATIONS TO AUTHORIZE THE DELIVERY OF ALCOHOLIC BEVERAGES BY A THIRD-PARTY CONTRACTOR, AN INDEPENDENT CONTRACTOR, OR AN AGENT.

(B) A LOCAL LICENSING BOARD MAY ISSUE A LOCAL DELIVERY SERVICE PERMIT.

(C) THE PERMIT AUTHORIZES THE HOLDER TO DELIVER ALCOHOLIC BEVERAGES FROM A RETAIL LICENSE HOLDER AUTHORIZED TO DELIVER ALCOHOLIC BEVERAGES UNDER § 4-507 OF THIS TITLE TO AN INDIVIDUAL IN THE JURISDICTION WHERE THE RETAIL LICENSE HOLDER IS LOCATED.

(D) A LOCAL LICENSING BOARD MAY SET BY REGULATION:

(1) THE APPLICATION REQUIREMENTS FOR THE LOCAL DELIVERY SERVICE PERMIT; AND

(2) ADDITIONAL REQUIREMENTS FOR HOLDERS OF THE LOCAL DELIVERY SERVICE PERMIT WHO DELIVER ALCOHOLIC BEVERAGES ON BEHALF OF A RETAIL LICENSE HOLDER.

**(E) (1) THE LOCAL LICENSING BOARD MAY CHARGE A FEE FOR THE LOCAL DELIVERY SERVICE PERMIT.**

**(2) THE ANNUAL FEE FOR THE LOCAL DELIVERY SERVICE PERMIT IS \$1,000.**

**(F) A LOCAL DELIVERY SERVICE PERMIT HOLDER MAY:**

**(1) USE THE DELIVERY SERVICE'S EMPLOYEES OR INDEPENDENT CONTRACTORS WHO ARE AT LEAST 21 YEARS OLD TO DELIVER ALCOHOLIC BEVERAGES; AND**

**(2) FACILITATE ORDERS FOR THE SALE AND DELIVERY OF ALCOHOLIC BEVERAGES BY TELEPHONE, INTERNET, OR OTHER ELECTRONIC MEANS.**

**(G) THE PURCHASER OR RECEIVER OF ALCOHOLIC BEVERAGES UNDER THIS SECTION SHALL:**

**(1) BE AT LEAST 21 YEARS OLD; AND**

**(2) PROVIDE VALID IDENTIFICATION AS PROOF OF AGE ON RECEIPT OF THE ALCOHOLIC BEVERAGES.**

**(H) ALCOHOLIC BEVERAGES SOLD FOR OFF-PREMISES DELIVERY UNDER THIS SECTION SHALL BE:**

**(1) PROVIDED IN THE MANUFACTURER'S ORIGINAL SEALED CONTAINER; AND**

**(2) SOLD ONLY DURING THE HOURS THE RETAIL LICENSE HOLDER IS OPEN FOR IN-STORE PURCHASES.**

**(I) AN INDIVIDUAL DELIVERING ALCOHOLIC BEVERAGES UNDER A LOCAL DELIVERY SERVICE PERMIT SHALL:**

**(1) BE AT LEAST 21 YEARS OLD; AND**

**(2) HAVE SUCCESSFULLY COMPLETED AN APPROVED ALCOHOL AWARENESS PROGRAM UNDER § 4-505 OF THIS TITLE.**

**(J) A LOCAL DELIVERY SERVICE PERMIT HOLDER MAY NOT DELIVER ALCOHOLIC BEVERAGES TO:**

**(1) AN INDIVIDUAL WHO DOES NOT PROVIDE VALID IDENTIFICATION PROVING THAT THE INDIVIDUAL IS AT LEAST 21 YEARS OLD;**

**(2) ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES;  
OR**

**(3) AN INDIVIDUAL LOCATED OUTSIDE THE JURISDICTION WHERE THE RETAIL LICENSE HOLDER IS LOCATED.**

**(K) A LOCAL DELIVERY SERVICE PERMIT HOLDER IS SUBJECT TO THE FOLLOWING PENALTIES FOR VIOLATING THIS SECTION:**

**(1) FOR A FIRST VIOLATION, A FINE OF \$1,000;**

**(2) FOR A SECOND VIOLATION, A FINE OF \$3,000 AND A SUSPENSION OF THE LOCAL DELIVERY SERVICE PERMIT FOR 30 DAYS;**

**(3) FOR A THIRD VIOLATION, A FINE OF \$6,000 AND A SUSPENSION OF THE LOCAL DELIVERY SERVICE PERMIT FOR 60 DAYS; AND**

**(4) FOR ANY SUBSEQUENT VIOLATION, REVOCATION OF THE LOCAL DELIVERY SERVICE PERMIT.**

**(L) THE HOLDER OF A LOCAL DELIVERY SERVICE PERMIT MAY NOT:**

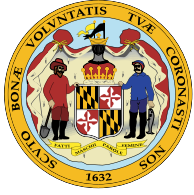
**(1) SELL ALCOHOLIC BEVERAGES; OR**

**(2) STORE ALCOHOLIC BEVERAGES FOR DELIVERY.**

**(M) (1) A PERSON SHALL APPLY TO THE LOCAL LICENSING BOARD FOR A LOCAL DELIVERY SERVICE PERMIT BEFORE CONTRACTING TO DELIVER ALCOHOLIC BEVERAGES FOR A RETAIL LICENSE HOLDER.**

**(2) IF A RETAIL LICENSE HOLDER CONTRACTS WITH A LOCAL DELIVERY SERVICE PERMIT HOLDER TO DELIVER ALCOHOLIC BEVERAGES, THE RETAIL LICENSE HOLDER AND THE LOCAL DELIVERY SERVICE PERMIT HOLDER SHALL ESTABLISH A METHOD TO ENSURE THAT THE RETAIL LICENSE HOLDER RETAINS CONTROL OVER SALES TO AND PAYMENTS MADE FROM A PURCHASER FOR THE ALCOHOLIC BEVERAGES.**

**(N) THE EXECUTIVE DIRECTOR MAY ADOPT REGULATIONS TO ENFORCE THIS SECTION.**



## **HB0914/SB0746**

Winery and Vineyard Economic Development Grant Program

### **Jurisdiction**

Statewide

### **Statutes Affected**

Annotated Code of Maryland, Article - Economic Development § 5-2003(b).

### **Summary**

- This bill opens up economic development grants to be available retroactively to wineries that have made capital improvements.
- Allows an individual or corporation who paid or incurred qualified capital expenses during the immediately preceding calendar year to submit an application for a grant.
- Enhances the authority of the Department of Commerce to award grants throughout the year rather than on a statutorily set schedule.

**Effective Date(s): July 1, 2024**

## Chapter 505

**(House Bill 914)**

AN ACT concerning

**Winery and Vineyard Economic Development Grant Program – Modifications**

FOR the purpose of altering procedures for the claiming and awarding of grants under the Winery and Vineyard Economic Development Grant Program; and generally relating to the Winery and Vineyard Economic Development Grant Program.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 5–2003(b)

Annotated Code of Maryland

(2018 Replacement Volume and 2023 Supplement)

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

**Article – Economic Development**

5–2003.

(b) (1) [By September 15 of the calendar year in which the qualified capital expenses are paid or incurred, an] **AN individual or a corporation WHO PAID OR INCURRED QUALIFIED CAPITAL EXPENSES DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR** may submit an application to the Department for a grant authorized under this section.

(2) (i) For any fiscal year, the total amount of grants approved by the Department under this section may not exceed the total appropriation for the Program for that fiscal year.

(ii) If the total amount of grants applied for under this section exceeds the maximum specified under subparagraph (i) of this paragraph, the Department shall approve a grant for each applicant in an amount equal to the product of multiplying the amount applied for by the applicant times a fraction:

1. the numerator of which is the maximum specified under subparagraph (i) of this paragraph; and

2. the denominator of which is the total of all grants applied for by all applicants for that calendar year.



(3) [On or before December 15 each year, the] **THE** Department shall award the grants authorized under this section to each eligible applicant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 9, 2024.**

## Chapter 506

**(Senate Bill 746)**

AN ACT concerning

**Winery and Vineyard Economic Development Grant Program – Modifications**

FOR the purpose of altering procedures for the claiming and awarding of grants under the Winery and Vineyard Economic Development Grant Program; and generally relating to the Winery and Vineyard Economic Development Grant Program.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 5–2003(b)

Annotated Code of Maryland

(2018 Replacement Volume and 2023 Supplement)

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

**Article – Economic Development**

5–2003.

(b) (1) [By September 15 of the calendar year in which the qualified capital expenses are paid or incurred, an] **AN individual or a corporation WHO PAID OR INCURRED QUALIFIED CAPITAL EXPENSES DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR** may submit an application to the Department for a grant authorized under this section.

(2) (i) For any fiscal year, the total amount of grants approved by the Department under this section may not exceed the total appropriation for the Program for that fiscal year.

(ii) If the total amount of grants applied for under this section exceeds the maximum specified under subparagraph (i) of this paragraph, the Department shall approve a grant for each applicant in an amount equal to the product of multiplying the amount applied for by the applicant times a fraction:

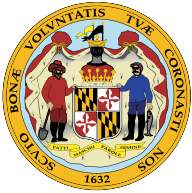
1. the numerator of which is the maximum specified under subparagraph (i) of this paragraph; and

2. the denominator of which is the total of all grants applied for by all applicants for that calendar year.

(3) [On or before December 15 each year, the] **THE** Department shall award the grants authorized under this section to each eligible applicant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 9, 2024.**



# SB1041

## Alcoholic Beverages - Breweries, Wineries, and Distilleries - Direct Delivery

### Jurisdiction

Statewide

### Statutes Affected

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 2-142 through 2-147 and 2-150; and 2-148, 2-148.1, 2-149, 2-149.1, 2-167, 2-202, 2-205, 2-207, and 2-206

### Summary

- This bill allows the ATCC to issue permits to allow licensed Maryland Manufacturers, that also hold limited wholesale licenses, to provide direct to consumer delivery to customers in Maryland.
  - ▶ This bill creates a long term regulatory system, and concludes a period of limited privileges that were granted during the pandemic to Maryland Manufacturers and are set to expire on June 30, 2024.
- This bill creates a Direct Wine Delivery Permit, a Direct Beer Delivery Permit, and a Direct Liquor Delivery Permit available to licensed Maryland Manufacturers to provide Direct to Consumer (DTC) delivery of the respective class of beverages.
- Only licensed Maryland Manufacturers that also have a limited wholesale license may apply for a DTC permit, for example:
  - ▶ A Class 4 Winery must hold a Class 6 limited wine wholesaler’s license to qualify.
  - ▶ A Class 5, Class 7, or Class 8 brewery must hold a Class 7 limited beer wholesaler’s permit to qualify.
  - ▶ A Class 1 or Class 9 Distillery must hold a Class 8 limited wholesaler’s permit to qualify.
- A licensed Maryland Manufacturer must obtain a DTC permit before they engage in delivering alcoholic beverages directly to consumers in the State of Maryland. To obtain and maintain a DTC permit, the applicant must:
  - ▶ Complete an application with the ATCC.
  - ▶ Provide licensing information for verification purposes.
  - ▶ Identify products that the manufacturer intends to deliver to consumers in the State.
  - ▶ Pay a fee of \$200 for the initial issuance of the permit.
  - ▶ There is also an annual renewal fee of \$200 per year for the permit.
  - ▶ The DTC permit holder must ensure that all relevant excise and sales taxes related to deliveries made under the permit are paid in full in a timely manner.
  - ▶ The term of the DTC permit is 1 year and begins on July 1 of each year.
- Other requirements or information related to the DTC permit related to delivery include the following:
  - ▶ Only employees who are 18 years or older may make deliveries on behalf of the DTC permit holder.
  - ▶ All individuals who make deliveries under the DTC permit must be certified by an approved alcohol awareness program.
  - ▶ The employee of the DTC permit holder endorses an ATCC approved form that certifies that the deliverer examined the customer’s government

issued identification at the time of delivery and the recipient was at least 21 years old.

- ▶ Deliveries can only be made to the purchaser - who must be 21 years or older - or another individual at least 21 years of age who is designated by the purchaser and physically present to receive the alcohol.
- ▶ Ensure that the containers that the DTC permit holder delivers to the purchaser are conspicuously labeled with
  - The name of the Maryland Manufacturer; and
  - Have the name and address of the customer who is the intended recipient; and
  - Contains other labeling related to product and the age of the recipient; and
  - Is Commercially Sealed by the Manufacturer.
- The quantities that Maryland Manufacturers may deliver to consumers under the DTC permit is limited to the following amounts of the permit holder's own product:
  - ▶ Wine
    - Not more than 18 9-liter cases of wine to be delivered to a single address in a single calendar year.
  - ▶ Beer
    - Not more than 3,456 ounces (288 cans/12 cases of 12 ounce cans) of beer to be delivered to a single address in a single calendar year.
  - ▶ Liquor
    - Not more than 24 standard 750-milliliter bottles of liquor to be delivered to a single address in a single calendar year.
- The bill creates new reporting requirements for Maryland Manufacturers who participate

in the program, such as:

- ▶ Reporting information about deliveries made under the permit to the ATCC.
- ▶ Filing all quarterly tax returns in accordance with the State's tax laws.
- ▶ Paying all quarterly sales and excise taxes due on sales to consumers in the State.
- ▶ Maintain for 3 years complete and accurate records related to the DTC permit.
- ▶ Allow the Comptroller or the ATCC to perform an audit of the DTC permit holders records.
- ▶ Consent to the jurisdiction of the Comptroller or the ATCC concerning the enforcement of the law related to the use of the DTC permit.
- Class 1 Distillery, Class 5 Brewery, and Class 3 and 4 Wineries are now be required to annually report to the ATCC on the following:
  - ▶ The amount of alcoholic beverages produced under their license; and
  - ▶ The amount of alcoholic beverages sold for off-premises consumption; and
  - ▶ The amount of alcoholic beverages served for on-premises consumption.
- The volume caps on off-premises sales performed in person at certain licensed Manufacturers locations have been eliminated at the following locations:
  - ▶ Class 1 Distillery
  - ▶ Class 5 Brewery
- The ATCC is also directed by the bill to evaluate the implementation of a standard digital age verification system that holders of a DTC permit would use to verify the age of a person accepting the delivery of alcoholic beverages.

**Effective Date: July 1, 2024**

## Chapter 918

## (Senate Bill 1041)

AN ACT concerning

**Alcoholic Beverages – Breweries, Wineries, and Distilleries – Direct Delivery  
and Direct Shipment**

FOR the purpose of establishing certain permits authorizing the direct delivery ~~or shipment~~ of certain alcoholic beverages to a consumer in the State; ~~establishing that certain affiliates of the holders of nonresident brewery permits or nonresident distillery permits are included in certain production limits; authorizing common carriers to transport, if applicable, beer or liquor;~~ establishing the requirements an individual must meet in order to qualify for a direct-to-consumer alcoholic beverages delivery ~~or shipping~~ permit; establishing a maximum amount that a recipient of an alcoholic beverages delivery ~~or shipment~~ may receive annually; repealing a maximum amount that a consumer may purchase when visiting certain alcoholic beverage manufacturers; ~~requiring a holder of a direct beer shipper's permit or direct liquor shipper's permit to post security for the alcoholic beverage tax in a certain amount;~~ and generally relating to alcoholic beverages.

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section ~~2-132 and 2-132.1; and 2-142 through 2-147 and 2-150 through 2-152~~ to  
 be under the amended part “Part V. Direct Wine Delivery, Direct Wine  
 Shipper’s, and Common Carrier Permits”; and 2-202(k), 2-205(c) and (d),  
 2-206(h), and 2-214(a)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 2-148, 2-149, ~~2-153, 2-154,~~ 2-202(a), 2-205(a), 2-206(a), and 2-207(b)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 2-148.1 and 2-149.1; ~~and 2-167 through 2-176~~ 2-175 to be under the new  
 part “Part VIII. Direct-to-Consumer Beer and Liquor ~~Shipping and Delivery~~”;  
and 2-202(k) and (l), 2-205(d) and (e), 2-206(h) and (i), and 2-207(k) and (l)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

~~BY repealing and reenacting, without amendments,  
 Article – Tax – General~~

~~Section 13-825(a) and (i)  
Annotated Code of Maryland  
(2022 Replacement Volume and 2023 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 13-825(b)  
Annotated Code of Maryland  
(2022 Replacement Volume and 2023 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 2-202(c) and 2-207(d)  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)  
(As enacted by Section 3 of Chapters 359 and 360 of the Acts of the General Assembly of 2021, as amended by Chapters 477 and 478 of the Acts of the General Assembly of 2022 and Chapter 594 of the Acts of the General Assembly of 2023)

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 2-207(c)  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)  
(As enacted by Section 3 of Chapters 359 and 360 of the Acts of the General Assembly of 2021, as amended by Chapters 477 and 478 of the Acts of the General Assembly of 2022 and Chapter 594 of the Acts of the General Assembly of 2023)

### Preamble

WHEREAS, Section 1-201(a)(1)(i) of the Alcoholic Beverages and Cannabis Article states, in part, that it is the policy of the State to regulate and control the manufacture, sale, distribution, transportation, and storage of alcoholic beverages in the State for the purposes of obtaining respect and obedience to the law and to foster and promote temperance; and

WHEREAS, Section 1-201(b)(1) of the Alcoholic Beverages and Cannabis Article states that it is the policy of the State to authorize the Office of the Executive Director and others to displace or limit economic competition by regulating and engaging in the sale or distribution of alcoholic beverages; and

WHEREAS, Section 1-201(b)(1)(i) through (iv) of the Alcoholic Beverages and Cannabis Article states that it is the policy of the State to obtain respect and obedience for the law, promote and foster temperance, prevent deceptive, destructive, and unethical

business practices, and promote the general welfare of residents of the State by controlling the sale and distribution of alcoholic beverages; and

WHEREAS, To accomplish and ensure that the State can carry out its duties as required in the Alcoholic Beverages and Cannabis Article, this Act reaffirms the legitimacy of the three-tiered system as a means of regulating the alcoholic beverages industry as stipulated by the Supreme Court of the United States in Tennessee Wine and Spirits Retailers Assn. v. Thomas, 139 S. Ct. 2449 (2019); and

WHEREAS, It is the intent of the General Assembly to limit the issuance of direct delivery permits by the Office of the Executive Director to licensed Maryland manufacturers in order to protect public health and provide strong incentives not to sell alcohol in a way that threatens public health or safety; now, therefore,

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

### Article – Alcoholic Beverages and Cannabis

~~2-132.~~

~~(a) IN THIS SECTION, “AFFILIATE” MEANS A PERSON THAT DIRECTLY OR INDIRECTLY THROUGH ONE OR MORE INTERMEDIARIES CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH A HOLDER OF A NONRESIDENT BREWERY PERMIT.~~

~~(b) There is a nonresident brewery permit.~~

~~[(b)] (c) The Executive Director may issue the permit to a person that:~~

~~(1) is licensed outside the State to engage in the manufacture of beer;~~

~~(2) produces in the aggregate from all of its locations not more than [22,500] 45,000 barrels of beer annually, ALONE OR IN COMBINATION WITH ITS AFFILIATES; and~~

~~(3) does not hold a nonresident dealer’s permit.~~

~~[(c)] (d) (1) The permit authorizes the permit holder to sell and deliver not more than 3,000 barrels of the permit holder’s own beer annually from a location outside the State to a retail license holder or permit holder in the State authorized to acquire the beer.~~

~~(2) The permit holder shall comply with all the requirements of this article, the Tax General Article, and the regulations of the Comptroller or Executive Director that apply to a holder of a Class 7 limited beer wholesaler’s license.~~



~~[(d)] (E) The annual permit fee is \$50.~~

~~2-132.1.~~

~~(a) IN THIS SECTION, "AFFILIATE" MEANS A PERSON THAT DIRECTLY OR INDIRECTLY THROUGH ONE OR MORE INTERMEDIARIES CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH A HOLDER OF A NONRESIDENT DISTILLERY PERMIT.~~

~~(B) There is a nonresident distillery permit.~~

~~[(b)] (C) The Executive Director may issue the permit to a person that:~~

~~(1) is licensed outside the State to engage in the manufacture of liquor;~~

~~(2) produces in the aggregate from all of its locations not more than 100,000 gallons of liquor annually, ALONE OR IN COMBINATION WITH ITS AFFILIATES; and~~

~~(3) does not hold a nonresident dealer's permit.~~

~~[(e)] (D) (1) The permit authorizes the permit holder to sell and deliver the permit holder's own liquor from a location outside the State to a retail license holder or permit holder in the State authorized to acquire the liquor.~~

~~(2) The permit holder shall comply with all the requirements of this article, the Tax General Article, and the regulations of the Comptroller or Executive Director that apply to a holder of a Class S limited liquor wholesaler's license.~~

~~[(d)] (E) The annual permit fee is \$100.~~

Part V. Direct **WINE DELIVERY, DIRECT** Wine Shipper's, and Common Carrier Permits.

2-142.

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

(b) (1) "Common carrier" means a business entity that:

(i) holds itself out as being available to the public to transport in interstate or foreign commerce for compensation any class of passenger or property; and

(ii) holds a common carrier permit issued under § 2-151 of this subtitle.

(2) “Common carrier” does not include a business entity that transports only property the business entity owns or that is consigned to the business entity.

(c) **“DIRECT WINE DELIVERER” MEANS THE HOLDER OF A DIRECT WINE DELIVERY PERMIT ISSUED UNDER THIS PART.**

(D) “Direct wine shipper” means the holder of a direct wine shipper’s permit issued under this part.

2–143.

(A) A person shall be issued a direct wine shipper’s permit by the Executive Director before the person may engage in shipping wine directly to a consumer in the State.

**(B) BEFORE A LICENSED MANUFACTURER MAY ENGAGE IN DELIVERING WINE DIRECTLY TO A CONSUMER IN THE STATE, THE MANUFACTURER SHALL BE ISSUED A DIRECT WINE DELIVERY PERMIT.**

2–144.

(A) To qualify for a direct wine shipper’s permit, an applicant shall be:

- (1) a person licensed outside the State to engage in the manufacture of wine; or
- (2) a holder of a Class 3 manufacturer’s license or a Class 4 manufacturer’s license.

**(B) (1) TO QUALIFY FOR A DIRECT WINE DELIVERY PERMIT, AN APPLICANT SHALL BE:**

**(I) A PERSON LICENSED IN THE STATE TO ENGAGE IN THE MANUFACTURE OF WINE; AND**

**(II) A HOLDER OF A CLASS 6 LIMITED WINE WHOLESALER’S LICENSE.**

**(2) THE HOLDER OF A DIRECT WINE DELIVERY PERMIT ISSUED UNDER THIS SUBSECTION MAY SELL AND DELIVER ~~A~~ THE PERMIT HOLDER’S OWN PRODUCT ~~PRODUCED UNDER THE HOLDER’S LICENSE~~ TO AN INDIVIDUAL IN THE STATE IF:**

**(I) THE DELIVERY IS MADE BY AN EMPLOYEE WHO IS:**

- 1. **AT LEAST 18 YEARS OLD; AND**

**2. CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;**

**(II) THE PURCHASER, OR ANOTHER INDIVIDUAL AT LEAST 21 YEARS OLD DESIGNATED BY THE PURCHASER, IS PHYSICALLY PRESENT TO RECEIVE THE WINE AT THE TIME AND PLACE OF DELIVERY;**

**(III) THE PURCHASER PAYS FOR THE PURCHASE AT THE TIME OF ORDER; AND**

**(IV) THE DIRECT WINE DELIVERER AND THE INDIVIDUAL RECEIVING THE DELIVERY EACH ENDORSE A DELIVERY FORM THAT THE EXECUTIVE DIRECTOR APPROVES CERTIFYING THAT THE DIRECT WINE DELIVERER EXAMINED THE RECIPIENT'S GOVERNMENT-ISSUED IDENTIFICATION AND THE RECIPIENT WAS AT LEAST 21 YEARS OLD.**

2-145.

(a) An applicant for a direct wine shipper's permit **OR A DIRECT WINE DELIVERY PERMIT** shall:

(1) submit to the Executive Director a completed application on a form that the Executive Director provides;

(2) provide to the Executive Director a copy of the applicant's current **MANUFACTURER'S** license;

(3) identify the wines manufactured by the applicant that the applicant intends to ship [into] **OR DELIVER TO A CONSUMER IN** the State; and

(4) pay a fee of \$200 for initial issuance of the direct wine shipper's permit **OR THE DIRECT WINE DELIVERY PERMIT.**

(b) The Executive Director shall issue a direct wine shipper's permit **OR A DIRECT WINE DELIVERY PERMIT** to each applicant who meets the requirements of this part for the permit.

2-146.

**(A)** A direct wine shipper's permit entitles the holder to sell wine manufactured by the holder through a holder of a common carrier permit to a consumer by receiving and filling orders that the consumer transmits by electronic or other means.

**(B) A DIRECT WINE DELIVERY PERMIT ENTITLES THE HOLDER TO SELL AND DELIVER WINE MANUFACTURED BY THE HOLDER DIRECTLY TO A CONSUMER IN THE STATE BY RECEIVING AND FILLING ORDERS THAT THE CONSUMER TRANSMITS BY ELECTRONIC OR OTHER MEANS.**

2-147.

The term of a direct wine shipper's permit **OR A DIRECT WINE DELIVERY PERMIT** is 1 year and begins on July 1.

2-148.

(a) A direct wine shipper shall:

(1) ensure that all containers of wine shipped directly to a consumer in the State are conspicuously labeled with:

(i) the name of the direct wine shipper;

(ii) the name and address of the consumer who is the intended recipient; and

(iii) the words "Contains Alcohol: Signature of Person at Least 21 Years of Age Required for Delivery";

(2) report to the Comptroller and the Executive Director information about the direct wine shipper's wine shipments, in a manner that the Comptroller and the Executive Director determine;

(3) file a quarterly tax return in accordance with § 5-201(d) of the Tax – General Article;

(4) pay quarterly to the Comptroller all sales taxes and excise taxes due on sales to consumers in the State and calculate the taxes as if the sale were made in the State;

(5) maintain for 3 years complete and accurate records of all information needed to verify compliance with this part;

(6) allow the Comptroller and the Executive Director to perform an audit of the direct wine shipper's records on request; and

(7) consent to the jurisdiction of the Comptroller, the Executive Director, or other State unit and the State courts concerning enforcement of this section and any related law.

(b) A direct wine shipper may not:

(1) ship more than 18 9-liter cases of wine each year to a single delivery address; or

(2) cause wine to be delivered on Sunday to an address in the State.

**2-148.1.**

**(A) A DIRECT WINE DELIVERER SHALL:**

**(1) ENSURE THAT ANY CONTAINER CONTAINING WINE DELIVERED DIRECTLY TO A CONSUMER IN THE STATE IS:**

**(I) CONSPICUOUSLY LABELED WITH:**

**1. THE NAME OF THE MANUFACTURER;**

**2. THE NAME AND ADDRESS OF THE CONSUMER WHO IS THE INTENDED RECIPIENT; AND**

**3. THE WORDS “CONTAINS ALCOHOL: SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY”; AND**

**(II) COMMERCIALY SEALED BY THE MANUFACTURER;**

**(2) REPORT TO THE EXECUTIVE DIRECTOR INFORMATION ABOUT THE DELIVERIES, IN A MANNER THAT THE EXECUTIVE DIRECTOR DETERMINES;**

**(3) FILE A QUARTERLY TAX RETURN IN ACCORDANCE WITH § 5-201(D) OF THE TAX – GENERAL ARTICLE;**

**(4) PAY QUARTERLY TO THE COMPTROLLER ALL SALES TAXES AND EXCISE TAXES DUE ON SALES TO CONSUMERS IN THE STATE;**

**(5) MAINTAIN FOR 3 YEARS COMPLETE AND ACCURATE RECORDS OF ALL INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THIS PART; AND**

**(6) ALLOW THE COMPTROLLER OR THE EXECUTIVE DIRECTOR TO PERFORM AN AUDIT OF THE PERMIT HOLDER’S RECORDS ON REQUEST.**

**(B) THE HOLDER OF A DIRECT WINE DELIVERY PERMIT MAY NOT CAUSE MORE THAN 18 9-LITER CASES OF WINE TO BE DELIVERED TO A SINGLE ADDRESS IN A SINGLE CALENDAR YEAR.**

2-149.

(a) A direct wine shipper may renew its direct wine shipper's permit each year if the direct wine shipper:

- (1) is otherwise entitled to have a direct wine shipper's permit;
- (2) provides to the Executive Director a copy of its current permit;
- (3) identifies the wines manufactured by the direct wine shipper that the direct wine shipper intends to ship into the State; and
- (4) pays to the Executive Director a renewal fee of \$200.

(b) The Executive Director may deny a renewal application of a direct wine shipper who fails to:

- (1) file a tax return required under this part;
- (2) pay a fee or tax when due; or
- (3) after receiving notice, comply with this article or a regulation that the Comptroller or Executive Director adopts.

**2-149.1.**

**(A) A DIRECT WINE DELIVERER MAY RENEW ITS DIRECT WINE DELIVERY PERMIT EACH YEAR IF THE DIRECT WINE DELIVERER:**

- (1) IS OTHERWISE ENTITLED TO HOLD A DIRECT WINE DELIVERY PERMIT;**
- (2) PROVIDES TO THE EXECUTIVE DIRECTOR AND THE COMPTROLLER A COPY OF ITS CURRENT PERMIT; AND**
- (3) PAYS THE EXECUTIVE DIRECTOR A RENEWAL FEE OF \$200.**

**(B) THE EXECUTIVE DIRECTOR MAY DENY A RENEWAL APPLICATION FOR A DIRECT WINE DELIVERY PERMIT IF THE HOLDER FAILS TO:**

- (1) FILE A TAX RETURN REQUIRED UNDER THIS PART;**
- (2) PAY A FEE OR TAX WHEN DUE; OR**

**(3) AFTER RECEIVING NOTICE, COMPLY WITH THIS ARTICLE OR A REGULATION THAT THE EXECUTIVE DIRECTOR ADOPTS UNDER THIS ARTICLE.**

2-150.

(a) To receive a direct shipment **OR DIRECT DELIVERY** of wine, a consumer in the State shall be at least 21 years old.

(b) A person who receives a shipment **OR DELIVERY** of wine shall use the shipment for personal consumption only and may not resell the shipment **OR DELIVERY**.

~~2-151.~~

~~(a) There is a common carrier permit.~~

~~(b) A holder of a common carrier permit may deliver [wine] ALCOHOLIC BEVERAGES from a location inside or outside the State to a consumer in the State for the consumer's personal use under this [part] SUBTITLE.~~

~~(c) A person shall be issued a common carrier permit before the person may engage in transporting:~~

~~(1) wine from a direct wine shipper to a consumer;~~

~~(2) BEER FROM A DIRECT BEER SHIPPER TO A CONSUMER; OR~~

~~(3) LIQUOR FROM A DIRECT LIQUOR SHIPPER TO A CONSUMER.~~

~~(d) The term of a common carrier permit is 1 year and begins on July 1.~~

~~(e) To complete delivery of a shipment, the common carrier shall require from a consumer at the address listed on the shipping label:~~

~~(1) the signature of the consumer or another individual at the address who is at least 21 years old; and~~

~~(2) government-issued photographic identification showing that the signing individual is at least 21 years old.~~

~~(f) A common carrier shall refuse delivery when the intended receiving individual appears to be under the age of 21 years or refuses to present valid identification.~~

~~(g) At the time of initial application for a common carrier permit and on request of the Executive Director, a common carrier shall submit to the Executive Director information concerning the training of its drivers in verifying the age of recipients of direct~~

~~wine shipments, DIRECT BEER SHIPMENTS, OR DIRECT LIQUOR SHIPMENTS under this [part] SUBTITLE.~~

~~(h) At least once each year, in a manner acceptable to the Executive Director, a holder of a common carrier permit shall verify that the shipper of wine, BEER, OR LIQUOR into the State under this part holds a valid direct wine shipper's permit, DIRECT BEER SHIPPER'S PERMIT, OR DIRECT LIQUOR SHIPPER'S PERMIT.~~

~~(i) A holder of a common carrier permit that delivers [wine solely] ALCOHOLIC BEVERAGES under this [part] SUBTITLE may not be required to obtain a transportation permit issued under § 2-118 or § 2-119 of this subtitle in addition to the common carrier permit.~~

~~(j) The permit fee is \$100.~~

~~2-152.~~

~~(a) A common carrier shall report quarterly to the Executive Director:~~

~~(1) the date of each delivery of [wine] ALCOHOLIC BEVERAGES in the State; and~~

~~(2) the name and address of:~~

~~(I) the direct wine shipper, THE DIRECT BEER SHIPPER, OR THE DIRECT LIQUOR SHIPPER; and~~

~~(II) the receiving consumer of each delivery.~~

~~(b) A common carrier shall maintain for 3 years complete and accurate records of all information needed to verify compliance with this part.~~

~~2-153.~~

~~A person without a direct wine shipper's permit may not ship wine directly to a consumer in the State.~~

~~2-154.~~

~~Each violation of this part is a separate violation.~~

**2-165. RESERVED.**

**2-166. RESERVED.**



PART VIII. DIRECT-TO-CONSUMER BEER AND LIQUOR ~~SHIPPING AND DELIVERY.~~

2-167.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(B) "COMMON CARRIER" HAS THE MEANING STATED IN § 2-142 OF THIS SUBTITLE.~~

~~(C)~~ (B) "DIRECT BEER DELIVERER" MEANS THE HOLDER OF A DIRECT BEER DELIVERY PERMIT ISSUED UNDER THIS PART.

~~(D) "DIRECT BEER SHIPPER" MEANS THE HOLDER OF A DIRECT BEER SHIPPER'S PERMIT ISSUED UNDER THIS PART.~~

~~(E)~~ (C) "DIRECT LIQUOR DELIVERER" MEANS THE HOLDER OF A DIRECT LIQUOR DELIVERY PERMIT ISSUED UNDER THIS PART.

~~(F) "DIRECT LIQUOR SHIPPER" MEANS THE HOLDER OF A DIRECT LIQUOR SHIPPER'S PERMIT ISSUED UNDER THIS PART.~~

~~(G)~~ (D) "PERMIT" MEANS A DIRECT BEER DELIVERY PERMIT, ~~DIRECT BEER SHIPPER'S PERMIT,~~ OR DIRECT LIQUOR DELIVERY PERMIT, ~~OR DIRECT LIQUOR SHIPPER'S PERMIT~~ ISSUED BY THE EXECUTIVE DIRECTOR UNDER THIS PART.

2-168.

(A) BEFORE A LICENSED MANUFACTURER MAY ENGAGE IN DELIVERING BEER DIRECTLY TO A CONSUMER IN THE STATE, THE MANUFACTURER SHALL BE ISSUED A DIRECT BEER DELIVERY PERMIT.

(B) BEFORE A LICENSED MANUFACTURER MAY ENGAGE IN DELIVERING LIQUOR DIRECTLY TO A CONSUMER IN THE STATE, THE MANUFACTURER SHALL BE ISSUED A DIRECT LIQUOR DELIVERY PERMIT.

2-169.

(A) (1) TO QUALIFY FOR A DIRECT BEER DELIVERY PERMIT, AN APPLICANT SHALL BE:

(I) A PERSON LICENSED IN THE STATE TO ENGAGE IN THE MANUFACTURE OF BEER; AND

(II) A HOLDER OF A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE.

(2) THE HOLDER OF A DIRECT BEER DELIVERY PERMIT ISSUED UNDER § 2-170 OF THIS SUBTITLE MAY SELL AND DELIVER ~~A THE PERMIT HOLDER'S OWN PRODUCT PRODUCED UNDER THE HOLDER'S LICENSE~~ TO AN INDIVIDUAL IN THE STATE IF:

(I) THE DELIVERY IS MADE BY AN EMPLOYEE WHO IS:

- 1. AT LEAST 18 YEARS OLD; AND
- 2. CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;

(II) THE PURCHASER, OR ANOTHER INDIVIDUAL AT LEAST 21 YEARS OLD DESIGNATED BY THE PURCHASER, IS PHYSICALLY PRESENT TO RECEIVE THE BEER AT THE TIME AND PLACE OF DELIVERY;

(III) THE PURCHASER PAYS FOR THE PURCHASE AT THE TIME OF ORDER; AND

(IV) THE DIRECT BEER DELIVERER AND THE INDIVIDUAL RECEIVING THE DELIVERY EACH ENDORSE A DELIVERY FORM THAT THE EXECUTIVE DIRECTOR APPROVES CERTIFYING THAT THE DIRECT BEER DELIVERER EXAMINED THE RECIPIENT'S GOVERNMENT-ISSUED IDENTIFICATION AND THE RECIPIENT WAS AT LEAST 21 YEARS OLD.

~~(B) TO QUALIFY FOR A DIRECT BEER SHIPPER'S PERMIT, AN APPLICANT SHALL BE:~~

~~(1) IF SHIPPING FROM A LOCATION OUTSIDE THE STATE, THE HOLDER OF A NONRESIDENT BREWERY PERMIT; OR~~

~~(2) IF SHIPPING FROM A LOCATION INSIDE THE STATE:~~

~~(I) A PERSON LICENSED IN THE STATE TO ENGAGE IN THE MANUFACTURE OF BEER; AND~~

~~(II) A HOLDER OF A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE.~~

~~(C)~~ **(B)** (1) TO QUALIFY FOR A DIRECT LIQUOR DELIVERY PERMIT, AN APPLICANT SHALL BE:

(I) A PERSON ISSUED A LICENSE BY THE EXECUTIVE DIRECTOR IN THE STATE TO ENGAGE IN THE MANUFACTURE OF LIQUOR; AND

(II) A HOLDER OF A CLASS 8 LIMITED WHOLESALER'S LICENSE.

(2) THE HOLDER OF A DIRECT LIQUOR DELIVERY PERMIT ISSUED UNDER § 2-170 OF THIS SUBTITLE MAY SELL AND DELIVER ~~A~~ THE PERMIT HOLDER'S OWN PRODUCT PRODUCED UNDER THE HOLDER'S LICENSE TO AN INDIVIDUAL IN THE STATE IF:

(I) THE DELIVERY IS MADE BY AN EMPLOYEE WHO IS:

1. AT LEAST 18 YEARS OLD; AND

2. CERTIFIED BY AN APPROVED ALCOHOL AWARENESS

PROGRAM;

(II) THE PURCHASER, OR ANOTHER INDIVIDUAL AT LEAST 21 YEARS OLD DESIGNATED BY THE PURCHASER, IS PHYSICALLY PRESENT TO RECEIVE THE LIQUOR AT THE TIME AND PLACE OF DELIVERY;

(III) THE PURCHASER PAYS FOR THE PURCHASE AT THE TIME OF ORDER; AND

(IV) THE DIRECT LIQUOR DELIVERER AND THE INDIVIDUAL RECEIVING THE DELIVERY EACH ENDORSE A DELIVERY FORM THAT THE EXECUTIVE DIRECTOR APPROVES CERTIFYING THAT THE DIRECT LIQUOR DELIVERER EXAMINED THE RECIPIENT'S GOVERNMENT-ISSUED IDENTIFICATION AND THE RECIPIENT WAS AT LEAST 21 YEARS OLD.

~~(D) TO QUALIFY FOR A DIRECT LIQUOR SHIPPER'S PERMIT, AN APPLICANT SHALL BE:~~

~~(1) IF SHIPPING FROM A LOCATION OUTSIDE THE STATE, A HOLDER OF A NONRESIDENT DISTILLERY PERMIT; OR~~

~~(2) IF SHIPPING FROM A LOCATION INSIDE THE STATE;~~

~~(I) A PERSON ISSUED A LICENSE BY THE EXECUTIVE DIRECTOR IN THE STATE TO ENGAGE IN THE MANUFACTURE OF LIQUOR; AND~~

~~(H) A HOLDER OF A CLASS 8 LIMITED WHOLESALER'S LICENSE.~~

2-170.

## (A) AN APPLICANT FOR A PERMIT UNDER THIS PART SHALL:

(1) SUBMIT TO THE EXECUTIVE DIRECTOR A COMPLETED APPLICATION ON A FORM THAT THE EXECUTIVE DIRECTOR PROVIDES;

(2) PROVIDE TO THE EXECUTIVE DIRECTOR A COPY OF THE APPLICANT'S CURRENT ~~HOME STATE~~ MANUFACTURER'S LICENSE;

(3) IDENTIFY THE PRODUCT MANUFACTURED BY THE APPLICANT THAT THE APPLICANT INTENDS TO ~~SHIP OR~~ DELIVER TO A CONSUMER IN THE STATE; AND

(4) PAY A FEE OF \$200 FOR INITIAL ISSUANCE OF THE PERMIT.

(B) IF AN APPLICANT MEETS THE REQUIREMENTS OF THIS PART, THE EXECUTIVE DIRECTOR SHALL ISSUE TO THE APPLICANT:

(1) A DIRECT BEER DELIVERY PERMIT; OR

(2) ~~A DIRECT BEER SHIPPER'S PERMIT;~~

~~(3) A DIRECT LIQUOR DELIVERY PERMIT; OR~~

~~(4) A DIRECT LIQUOR SHIPPER'S PERMIT.~~

2-171.

(A) A DIRECT BEER DELIVERY PERMIT ENTITLES THE HOLDER TO SELL AND DELIVER BEER MANUFACTURED BY THE HOLDER DIRECTLY TO A CONSUMER IN THE STATE BY RECEIVING AND FILLING ORDERS THAT THE CONSUMER TRANSMITS BY ELECTRONIC OR OTHER MEANS.

~~(B) A DIRECT BEER SHIPPER'S PERMIT ENTITLES THE HOLDER TO SELL BEER MANUFACTURED BY THE HOLDER THROUGH A HOLDER OF A COMMON CARRIER PERMIT TO A CONSUMER BY RECEIVING AND FILLING ORDERS THAT THE CONSUMER TRANSMITS BY ELECTRONIC OR OTHER MEANS.~~

~~(C) A DIRECT LIQUOR DELIVERY PERMIT ENTITLES THE HOLDER TO SELL AND DELIVER LIQUOR MANUFACTURED BY THE HOLDER DIRECTLY TO A CONSUMER~~

IN THE STATE BY RECEIVING AND FILLING ORDERS THAT THE CONSUMER TRANSMITS BY ELECTRONIC OR OTHER MEANS.

~~(D) A DIRECT LIQUOR SHIPPER'S PERMIT ENTITLES THE HOLDER TO SELL LIQUOR MANUFACTURED BY THE HOLDER THROUGH A HOLDER OF A COMMON CARRIER PERMIT TO A CONSUMER BY RECEIVING AND FILLING ORDERS THAT THE CONSUMER TRANSMITS BY ELECTRONIC OR OTHER MEANS.~~

2-172.

THE TERM OF A PERMIT ISSUED UNDER THIS PART IS 1 YEAR AND BEGINS ON JULY 1.

2-173.

(A) A PERSON WHO HOLDS A PERMIT UNDER THIS PART SHALL:

(1) ENSURE THAT ANY CONTAINER CONTAINING AN ALCOHOLIC BEVERAGE DELIVERED ~~OR SHIPPED~~ DIRECTLY TO A CONSUMER IN THE STATE IS:

(I) CONSPICUOUSLY LABELED WITH:

1. THE NAME OF THE MANUFACTURER;
2. THE NAME AND ADDRESS OF THE CONSUMER WHO IS THE INTENDED RECIPIENT; AND
3. THE WORDS "CONTAINS ALCOHOL: SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY"; AND

(II) COMMERCIALY SEALED BY THE MANUFACTURER;

(2) REPORT TO THE EXECUTIVE DIRECTOR INFORMATION ABOUT THE ~~SHIPMENTS OR~~ DELIVERIES, IN A MANNER THAT THE EXECUTIVE DIRECTOR DETERMINES;

(3) FILE A QUARTERLY TAX RETURN IN ACCORDANCE WITH § 5-201(D) OF THE TAX - GENERAL ARTICLE;

(4) PAY QUARTERLY TO THE COMPTROLLER ALL SALES TAXES AND EXCISE TAXES DUE ON SALES TO CONSUMERS IN THE STATE AND CALCULATE THE TAXES AS IF THE ~~SALE~~ SALES WERE MADE IN THE STATE;

(5) MAINTAIN FOR 3 YEARS COMPLETE AND ACCURATE RECORDS OF ALL INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THIS PART;

(6) ALLOW THE COMPTROLLER OR THE EXECUTIVE DIRECTOR TO PERFORM AN AUDIT OF THE PERMIT HOLDER'S RECORDS ON REQUEST; AND

(7) CONSENT TO THE JURISDICTION OF THE EXECUTIVE DIRECTOR, COMPTROLLER, OR OTHER STATE UNIT AND THE STATE COURTS CONCERNING ENFORCEMENT OF THIS PART AND ANY RELATED LAW.

(B) (1) THE HOLDER OF A DIRECT BEER DELIVERY PERMIT ~~OR A DIRECT BEER SHIPPER'S PERMIT~~ MAY NOT CAUSE MORE THAN 3,456 OUNCES OF ~~BEER OF THE PERMIT HOLDER'S OWN PRODUCT~~ TO BE DELIVERED TO A SINGLE DELIVERY ADDRESS IN A SINGLE CALENDAR YEAR.

(2) THE HOLDER OF A DIRECT LIQUOR DELIVERY PERMIT ~~OR A DIRECT LIQUOR SHIPPER'S PERMIT~~ MAY NOT CAUSE MORE THAN 24 STANDARD 750-MILLILITER BOTTLES OF ~~LIQUOR~~ THE PERMIT HOLDER'S OWN PRODUCT, OR AN EQUIVALENT AMOUNT, TO BE DELIVERED TO A SINGLE DELIVERY ADDRESS IN A SINGLE CALENDAR YEAR.

2-174.

(A) A HOLDER OF A PERMIT ISSUED UNDER THIS PART MAY RENEW THE PERMIT EACH YEAR IF THE HOLDER:

(1) IS OTHERWISE ENTITLED TO HOLD A PERMIT UNDER THIS PART;

(2) PROVIDES TO THE EXECUTIVE DIRECTOR AND THE COMPTROLLER A COPY OF ITS CURRENT PERMIT; AND

(3) PAYS THE EXECUTIVE DIRECTOR A RENEWAL FEE OF \$200.

(B) THE EXECUTIVE DIRECTOR MAY DENY A RENEWAL APPLICATION FOR A PERMIT ISSUED UNDER THIS PART IF THE HOLDER FAILS TO:

(1) FILE A TAX RETURN REQUIRED UNDER THIS SUBTITLE;

(2) PAY A FEE OR TAX WHEN DUE; OR

(3) AFTER RECEIVING NOTICE, COMPLY WITH THIS ARTICLE OR A REGULATION THAT THE EXECUTIVE DIRECTOR ADOPTS UNDER THIS ARTICLE.

2-175.

(A) TO RECEIVE A DIRECT DELIVERY ~~OR DIRECT SHIPMENT~~ OF BEER OR LIQUOR, A CONSUMER IN THE STATE SHALL BE AT LEAST 21 YEARS OLD.

(B) A PERSON WHO RECEIVES A DELIVERY ~~OR SHIPMENT~~ OF ALCOHOLIC BEVERAGES UNDER THIS PART SHALL USE THE ALCOHOLIC BEVERAGES FOR PERSONAL CONSUMPTION ONLY AND MAY NOT RESELL THE DELIVERY ~~OR SHIPMENT~~ IN WHOLE OR IN PART.

~~2-176.~~

~~(A) A PERSON WITHOUT A DIRECT BEER SHIPPER'S PERMIT ISSUED UNDER THIS PART MAY NOT SHIP BEER DIRECTLY TO A CONSUMER IN THE STATE.~~

~~(B) A PERSON WITHOUT A DIRECT LIQUOR SHIPPER'S PERMIT ISSUED UNDER THIS PART MAY NOT SHIP LIQUOR DIRECTLY TO A CONSUMER IN THE STATE.~~

2-202.

(a) There is a Class 1 distillery license.

(K) THE LICENSE HOLDER SHALL REPORT TO THE EXECUTIVE DIRECTOR ANNUALLY ON A FORM PROVIDED BY THE EXECUTIVE DIRECTOR ON:

(1) THE AMOUNT OF ALCOHOLIC BEVERAGES PRODUCED UNDER THE LICENSE;

(2) THE AMOUNT OF ALCOHOLIC BEVERAGES SOLD FOR OFF-PREMISES CONSUMPTION; AND

(3) THE AMOUNT OF ALCOHOLIC BEVERAGES SERVED FOR ON-PREMISES CONSUMPTION.

(L) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION TO A PERSON WHO INTENDS TO RESELL THE ALCOHOLIC BEVERAGES.

~~[(k)]~~ (M) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$2,000.

2-205.

(a) There is a Class 3 winery license.

(c) An individual may purchase wine under subsection (b)(4) of this section if the individual]:

(1) purchases not more than 1 quart in a single year; and

(2) has attained the legal drinking age.

**(D) THE LICENSE HOLDER SHALL REPORT TO THE EXECUTIVE DIRECTOR ANNUALLY ON A FORM PROVIDED BY THE EXECUTIVE DIRECTOR ON:**

**(1) THE AMOUNT OF ALCOHOLIC BEVERAGES PRODUCED UNDER THE LICENSE;**

**(2) THE AMOUNT OF ALCOHOLIC BEVERAGES SOLD FOR OFF-PREMISES CONSUMPTION; AND**

**(3) THE AMOUNT OF ALCOHOLIC BEVERAGES SERVED FOR ON-PREMISES CONSUMPTION.**

**(E) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION TO A PERSON WHO INTENDS TO RESELL THE ALCOHOLIC BEVERAGES.**

**[(d)] (F) The annual license fee:**

(1) shall be determined by the Executive Director; and

(2) may not exceed \$750.

2-206.

(a) There is a Class 4 limited winery license.

**(H) THE LICENSE HOLDER SHALL REPORT TO THE EXECUTIVE DIRECTOR ANNUALLY ON A FORM PROVIDED BY THE EXECUTIVE DIRECTOR ON:**

**(1) THE AMOUNT OF ALCOHOLIC BEVERAGES PRODUCED UNDER THE LICENSE;**

**(2) THE AMOUNT OF ALCOHOLIC BEVERAGES SOLD FOR OFF-PREMISES CONSUMPTION; AND**



**(3) THE AMOUNT OF ALCOHOLIC BEVERAGES SERVED FOR ON-PREMISES CONSUMPTION.**

**(I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION TO A PERSON WHO INTENDS TO RESELL THE ALCOHOLIC BEVERAGES.**

**[(h)] (J) The annual license fee:**

- (1) shall be determined by the Executive Director; and**
- (2) may not exceed \$200.**

2-207.

**(b) There is a Class 5 brewery license.**

**(K) THE LICENSE HOLDER SHALL REPORT TO THE EXECUTIVE DIRECTOR ANNUALLY ON A FORM PROVIDED BY THE EXECUTIVE DIRECTOR ON:**

**(1) THE AMOUNT OF ALCOHOLIC BEVERAGES PRODUCED UNDER THE LICENSE;**

**(2) THE AMOUNT OF ALCOHOLIC BEVERAGES SOLD FOR OFF-PREMISES CONSUMPTION; AND**

**(3) THE AMOUNT OF ALCOHOLIC BEVERAGES SOLD FOR ON-PREMISES CONSUMPTION.**

**(L) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION TO A PERSON WHO INTENDS TO RESELL THE ALCOHOLIC BEVERAGES.**

2-214.

**(a) Except as otherwise provided with respect to a DELIVERY PERMIT ISSUED UNDER SUBTITLE 1, PART V OR PART VIII OF DIVISION I OF THIS ARTICLE, TITLE OR A 1-day license in Division II of this article, and subject to subsection (b) of this section, a holder of a manufacturer's license may not sell or deliver alcoholic beverages to a person in the State that does not hold a license or permit under this article.**

**Article Tax General**

13-825.

~~(a) The Comptroller may require a person whose gross receipts are subject to admissions and amusement tax and whose business is not a permanent operation in the State to post security for the tax in the amount that the Comptroller determines.~~

~~(b) The Comptroller shall require:~~

~~(1) a manufacturer, wholesaler, or nonresident winery permit holder who sells or delivers beer or wine to retailers in the State to post security for the alcoholic beverage tax:~~

~~(i) in an amount not less than:~~

~~1. \$1,000 for beer; and~~

~~2. \$1,000 for wine; and~~

~~(ii) if the alcoholic beverage tax on beer and wine paid in any 1 month exceeds \$1,000, in an additional amount at least equal to the excess;~~

~~(2) a manufacturer or wholesaler who sells or delivers any distilled spirits or any wine and distilled spirits in the State to post a security for the alcoholic beverage tax:~~

~~(i) in an amount not less than \$5,000; and~~

~~(ii) in an additional amount:~~

~~1. equal to twice the amount of its largest monthly alcoholic beverage tax liability for wine and distilled spirits in the preceding calendar year less \$5,000; or~~

~~2. if the information for the preceding calendar year is not available or cannot be provided, equal to the amount that the Comptroller requires; and~~

~~(3) except as provided in subsection (i) of this section, a holder of a direct wine shipper's permit, **DIRECT BEER SHIPPER'S PERMIT, OR DIRECT LIQUOR SHIPPER'S PERMIT** to post security for the alcoholic beverage tax in an amount not less than \$1,000.~~

~~(i) A person need not post security under subsection (b)(3) of this section if:~~

~~(1) the person is a manufacturer that has posted security under subsection (b)(2) of this section; or~~

~~(2) at any time starting 3 years after the Comptroller first issues a direct wine shipper's permit to the person, the Comptroller:~~

~~(i) determines that the person has a substantial record of tax and reporting compliance; and~~

~~(ii) waives the security requirement.~~

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

### Article – Alcoholic Beverages and Cannabis

2-202.

(a) There is a Class 1 distillery license.

(c) A license holder may:

(1) establish and operate a plant for distilling, rectifying, blending, and bottling, at the location described in the license:

(i) brandy;

(ii) rum;

(iii) whiskey;

(iv) alcohol; and

(v) neutral spirits;

(2) sell and deliver the alcoholic beverages:

(i) in bulk to a person in the State that is authorized to acquire them; and

(ii) to a person outside the State that is authorized to acquire them;

(3) manufacture an alcoholic beverage listed in item (1) of this subsection in the name of another person or under a trade name if the other person or trade name also holds a Class 1 distillery license;

(4) acquire alcoholic beverages from the holder of a manufacturer's license or wholesaler's license or nonresident dealer's permit for use in manufacturing;

- (5) (i) conduct guided tours of the licensed premises;
  - (ii) at no cost or for a fee, serve to an individual who has attained the legal drinking age and participated in a guided tour of the licensed premises, not more than 2 ounces of products, with each product sample consisting of not more than one-half ounce from a single product manufactured by the license holder;
  - (iii) serve samples blended with other products manufactured by the license holder or nonalcoholic ingredients; and
  - (iv) sell [not more than 2.25 liters of] products manufactured on the licensed premises, for off-premises consumption, and related merchandise to an individual who has attained the legal drinking age [and participated in a guided tour of the licensed premises]; and
- (6) subject to subsection (i) of this section, sell liquor manufactured by the license holder that is mixed with other nonalcoholic ingredients.

2-207.

- (b) There is a Class 5 brewery license.
- (c) A license holder may:
  - (1) establish and operate a plant for brewing and bottling malt beverages at the location described in the license;
  - (2) import beer from a holder of a nonresident dealer's permit;
  - (3) contract to brew and bottle beer with and on behalf of the holder of a Class 2 rectifying license, Class 5 brewery license, Class 7 micro-brewery license, Class 8 farm brewery license, or a nonresident dealer's permit;
  - (4) sell and deliver beer to:
    - (i) a holder of a wholesaler's license that is authorized to acquire beer; or
    - (ii) a person outside of the State that is authorized to acquire beer;
  - (5) subject to subsection (i) of this section, serve, at the location described in the license and at no charge, samples of beer, consisting of a total of not more than 18 ounces of beer per visit, to an individual who:
    - (i) has attained the legal drinking age; and

(ii) is participating in a guided tour of the brewery or attends a scheduled promotional event or other organized activity at the brewery;

(6) subject to subsections (d) and (i) of this section, sell beer for off-premises consumption at the location described in the license, at retail in a container other than a keg to an individual who has attained legal drinking age;

(7) subject to subsection (f) of this section, sell beer at the location described in the license for on-premises consumption; and

(8) brew and bottle malt beverages at a location listed on a permit issued to the license holder in accordance with § 2-113 of this title.

(d) An individual may purchase beer under subsection (c)(6) of this section if the individual[

(1) purchases not more than 288 ounces of beer per visit; and

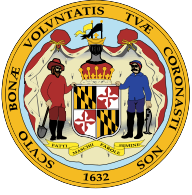
(2)] has attained the legal drinking age.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2024, the effective date of Chapter 594 of the Acts of the General Assembly of 2023. If the effective date of Chapter 594 is amended, Section 2 of this Act shall take effect on the taking effect of Chapter 594.

SECTION 4. AND BE IT FURTHER ENACTED, That the Executive Director of the Alcohol, Tobacco, and Cannabis Commission shall evaluate the implementation of a standard digital age verification system that holders of a direct delivery permit issued under Title 2, Subtitle 1, Part V or Part VIII of Division 1 of the Alcoholic Beverages and Cannabis Article, as enacted by Section 1 of this Act, shall use to verify the age of a person accepting the delivery of alcoholic beverages.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## HB1083/SB1001

### Alcoholic Beverages - Class 4 Limited Winery License - Requirements and Authorizations

#### Jurisdiction

Statewide

#### Statutes Affected

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 2-206

#### Summary

- The bill alters the grape and fruit requirement for Class 4 wineries in order to expand the type of products that can be used in the production of wine.
  - ▶ Defines “Maryland-Grown agricultural product” as any product produced or cultivated on a farm or vineyard in the state.
    - Does not include cannabis or any product containing tetrahydrocannabinol
- A license holder shall own or have under contract at least 20 acres of Maryland-Grown agricultural products in cultivation, or

- ▶ If less than 20 acres, at least 51% of ingredients used in the annual production of the license holder’s wine are Maryland-Grown agricultural products.
- Externally Sourced Bulk Wine ratio purchased by Maryland Wineries Increased to 75%
  - ▶ A license holder may purchase bulkwine made entirely of Maryland-Grown agricultural products and blend the wine with the license holder’s wine as long as the aggregate amount does not exceed 75% of the license holder’s annual wine production. Previously wineries could only buy bulk wine made from Maryland grown grapes up to only 25% of their total annual production.

**Effective Date(s): July 1, 2024**

## Chapter 825

**(House Bill 1083)**

AN ACT concerning

**Alcoholic Beverages – Class 4 Limited Winery License – Requirements and Authorizations**

FOR the purpose of altering certain cultivation or production requirements applicable to the holder of a Class 4 limited winery license by basing them on certain agricultural products instead of grapes and other fruit; altering the standards for the purchase of certain wine by a license holder; ~~repealing a certain authorization for a license holder to blend certain wine under certain circumstances~~; and generally relating to Class 4 limited winery licenses.

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 2–206  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

2–206.

(a) **(1) IN THIS SECTION, “MARYLAND-GROWN AGRICULTURAL PRODUCT” MEANS ANY PRODUCT PRODUCED OR CULTIVATED ON A FARM OR VINEYARD IN THE STATE.**

**(2) “MARYLAND-GROWN AGRICULTURAL PRODUCT” DOES NOT INCLUDE:**

**(I) CANNABIS; OR**

**(II) ANY OTHER PRODUCT CONTAINING TETRAHYDROCANNABINOL AS DEFINED IN § 36–1102 OF THIS ARTICLE.**

**(B)** There is a Class 4 limited winery license.

~~(b)~~ **(C)** (1) A license holder may:

(i) subject to paragraph (2) of this subsection, from available Maryland agricultural products:

1. ferment and bottle wine; and
2. distill and bottle pomace brandy; and

(ii) sell and deliver the wine and pomace brandy to:

1. a holder of a wholesaler's license;
2. a holder of a permit that is authorized to acquire wine or pomace brandy;
3. a person outside the State that is authorized to acquire wine or pomace brandy; or
4. an individual in accordance with § 2-219 of this subtitle.

(2) A license holder:

(i) shall own or have under contract at least 20 acres of [grapes or other fruit] ~~MARYLAND~~ MARYLAND-GROWN AGRICULTURAL PRODUCTS in cultivation [in the State] for use in the production of wine; or

(ii) except as provided in paragraph (3) of this subsection, if less than 20 acres are owned or under contract, shall ensure that at least 51% of the ingredients used in the annual production of the license holder's wine are [grapes or other fruit grown in the State] MARYLAND-GROWN AGRICULTURAL PRODUCTS.

(3) (i) The Secretary of Agriculture each year may grant a 1-year exemption to an applicant from the percentage requirement under paragraph (2)(ii) of this subsection.

(ii) The Secretary shall adopt regulations governing the granting of an exemption under subparagraph (i) of this paragraph, after consultation with the Advisory Commission on Maryland Alcohol Manufacturing, the Maryland Grape Growers Association, the Maryland Wineries Association, and other interested parties.

(4) Except as provided in Subtitle 3 of this title, a license holder need not obtain any other license to possess, manufacture, sell, or transport wine or pomace brandy.

(5) A license holder may:

(i) sell wine and pomace brandy produced by the license holder for on- and off-premises consumption;



(6) (i) A caterer is not limited to preparing, selling, or serving only the foods specified in paragraph (5)(iii) of this subsection.

(ii) A license holder or entity in which the license holder has a pecuniary interest may not act as a caterer of food.

(7) Subject to paragraph (8) of this subsection, a license holder may conduct the activities specified in paragraph (5) of this subsection from 10 a.m. to 10 p.m. each day.

(8) Except as provided in Division II of this article, the license allows the license holder to operate 7 days a week.

(9) Nothing in this subsection limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

~~(e)~~ **(D)** The place listed on the license shall be in compliance with § 1–405(b) of this article.

~~(d)~~ **(E)** A license holder may:

(1) store on its licensed premises, in a segregated area approved by the Executive Director, the product of other Class 4 limited wineries to be used at Maryland Wineries Association promotional activities, provided records are maintained and reports filed regarding the storage under this item as may be required by the Executive Director;

(2) distill and bottle not more than 1,900 gallons of pomace brandy made from available Maryland agricultural products;

(3) purchase ~~bulk~~ ~~FINISHED~~ wine **MADE ENTIRELY OF MARYLAND MARYLAND-GROWN AGRICULTURAL PRODUCTS** fermented by a manufacturer licensed under this article ~~and blend the wine with the license holder's wine and pomace brandy if the aggregate purchase does not exceed 25%~~ **75%** of the license holder's annual wine and pomace brandy production~~;~~;

(4) purchase pomace brandy only for blending with wine;

(5) import, export, and transport its wine and pomace brandy in accordance with this section; and

(6) produce wine and pomace brandy at a warehouse for which the license holder has been issued an individual storage permit, if:

(i) the license holder does not serve or sell wine or pomace brandy at a warehouse to the public; and

(ii) the Executive Director has full access at all times to the warehouse to enforce this article.

~~(e)~~ **(F)** A Class 4 limited winery may be located only at the place stated on the license.

~~(f)~~ **(G)** If a license holder maintains the records and files the reports that the Comptroller and the Executive Director require, the license holder may:

(1) in the State, conduct winemaking and packaging activities at another federally bonded winery or limited winery; or

(2) outside the State, conduct winemaking and packaging activities, other than fermentation, at another federally bonded winery.

~~(g)~~ **(H)** Throughout the winemaking process, the license holder shall:

(1) maintain ownership of the wine or pomace brandy; and

(2) ensure that the wine or pomace brandy returns to the location of the limited winery.

~~(h)~~ **(I)** The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$200.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 824

**(Senate Bill 1001)**

AN ACT concerning

**Alcoholic Beverages – Class 4 Limited Winery License – Requirements and Authorizations**

FOR the purpose of altering certain cultivation or production requirements applicable to the holder of a Class 4 limited winery license by basing them on certain agricultural products instead of grapes and other fruit; altering the standards for the purchase of certain wine by a license holder; ~~repealing a certain authorization for a license holder to blend certain wine under certain circumstances~~; and generally relating to Class 4 limited winery licenses.

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 2–206  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

2–206.

(a) **(1) IN THIS SECTION, “MARYLAND-GROWN AGRICULTURAL PRODUCT” MEANS ANY PRODUCT PRODUCED OR CULTIVATED ON A FARM OR VINEYARD IN THE STATE.**

**(2) “MARYLAND-GROWN AGRICULTURAL PRODUCT” DOES NOT INCLUDE:**

**(I) CANNABIS; OR**

**(II) ANY OTHER PRODUCT CONTAINING TETRAHYDROCANNABINOL AS DEFINED IN § 36–1102 OF THIS ARTICLE.**

**(B)** There is a Class 4 limited winery license.

~~(b)~~ **(C)** (1) A license holder may:

(i) subject to paragraph (2) of this subsection, from available Maryland agricultural products:

1. ferment and bottle wine; and
2. distill and bottle pomace brandy; and

(ii) sell and deliver the wine and pomace brandy to:

1. a holder of a wholesaler's license;
2. a holder of a permit that is authorized to acquire wine or pomace brandy;
3. a person outside the State that is authorized to acquire wine or pomace brandy; or
4. an individual in accordance with § 2-219 of this subtitle.

(2) A license holder:

(i) shall own or have under contract at least 20 acres of [grapes or other fruit] ~~MARYLAND~~ MARYLAND-GROWN AGRICULTURAL PRODUCTS in cultivation [in the State] for use in the production of wine; or

(ii) except as provided in paragraph (3) of this subsection, if less than 20 acres are owned or under contract, shall ensure that at least 51% of the ingredients used in the annual production of the license holder's wine are [grapes or other fruit grown in the State] MARYLAND-GROWN AGRICULTURAL PRODUCTS.

(3) (i) The Secretary of Agriculture each year may grant a 1-year exemption to an applicant from the percentage requirement under paragraph (2)(ii) of this subsection.

(ii) The Secretary shall adopt regulations governing the granting of an exemption under subparagraph (i) of this paragraph, after consultation with the Advisory Commission on Maryland Alcohol Manufacturing, the Maryland Grape Growers Association, the Maryland Wineries Association, and other interested parties.

(4) Except as provided in Subtitle 3 of this title, a license holder need not obtain any other license to possess, manufacture, sell, or transport wine or pomace brandy.

(5) A license holder may:

(i) sell wine and pomace brandy produced by the license holder for on- and off-premises consumption;

(ii) in an amount not exceeding 2 fluid ounces per brand, provide samples of wine and pomace brandy that the license holder produces to a consumer:

1. at no charge; or
2. for a fee; and

(iii) subject to paragraphs (6) and (7) of this subsection, prepare, sell, or serve only:

1. bread and other baked goods;
2. chili;
3. chocolate;
4. crackers;
5. cured meat;
6. fruits (whole and cut);
7. hard and soft cheese (whole and cut);
8. salads and vegetables (whole and cut);
9. the following items made with Maryland wine:
  - A. ice cream;
  - B. jam;
  - C. jelly; and
  - D. vinegar;
10. pizza;
11. sandwiches and other light fare;
12. soup; and
13. condiments.

(6) (i) A caterer is not limited to preparing, selling, or serving only the foods specified in paragraph (5)(iii) of this subsection.

(ii) A license holder or entity in which the license holder has a pecuniary interest may not act as a caterer of food.

(7) Subject to paragraph (8) of this subsection, a license holder may conduct the activities specified in paragraph (5) of this subsection from 10 a.m. to 10 p.m. each day.

(8) Except as provided in Division II of this article, the license allows the license holder to operate 7 days a week.

(9) Nothing in this subsection limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

~~(e)~~ **(D)** The place listed on the license shall be in compliance with § 1–405(b) of this article.

~~(d)~~ **(E)** A license holder may:

(1) store on its licensed premises, in a segregated area approved by the Executive Director, the product of other Class 4 limited wineries to be used at Maryland Wineries Association promotional activities, provided records are maintained and reports filed regarding the storage under this item as may be required by the Executive Director;

(2) distill and bottle not more than 1,900 gallons of pomace brandy made from available Maryland agricultural products;

(3) purchase ~~bulk~~ ~~FINISHED~~ wine **MADE ENTIRELY OF MARYLAND MARYLAND-GROWN AGRICULTURAL PRODUCTS** fermented by a manufacturer licensed under this article ~~and~~ blend the wine with the license holder's wine and pomace brandy if the aggregate purchase does not exceed ~~25%~~ **75%** of the license holder's annual wine and pomace brandy production~~;~~;

(4) purchase pomace brandy only for blending with wine;

(5) import, export, and transport its wine and pomace brandy in accordance with this section; and

(6) produce wine and pomace brandy at a warehouse for which the license holder has been issued an individual storage permit, if:

(i) the license holder does not serve or sell wine or pomace brandy at a warehouse to the public; and

(ii) the Executive Director has full access at all times to the warehouse to enforce this article.

~~(F)~~ **(F)** A Class 4 limited winery may be located only at the place stated on the license.

~~(G)~~ **(G)** If a license holder maintains the records and files the reports that the Comptroller and the Executive Director require, the license holder may:

(1) in the State, conduct winemaking and packaging activities at another federally bonded winery or limited winery; or

(2) outside the State, conduct winemaking and packaging activities, other than fermentation, at another federally bonded winery.

~~(H)~~ **(H)** Throughout the winemaking process, the license holder shall:

(1) maintain ownership of the wine or pomace brandy; and

(2) ensure that the wine or pomace brandy returns to the location of the limited winery.

~~(I)~~ **(I)** The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$200.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



# ***COUNTY ALCOHOL LAWS***







# ALLEGANY COUNTY



## **HB1205 - Allegany County**

Alcoholic Beverages - Class BWLT Beer, Wine, and Liquor Tasting Permit

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### **Jurisdiction**

Allegany County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 9-102, 9-1305

### **Summary**

- Creates a Class BWLT Beer, Wine, and Liquor tasting Permit
  - ▶ The Board may issue the permit to a holder of a Beer, Wine, and Liquor license.
  - ▶ The permit authorizes on-premises consumption for tasting of beer, wine, and liquor.
  - ▶ The holder shall notify the Board at least 7 days before a tasting event is held.
  - ▶ Annual fee is \$150, in addition to a one-time issuing fee of \$150 and the annual fee for the Beer, Wine, and Liquor license.

**Effective Date(s): July 1, 2024**

Chapter 1034

**(House Bill 1205)**

AN ACT concerning

**Allegany County – Alcoholic Beverages – Class BWLT Beer, Wine, and Liquor Tasting Permit**

FOR the purpose of establishing a Class BWLT beer, wine, and liquor tasting permit to be issued by the Board of License Commissioners for Allegany County; and generally relating to alcoholic beverages in Allegany County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 9–102  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

BY adding to  
Article – Alcoholic Beverages and Cannabis  
Section 9–1305  
Annotated Code of Maryland  
(2016 Volume and 2023 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**

9–102.

This title applies only in Allegany County.

9–1305.

**(A) THERE IS A CLASS BWLT BEER, WINE, AND LIQUOR TASTING PERMIT.**

**(B) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A BEER, WINE, AND LIQUOR LICENSE.**

**(C) THE PERMIT AUTHORIZES THE HOLDER TO ALLOW THE ON–PREMISES CONSUMPTION, FOR TASTING, OF BEER, WINE, AND LIQUOR.**

**(D) THE PERMIT HOLDER SHALL NOTIFY THE BOARD AT LEAST 7 DAYS BEFORE A TASTING EVENT IS TO BE HELD.**

**(E) (1) THE ANNUAL FEE FOR A CLASS BWLT BEER, WINE, AND LIQUOR TASTING PERMIT IS \$150.**

**(2) THE ANNUAL FEE IS IN ADDITION TO:**

**(I) A ONE-TIME ISSUING FEE OF \$150 FOR A NEW CLASS BWLT BEER, WINE, AND LIQUOR TASTING PERMIT; AND**

**(II) THE ANNUAL FEE FOR THE UNDERLYING BEER, WINE, AND LIQUOR LICENSE.**

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## **HB1330 - Allegany County**

Alcoholic Beverages - Underage Employees

### **Jurisdiction:**

Allegany County

### **Statutes Affected:**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 9-102, 9-1901, 9-1902

### **Summary**

- The bill alters the minimum age of an individual that may be employed by an alcoholic beverages license holder in Allegany County from 18 to 16.
- However, the staff that sell or serve alcohol must be at least 18.

**Effective Date(s): July 1, 2024.**

## Chapter 1038

**(House Bill 1330)**

AN ACT concerning

**Allegany County – Alcoholic Beverages – Underage Employees**

FOR the purpose of altering the minimum age of an individual that may be employed by a license holder in Allegany County; and generally relating to alcoholic beverages in Allegany County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 9–102 and 9–1901  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 9–1902  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

9–102.

This title applies only in Allegany County.

9–1901.

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–502 (“Storage of alcoholic beverages”);
- (2) § 4–503 (“Solicitations and sales outside of licensed premises”);
- (3) § 4–505 (“Alcohol awareness program”);
- (4) § 4–506 (“Evidence of purchaser’s age”);
- (5) § 4–507 (“Retail delivery of alcoholic beverages”); and

(6) § 4–508 (“Display of license”).

(b) Section 4–504 (“Employment of underage individuals”) of Division I of this article applies in the county, subject to § 9–1902 of this subtitle.

9–1902.

(a) A license holder may employ an individual between the ages of **[18] 16** and 21 years.

(b) To be allowed to sell or serve beer, light wine, and liquor, an individual shall be at least 18 years old.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**







**BALTIMORE CITY**





## **SB0022 - Baltimore City**

Alcoholic Beverages - Board of License Commissioners

### **Jurisdiction**

Baltimore City

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 12-102, 12-206(d), 12-207.

### **Summary**

- The bill empowers the Governor, rather than the Mayor and President of the City Council of Baltimore City, to evaluate and remove regular members of the Board of License Commissioners for Baltimore City.
- The bill requires a member or employee of the Board to be subject to State ethics laws and financial disclosure requirements set by the State Ethics Commission.
- The executive secretary and deputy executive secretary shall be residents of the city or have served in city government for a minimum of 5 years immediately preceding their appointment.

#### **Effective Date(s): July 1, 2024.**

Section 2 of the Act shall remain effective for a period of 2 years, until June 30, 2026. At the end of June 30, 2026, Section 2 of the Act shall be abrogated and of no further force and effect, with no further action required by the General Assembly.

## Chapter 1042

**(Senate Bill 22)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Board of License Commissioners**

FOR the purpose of requiring the Governor, rather than the Mayor and the President of the City Council of Baltimore City, to appoint the members of the Board of License Commissioners for Baltimore City with the advice and consent of the Senate; authorizing the Governor, rather than the Mayor and the President of the City Council of Baltimore City, to remove a member of the Board for certain infractions; requiring certain members of the Board to be residents of the City or to have served in the City government for a certain period of time immediately preceding their appointment; clarifying that the Board and employees of the Board must comply with State ethics requirements, rather than Baltimore City ethics requirements; and generally relating to the Board of License Commissioners for Baltimore City.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–202, ~~12–206(d)~~, and 12–207  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

12–102.

This title applies only in Baltimore City.

12–202.

(a) (1) The [Mayor] **GOVERNOR** shall appoint [two regular members to the Board and the President of the City Council shall appoint one regular member] **THREE REGULAR MEMBERS** and one substitute member to the Board.

(2) The appointments shall be made:

(i) if the Senate is in session, with the advice and consent of the Senate; or

(ii) if the Senate is not in session, by the [Mayor or President of the City Council] **GOVERNOR ALONE**, subject to the advice and consent of the Senate when the Senate next convenes.

(b) (1) Each member of the Board shall be:

(i) a resident and voter of the City; and

(ii) an individual of high character and integrity and of recognized business capacity.

(2) At least one member of the Board shall be a member of the Bar of the Supreme Court of Maryland.

(3) When evaluating an applicant for membership on the Board, the [Mayor and the President of the City Council] **GOVERNOR** shall consider the need for geographic, political, racial, ethnic, cultural, and gender diversity on the Board.

(c) The substitute member may serve on the Board if a regular member is absent or recused.

(d) (1) The term of a member is 2 years and begins on July 1.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) (1) To fill a vacancy that occurs during the term of office, **THE GOVERNOR SHALL APPOINT** an eligible individual [shall be appointed by:

(i) the Mayor, if the vacancy occurs during the term of office of an individual originally appointed by the Mayor; or

(ii) the President of the City Council, if the vacancy occurs during the term of office of an individual originally appointed by the President of the City Council].

(2) An appointment under paragraph (1) of this subsection shall be made within 15 days after the vacancy occurs.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(f) (1) The [Mayor or President of the City Council] **GOVERNOR** may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) [In this subsection, “appointing officer” means the Mayor or the President of the City Council.

(3) A member who is charged shall be given by the [appointing officer who appointed the member] **GOVERNOR** a copy of the charges against the member and, with at least 10 days’ notice, an opportunity to be heard publicly in person or by counsel.

[(4)] (3) If a member is removed, the [appointing officer who removed the member] **GOVERNOR** shall file with the Office of the Secretary of State a statement of charges against the member and the [appointing officer’s] **GOVERNOR’S** findings made on the charges.

12–207.

(a) (1) In this subsection, “direct or indirect interest” means an interest that is:

(i) proprietary;

(ii) obtained by a loan, mortgage, or lien or in any other manner; or

(iii) beneficially owned through an investment vehicle, estate, trust, or other intermediary when the beneficiary does not control the intermediary or may supervise or participate in the intermediary’s investment decisions.

(2) A member or an employee of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are manufactured, distributed, or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture, distribution, or sale of alcoholic beverages;

(iii) own stock in a corporation that has a direct or indirect interest in:

1. a premises where alcoholic beverages are manufactured, distributed, or sold; or

2. a business wholly or partly devoted to the manufacture, distribution, or sale of alcoholic beverages;

(iv) receive a salary or other compensation or any other thing of value from a business engaged in the manufacture, distribution, or sale of alcoholic beverages;

(v) solicit or receive, directly or indirectly or on behalf of another person, a commission, political contribution, remuneration, or gift from a person engaged in the manufacture, distribution, or sale of alcoholic beverages or an agent or employee of the person; or

(vi) solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

1. a person engaged in the manufacture, distribution, or sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder.

(b) (1) Unless the public office or employment poses a conflict of interest, a member or an employee of the Board may hold any other federal, State, or local public office or employment.

(2) A member of the Board who applies for government employment that poses a conflict of interest as determined by the [Baltimore City Board of Ethics] **STATE ETHICS COMMISSION** shall resign from the Board by a letter addressed to the Governor.

(3) (i) If an individual who is a member or an employee of the Board seeks election to an office that would pose a conflict of interest, on filing a certificate of candidacy for election or within 30 days before the filing deadline for the primary election for the office sought, whichever occurs later, the individual shall certify to the City Board of Elections under oath that the individual is no longer a member or an employee of the Board.

(ii) The certification shall be accompanied by a letter addressed to the Governor containing the resignation of the member from the Board.

(c) (1) An employee of the Board shall devote the employee's whole time and attention to the business of the Board during the hours designated by the Board for the performance of official duties.

(2) An employee of the Board may not:



(i) engage in an occupation, a business, or a profession that in any way is connected or associated, directly or indirectly, with the manufacture, distribution, or sale of alcoholic beverages; or

(ii) transact any business beyond the official duties of the employee:

1. with a license holder; or

2. in connection with the operation of an establishment licensed for the manufacture, distribution, or sale of alcoholic beverages.

(3) Subject to § 12–206(e)(1) of this subtitle, an employee of the Board who violates this subsection shall be removed.

(d) (1) A member or an employee of the Board shall comply with the public ethics laws of the [City] STATE and the financial disclosure [provisions enacted by the Mayor and City Council] **REQUIREMENTS SET BY THE STATE ETHICS COMMISSION.**

(2) An action of a member or an employee of the Board is subject to State requirements for open or public meetings, including requirements for open sessions under Title 3 of the General Provisions Article.

SECTION 2. AND BE IT FURTHER ENACTED, That ~~this Act shall take effect July 1, 2024~~ the Laws of Maryland read as follows:

**Article – Alcoholic Beverages and Cannabis**

12–206.

(d) (1) The executive secretary and the deputy executive secretary shall [be]:

(i) **1. BE residents of the City; OR**

**2. HAVE SERVED IN THE CITY GOVERNMENT FOR A MINIMUM OF 5 YEARS IMMEDIATELY PRECEDING THEIR APPOINTMENT;**

(ii) BE of high character and integrity; and

(iii) BE employed on the basis of their executive skill and experience.

(2) To the extent practicable, all other employees of the Board shall be residents of the City.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of

June 30, 2026, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Approved by the Governor, May 16, 2024.**



## **HB0335/SB0045**

Baltimore City - B-D 7 Licenses - Hours of Sale

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### **Jurisdiction**

Baltimore City

### **Statutes Affected**

Annotated Code of Maryland Article - Alcoholic Beverages and Cannabis §§ 12-102, 12-2004(c), 12-2005(c)

### **Summary**

- Expands an area in eastern Baltimore City where there are limited operating hours for licensees. The affected area now includes the McElderry Park neighborhood.
- In the boundaries of the zone, a holder of a Class B-D-7 beer, wine, and liquor license can sell these beverages from 9 a.m. to 10 p.m. only. The hours cannot be extended beyond this range.

**Effective Date(s): June 1, 2024**

## Chapter 996

**(House Bill 335)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – B–D–7 Licenses – Hours of Sale**

FOR the purpose of altering a geographic boundary in the 45th alcoholic beverages district of Baltimore City within which the holder of a B–D–7 beer, wine, and liquor license must operate in accordance with specified hours; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–2004(c) and 12–2005(c)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

12–102.

This title applies only in Baltimore City.

12–2004.

(c) A holder of a Class B–D–7 beer, wine, and liquor license may sell beer, wine, and liquor:

(1) from 9 a.m. to 9 p.m. in the area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue;

(2) from 9 a.m. to 9 p.m. along the south side of Frederick Avenue between South Augusta Avenue and South Loudon Avenue;

(3) from 9 a.m. to 10 p.m. in the area specified in the Park Heights Master Plan adopted by the City in 2006;

(4) from 9 a.m. to 10 p.m. in an area bounded [on the north by North Avenue, on the west by Central Avenue and Harford Avenue, on the south by Monument Street as it runs from North Central Avenue to North Wolfe Street and McElderry Street as it runs from North Wolfe Street to Luzerne Avenue, and on the east by Luzerne Avenue as it runs from Monument Street to Federal Street, then by Rose Street as it runs from Federal Street to North Avenue] **AS FOLLOWS: FROM THE INTERSECTION OF EAST NORTH AVENUE AND HARFORD AVENUE, SOUTHWEST ON HARFORD AVENUE TO THE INTERSECTION OF HARFORD AVENUE AND NORTH CENTRAL AVENUE, SOUTH ON NORTH CENTRAL AVENUE TO THE INTERSECTION WITH EAST MONUMENT STREET, EAST ON EAST MONUMENT STREET TO THE INTERSECTION OF EAST MONUMENT STREET AND NORTH WOLFE STREET, SOUTH ON NORTH WOLFE STREET TO THE INTERSECTION OF NORTH WOLFE STREET AND MCELDERRY STREET, EAST ON MCELDERRY STREET TO THE INTERSECTION OF MCELDERRY STREET AND NORTH ~~MONTFORD AVENUE, SOUTH ON NORTH MONTFORD AVENUE TO THE INTERSECTION OF NORTH MONTFORD AVENUE AND ORLEANS STREET, EAST ON ORLEANS STREET TO THE INTERSECTION OF ORLEANS STREET~~ COLLINGTON AVENUE, SOUTH ON NORTH COLLINGTON AVENUE TO THE INTERSECTION OF NORTH COLLINGTON AVENUE AND EAST FAYETTE STREET, EAST ON EAST FAYETTE STREET TO THE INTERSECTION OF EAST FAYETTE STREET AND NORTH LAKEWOOD AVENUE, NORTH ON NORTH LAKEWOOD AVENUE TO THE INTERSECTION OF NORTH LAKEWOOD AVENUE AND EAST MONUMENT STREET, WEST ON EAST MONUMENT STREET TO THE INTERSECTION OF EAST MONUMENT STREET AND NORTH LUZERNE AVENUE, NORTH ON NORTH LUZERNE AVENUE TO THE INTERSECTION OF NORTH LUZERNE AVENUE AND EAST FEDERAL STREET, WEST ON EAST FEDERAL STREET TO THE INTERSECTION OF EAST FEDERAL STREET AND NORTH ROSE STREET, NORTH ON NORTH ROSE STREET TO THE INTERSECTION OF NORTH ROSE STREET AND EAST NORTH AVENUE, THEN WEST ON EAST NORTH AVENUE TO THE INTERSECTION OF EAST NORTH AVENUE AND HARFORD AVENUE; and**

(5) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

12-2005.

- (c) (1) This subsection does not apply to:
- (i) a Class B beer and light wine license;
  - (ii) a Class B beer, wine, and liquor license;
  - (iii) a Class B-D-7 beer, wine, and liquor license;
  - (iv) a Class C beer and light wine license; and

- (v) a Class C beer, wine, and liquor license.

(2) For a license holder in an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue, the hours of sale:

- (i) may not begin before 9 a.m. or end after 10 p.m.; and
- (ii) may not be extended if they begin later than 9 a.m. or end before 10 p.m.

(3) For a license holder in an area bounded [on the north by North Avenue, on the west by Central Avenue and Harford Avenue, on the south by Monument Street as it runs from North Central Avenue to North Wolfe Street and McElderry Street as it runs from North Wolfe Street to Luzerne Avenue, and on the east by Luzerne Avenue as it runs from Monument Street to Federal Street, then by Rose Street as it runs from Federal Street to North Avenue] **AS FOLLOWS: FROM THE INTERSECTION OF EAST NORTH AVENUE AND HARFORD AVENUE, SOUTHWEST ON HARFORD AVENUE TO THE INTERSECTION OF HARFORD AVENUE AND NORTH CENTRAL AVENUE, SOUTH ON NORTH CENTRAL AVENUE TO THE INTERSECTION WITH EAST MONUMENT STREET, EAST ON EAST MONUMENT STREET TO THE INTERSECTION OF EAST MONUMENT STREET AND NORTH WOLFE STREET, SOUTH ON NORTH WOLFE STREET TO THE INTERSECTION OF NORTH WOLFE STREET AND MCELDERRY STREET, EAST ON MCELDERRY STREET TO THE INTERSECTION OF MCELDERRY STREET AND NORTH MONTFORD AVENUE, SOUTH ON NORTH MONTFORD AVENUE TO THE INTERSECTION OF NORTH MONTFORD AVENUE AND ORLEANS STREET, EAST ON ORLEANS STREET TO THE INTERSECTION OF ORLEANS STREET COLLINGTON AVENUE, SOUTH ON NORTH COLLINGTON AVENUE TO THE INTERSECTION OF NORTH COLLINGTON AVENUE AND EAST FAYETTE STREET, EAST ON EAST FAYETTE STREET TO THE INTERSECTION OF EAST FAYETTE STREET AND NORTH LAKEWOOD AVENUE, NORTH ON NORTH LAKEWOOD AVENUE TO THE INTERSECTION OF NORTH LAKEWOOD AVENUE AND EAST MONUMENT STREET, WEST ON EAST MONUMENT STREET TO THE INTERSECTION OF EAST MONUMENT STREET AND NORTH LUZERNE AVENUE, NORTH ON NORTH LUZERNE AVENUE TO THE INTERSECTION OF NORTH LUZERNE AVENUE AND EAST FEDERAL STREET, WEST ON EAST FEDERAL STREET TO THE INTERSECTION OF EAST FEDERAL STREET AND NORTH ROSE STREET, NORTH ON NORTH ROSE STREET TO THE INTERSECTION OF NORTH ROSE STREET AND EAST NORTH AVENUE, THEN WEST ON EAST NORTH AVENUE TO THE INTERSECTION OF EAST NORTH AVENUE AND HARFORD AVENUE,** the hours of sale:

- (i) may not begin before 9 a.m. or end after 10 p.m.; and
- (ii) may not be extended if they begin later than 9 a.m. or end before 10 p.m.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 997

**(Senate Bill 45)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – B–D–7 Licenses – Hours of Sale**

FOR the purpose of altering a geographic boundary in the 45th alcoholic beverages district of Baltimore City within which the holder of a B–D–7 beer, wine, and liquor license must operate in accordance with specified hours; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–2004(c) and 12–2005(c)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

12–102.

This title applies only in Baltimore City.

12–2004.

(c) A holder of a Class B–D–7 beer, wine, and liquor license may sell beer, wine, and liquor:

(1) from 9 a.m. to 9 p.m. in the area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue;

(2) from 9 a.m. to 9 p.m. along the south side of Frederick Avenue between South Augusta Avenue and South Loudon Avenue;

(3) from 9 a.m. to 10 p.m. in the area specified in the Park Heights Master Plan adopted by the City in 2006; and



(4) from 9 a.m. to 10 p.m. in an area bounded [on the north by North Avenue, on the west by Central Avenue and Harford Avenue, on the south by Monument Street as it runs from North Central Avenue to North Wolfe Street and McElderry Street as it runs from North Wolfe Street to Luzerne Avenue, and on the east by Luzerne Avenue as it runs from Monument Street to Federal Street, then by Rose Street as it runs from Federal Street to North Avenue] **AS FOLLOWS: FROM THE INTERSECTION OF EAST NORTH AVENUE AND HARFORD AVENUE, SOUTHWEST ON HARFORD AVENUE TO THE INTERSECTION OF HARFORD AVENUE AND NORTH CENTRAL AVENUE, SOUTH ON NORTH CENTRAL AVENUE TO THE INTERSECTION WITH EAST MONUMENT STREET, EAST ON EAST MONUMENT STREET TO THE INTERSECTION OF EAST MONUMENT STREET AND NORTH WOLFE STREET, SOUTH ON NORTH WOLFE STREET TO THE INTERSECTION OF NORTH WOLFE STREET AND MCELDERRY STREET, EAST ON MCELDERRY STREET TO THE INTERSECTION OF MCELDERRY STREET AND NORTH ~~MONTFORD AVENUE, SOUTH ON NORTH MONTFORD AVENUE TO THE INTERSECTION OF NORTH MONTFORD AVENUE AND ORLEANS STREET, EAST ON ORLEANS STREET TO THE INTERSECTION OF ORLEANS STREET~~ COLLINGTON AVENUE, SOUTH ON NORTH COLLINGTON AVENUE TO THE INTERSECTION OF NORTH COLLINGTON AVENUE AND EAST FAYETTE STREET, EAST ON EAST FAYETTE STREET TO THE INTERSECTION OF EAST FAYETTE STREET AND NORTH LAKEWOOD AVENUE, NORTH ON NORTH LAKEWOOD AVENUE TO THE INTERSECTION OF NORTH LAKEWOOD AVENUE AND EAST MONUMENT STREET, WEST ON EAST MONUMENT STREET TO THE INTERSECTION OF EAST MONUMENT STREET AND NORTH LUZERNE AVENUE, NORTH ON NORTH LUZERNE AVENUE TO THE INTERSECTION OF NORTH LUZERNE AVENUE AND EAST FEDERAL STREET, WEST ON EAST FEDERAL STREET TO THE INTERSECTION OF EAST FEDERAL STREET AND NORTH ROSE STREET, NORTH ON NORTH ROSE STREET TO THE INTERSECTION OF NORTH ROSE STREET AND EAST NORTH AVENUE, THEN WEST ON EAST NORTH AVENUE TO THE INTERSECTION OF EAST NORTH AVENUE AND HARFORD AVENUE;** and

(5) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

12-2005.

- (c) (1) This subsection does not apply to:
- (i) a Class B beer and light wine license;
  - (ii) a Class B beer, wine, and liquor license;
  - (iii) a Class B–D–7 beer, wine, and liquor license;
  - (iv) a Class C beer and light wine license; and

- (v) a Class C beer, wine, and liquor license.

(2) For a license holder in an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue, the hours of sale:

- (i) may not begin before 9 a.m. or end after 10 p.m.; and
- (ii) may not be extended if they begin later than 9 a.m. or end before

10 p.m.

(3) For a license holder in an area bounded [on the north by North Avenue, on the west by Central Avenue and Harford Avenue, on the south by Monument Street as it runs from North Central Avenue to North Wolfe Street and McElderry Street as it runs from North Wolfe Street to Luzerne Avenue, and on the east by Luzerne Avenue as it runs from Monument Street to Federal Street, then by Rose Street as it runs from Federal Street to North Avenue] **AS FOLLOWS: FROM THE INTERSECTION OF EAST NORTH AVENUE AND HARFORD AVENUE, SOUTHWEST ON HARFORD AVENUE TO THE INTERSECTION OF HARFORD AVENUE AND NORTH CENTRAL AVENUE, SOUTH ON NORTH CENTRAL AVENUE TO THE INTERSECTION WITH EAST MONUMENT STREET, EAST ON EAST MONUMENT STREET TO THE INTERSECTION OF EAST MONUMENT STREET AND NORTH WOLFE STREET, SOUTH ON NORTH WOLFE STREET TO THE INTERSECTION OF NORTH WOLFE STREET AND MCELDERRY STREET, EAST ON MCELDERRY STREET TO THE INTERSECTION OF MCELDERRY STREET AND NORTH MONTFORD AVENUE, SOUTH ON NORTH MONTFORD AVENUE TO THE INTERSECTION OF NORTH MONTFORD AVENUE AND ORLEANS STREET, EAST ON ORLEANS STREET TO THE INTERSECTION OF ORLEANS STREET COLLINGTON AVENUE, SOUTH ON NORTH COLLINGTON AVENUE TO THE INTERSECTION OF NORTH COLLINGTON AVENUE AND EAST FAYETTE STREET, EAST ON EAST FAYETTE STREET TO THE INTERSECTION OF EAST FAYETTE STREET AND NORTH LAKEWOOD AVENUE, NORTH ON NORTH LAKEWOOD AVENUE TO THE INTERSECTION OF NORTH LAKEWOOD AVENUE AND EAST MONUMENT STREET, WEST ON EAST MONUMENT STREET TO THE INTERSECTION OF EAST MONUMENT STREET AND NORTH LUZERNE AVENUE, NORTH ON NORTH LUZERNE AVENUE TO THE INTERSECTION OF NORTH LUZERNE AVENUE AND EAST FEDERAL STREET, WEST ON EAST FEDERAL STREET TO THE INTERSECTION OF EAST FEDERAL STREET AND NORTH ROSE STREET, NORTH ON NORTH ROSE STREET TO THE INTERSECTION OF NORTH ROSE STREET AND EAST NORTH AVENUE, THEN WEST ON EAST NORTH AVENUE TO THE INTERSECTION OF EAST NORTH AVENUE AND HARFORD AVENUE,** the hours of sale:

- (i) may not begin before 9 a.m. or end after 10 p.m.; and
- (ii) may not be extended if they begin later than 9 a.m. or end before

10 p.m.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2024.

**Approved by the Governor, May 16, 2024.**



# **HB0733 - Baltimore City**

## **Alcoholic Beverages - Licensing Fees**

### **Jurisdiction**

Baltimore City

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 12-102, 12-604, 12-801(a), 12-801(c), 12-802(a), 12-802(c), 12-803(a), 12-803(c), 12-804(a), 12-804(d), 12-901(a), 12-901(d), 12-902(a), 12-902(e), 12-902.1(a), 12.902.1(e), 12-903(a), 12-903(e), 12-904(b), 12-904(d), 12-905(a), 12-905(f), 12-906(a), 12-906(c), 12-907(a), 12-907(d), 12-1001(b), 12-1001(f), 12-1001.3(b), 12-1001.3(g), 12-1002(b), 12-1002(g), 12-1003(a), 12-1003(d), 12-1004(b), 12-1004(e), 12-1005(b), 12-1005(e), 12-1006(a), 12-1006(e), 12-1304(a), 12-1304(h), 12-1305(a), 12-1305(g), 12-1306(a), 12-1306(g), 12-1308(b), 12-1311, 12-808(a), 12-2003(a), 12-2004(a), 12-2004(f).

### **Summary**

- The bill alters certain licensing fees for alcoholic beverages in Baltimore City.
- Various retail alcohol annual license fees have increased.
- The Board sets the license annual fees for festival, tasting, and per diem licenses.
- Supplementary fees for the privilege of selling on certain Sundays have increased for Class A beer and light wine, as well as Class A beer, wine, and liquor license holders.

**Effective Date(s): July 1, 2024.**

## Chapter 1015

**(House Bill 733)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Licensing Fees**

FOR the purpose of altering certain licensing fees for alcoholic beverages in Baltimore City; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages and Cannabis

Section 12–102, 12–801(a), 12–802(a), 12–803(a), 12–804(a), 12–901(a), 12–902(a), 12–902.1(a), 12–903(a), 12–904(b), 12–905(a), 12–906(a), 12–907(a), 12–1001(b), 12–1001.3(b), 12–1002(b), 12–1003(a), 12–1004(b), 12–1005(b), 12–1006(a), 12–1304(a), 12–1305(a), 12–1306(a), and 12–1308(b)

Annotated Code of Maryland

(2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages and Cannabis

Section 12–604, 12–801(c), 12–802(c), 12–803(c), 12–804(d), 12–901(d), 12–902(e), 12–902.1(e), 12–903(e), 12–904(d), 12–905(f), 12–906(c), 12–907(d), 12–1001(f), 12–1001.3(g), 12–1002(g), 12–1003(d), 12–1004(e), 12–1005(e), 12–1006(e), 12–1304(h), 12–1305(g), 12–1306(g), 12–1308(j), 12–1311, 12–1808(a), 12–2003(a), and 12–2004(a) and (f)

Annotated Code of Maryland

(2016 Volume and 2023 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**

12–102.

This title applies only in Baltimore City.

12–604.

(a) There is a Class D beer license.

(b) The license may be issued to a holder of a Class 5 brewery license.

(c) The license authorizes the license holder to sell at retail beer brewed on the brewery premises for on–premises consumption.

- (d) The Board shall establish[:
- (1)] the hours and days of sale under the license[; and].
- [(2)] (E) [the] THE annual license fee IS \$300.**

12-801.

- (a) There is a Class A beer and light wine license.
- (c) The annual license fee is **[\$110] \$171.**

12-802.

- (a) There is a Class B beer and light wine license.
- (c) The annual license fee is **[\$165] \$310.**

12-803.

- (a) There is a Class C beer and light wine license.
- (c) The annual license fee is **[\$82.50] \$128.**

12-804.

- (a) There is a Class D beer and light wine license.
- (d) The annual license fee is **[\$165] \$260.**

12-901.

- (a) There is a Class A beer, wine, and liquor license.
- (d) The annual license fee is **[\$858] \$2,060.**

12-902.

- (a) There is a Class A-2 beer, wine, and liquor (package goods) license.
- (e) The annual license fee is **[\$858] \$2,060.**

12-902.1.

- (a) There is a Class A–7 beer, wine, and liquor license.
- (e) The annual license fee is [~~\$1,500~~] **\$2,336**.

12–903.

- (a) There is a Class B beer, wine, and liquor license.
- (e) (1) The annual license [fees are:
  - (i) \$1,320 for a licensed premises with a seating capacity of not more than 200 individuals; and
  - (ii) \$1,800 for a licensed premises with a seating capacity of more than 200 individuals] **FEE IS \$2,060**.
- (2) In addition, the license holder annually shall pay:
  - (i) \$500, if the license holder provides live entertainment; and
  - (ii) \$200, if the license holder provides outdoor table service.

12–904.

- (b) There is a Class B–BWL (H–M) license.
- (d) (1) The annual license fee is [~~\$6,500~~] **\$10,108**.
- (2) In addition, the license holder annually shall pay:
  - (i) \$1,000, if the licensed premises has fewer than 100 rooms;
  - (ii) \$500, if the license holder provides live entertainment; and
  - (iii) \$200, if the license holder provides outdoor table service.

12–905.

- (a) There is a Class B–D–7 beer, wine, and liquor license.
- (f) The annual license fee is [~~\$1,320~~] **\$2,336**.

12–906.

- (a) There is a Class C beer, wine, and liquor license.

Ch. 1015

## 2024 LAWS OF MARYLAND

- (c) The annual license fee is [~~\$550~~] **\$860**.

12-907.

- (a) There is a Class D beer, wine, and liquor license.

- (d) The annual license fee is [~~\$825~~] **\$1,284**.

12-1001.

- (b) There is an arena license.

- (f) (1) The annual license fee is [~~\$12,000~~] **\$21,780**.

(2) In addition to the annual license fee, a license holder shall pay annually:

- (i) \$500, if the license holder provides live entertainment; and

- (ii) \$200, if the license holder provides outdoor table or cafe service.

12-1001.3.

(b) There is a marketplace license in the 40th and 43rd alcoholic beverages districts.

- (g) (1) The annual license fee is [~~\$6,000~~] **\$8,580**.

(2) In addition to the annual license fee, the license holder shall pay annually:

- (i) \$500, if the license holder provides live entertainment; and

- (ii) \$200, if the license holder provides outdoor table service.

12-1002.

(b) There is a Class M-G beer, wine, and liquor license for use at a municipal golf course.

- (g) The annual license fee is [~~\$600~~] **\$936**.

12-1003.

- (a) There is a racetrack license.



(d) (1) The license fee is [~~\$55~~] **\$100** for each day that the racing park is open and operating.

(2) In addition to the annual license fee, the license holder shall pay annually:

(i) \$500, if the license holder provides live entertainment; or

(ii) \$200, if the license holder provides outdoor table or cafe service.

12-1004.

(b) There is a Class BWL-VLC (video lottery concessionaire) beer, wine, and liquor license.

(e) (1) The annual license fee is [~~\$5,000~~] **\$7,500**.

(2) The fee shall be paid to the Board on or before May 1.

12-1005.

(b) There is a Class BWL-VLF (video lottery facility) beer, wine, and liquor license.

(e) (1) The annual license fee is [~~\$15,000~~] **\$17,500**.

(2) The annual license fee shall be paid to the Board on or before May 1.

12-1006.

(a) There is a Class BWL-MZ license for use at a zoo in Druid Hill Park.

(e) The annual license fee is [~~\$500~~] **\$778**.

12-1304.

(a) (1) There is a beer festival license.

(2) The Board may designate not more than two times each calendar year for which a beer festival license may be issued.

(h) The **BOARD SHALL SET THE** license fee [is \$50 per day].

12-1305.

(a) (1) There is a Baltimore Wine Festival (WF) license.

(2) The Board may issue not more than four licenses each year.

(g) The **BOARD SHALL SET THE** license fee [is \$50 per day].

12-1306.

(a) There is a wine sampling (WS) license.

(g) The **BOARD SHALL SET THE** license fee [is \$15 per day].

12-1308.

(b) There is a Class BWLT beer, wine, and liquor (on premises) tasting license.

(j) [In addition to the Class A annual license fee, the] **THE BOARD SHALL SET THE** license fee [is:

(1) \$20 for a daily tasting license;

(2) \$200 annually for a 26-day tasting license;

(3) \$300 annually for a 52-day tasting license; and

(4) \$750 annually for a tasting license that may be used daily throughout the year].

12-1311.

(a) The **BOARD SHALL SET THE LICENSE** fee for a Class C per diem beer license and a Class C per diem beer and wine license [is \$25 per day].

(b) (1) The **BOARD SHALL SET THE LICENSE** fee for a Class C per diem beer, wine, and liquor license [is \$50 per day].

(2) The Board may collect from the license holder reimbursement for costs incurred while monitoring the event for which the license is issued.

12-1808.

(a) An applicant for license renewal shall pay a renewal application fee of [**\$50** **\$78** to the Director of Finance in addition to the license fee.

12-2003.

(a) (1) Except as provided in § 12–2005 of this subtitle, a holder of a Class A beer and light wine license may sell beer and light wine:

(i) on Monday through Saturday:

1. from 9 a.m. to 10 p.m. in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

2. from 6 a.m. to midnight in all other locations in the City;  
and

(ii) on the Sundays that fall between Thanksgiving Day and New Year's Day, from 1 p.m. to 9 p.m., if, on or before September 30 of that year, the license holder has paid a supplementary license fee of [~~\$75~~] **\$120** for each Sunday the privilege is to be exercised.

(2) In addition to the privileges specified under paragraph (1)(ii) of this subsection, the license holder may sell beer and light wine for off–premises consumption on two additional Sundays during the calendar year if the holder pays a license fee of [~~\$75~~] **\$120** at least 2 weeks before each time the privilege is exercised.

12–2004.

(a) (1) Except as otherwise provided in this subtitle, a holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday:

1. from 9 a.m. to 10 p.m. in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

2. from 6 a.m. to midnight in all other locations in the City;  
and

(ii) on the Sundays that fall between Thanksgiving Day and New Year's Day, from 1 p.m. to 9 p.m., if, on or before September 30 of that year, the license holder has paid a supplementary license fee of [~~\$75~~] **\$120** for each Sunday the privilege is to be exercised.

(2) In addition to the privileges specified under paragraph (1)(ii) of this subsection, the license holder may sell beer, wine, and liquor for off–premises consumption on two additional Sundays during the calendar year if the holder pays a license fee of [~~\$75~~] **\$120** at least 2 weeks before each time the privilege is exercised.

(f) (1) Except as provided in § 12–2005 of this subtitle, a holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday:

(i) from 9 a.m. to 1 a.m. the following day in the area specified in the Park Heights Master Plan adopted by the City in 2006; and

(ii) from 6 a.m. to 1 a.m. the following day in all other locations in the City.

(2) Except as provided in paragraph (3) of this subsection and § 12–2007(b) of this subtitle, the license holder may not exercise the privileges of the license without an amusement permit from 1 a.m. on Sunday to 6 a.m. the following day.

(3) (i) The Board may issue a supplemental license not more than four times during a calendar year to the license holder authorizing the license holder to sell beer, wine, and liquor from 6 a.m. on Sunday to 1 a.m. the following day.

(ii) The fee for the supplemental license is ~~[\$75]~~ **\$120** per issuance and is in addition to the annual fee for the underlying Class D beer, wine, and liquor license.

(iii) A holder of a supplemental license shall notify the Board at least 2 weeks in advance of exercising the privileges under the supplemental license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## HB1052 / SB1100 – Baltimore City

Alcoholic Beverages - 46th Alcoholic Beverages District Revisions

### Jurisdiction

Baltimore City

### Statutes Affected

Alc. Bev. Can 12-102, 12-1604.1, 12-1604(b), 12-1605(b), 12-2007, and 12-1604(j)

### Summary

- This is the annual 46th District Alcoholic Beverages bill, which addresses numerous alcoholic beverage licensing issues within the district, to include:
  - ▶ Allowing for the issuance of the following classes of licenses within the Port Covington/Baltimore Peninsula area:
    - 10 Class BD7 - Beer, Wine, and Liquor Licenses.
    - 2 Class A-7 - Beer, Wine, and Liquor Licenses.
    - The licenses issued in this designated area CANNOT be transferred out of this designated area.
    - The Board is PROHIBITED from transferring licenses into this designated area.
  - Creating an exception to the 300 ft minimum distance from a place of worship or school for a license issued in the following Baltimore City neighborhoods:
    - ▶ Highlandtown
      - Before issuance of this license the applicant must have a MOU with the community association signed.
    - ▶ Greektown
      - Before issuance of this license the applicant must have a letter of support from the applicable place of worship or school.
- Providing the Board with the authority to waive the requirement that a license establishment must end all operations as per the hours of operation associated with the Class of license they hold.
- This allows the impacted licensees to provide food service to customers in a dining room not adjacent to the bar, after the hours of operation listed on their alcoholic beverage license.
- This bill also makes various temporary exceptions or limitations to various statutes to address particular needs: to complete a transfer, or allows for conversions in the following locations, with conditions:
  - ▶ Allows for a Class BD7 license to continue unexpired until 7/1/2024 to complete a transfer.
  - ▶ Allows for the conversion of a Class D Beer and Wine to a Class D Beer, Wine, and Liquor license without regard to certain limitations.
  - ▶ Allows for two particular Class BD7 licenses to continue unexpired to complete transfers by 7/1/2025.
  - ▶ Allows for a Class B license to continue unexpired to complete a transfer by 7/1/2025.
  - ▶ Limits the ability to transfer a license to a person or location that has retained funding under a State bond initiative in the Locust Point neighborhood.

**Effective Date: July 1, 2024**

## Chapter 1026

**(House Bill 1052)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – 46th Alcoholic Beverages District – Revisions**

FOR the purpose of authorizing the Board of License Commissioners for Baltimore City to issue a certain number of new alcoholic beverages licenses within a certain bounded area; providing that, in the 46th alcoholic beverages district in Baltimore City, a certain license may be issued and an existing license may be moved to a building that is within a certain distance of a place of worship or school under certain circumstances; ~~authorizing the Board of License Commissioners for Baltimore City~~ to waive a certain requirement for a certain license holder that operates a restaurant to remain open after hours; extending for a certain amount of time the expiration of ~~a~~ certain alcoholic beverages ~~license~~ licenses for the purpose of ~~a~~ transfer; authorizing ~~a~~ certain license ~~conversion~~ conversions under certain circumstances; prohibiting the Board from authorizing a license for a certain recipient of a certain State grant under certain circumstances; and generally relating to alcoholic beverages licenses in the 46th alcoholic beverages district in Baltimore City.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–102 and 12–1604.1  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–1604(b), 12–1605(b), and 12–2007  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
Article – Alcoholic Beverages and Cannabis  
Section 12–1604(j)  
Annotated Code of Maryland  
(2016 Volume and 2023 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**

12–102.

This title applies only in Baltimore City.

12-1604.

(b) Except as provided in subsections (c), (d), [and] (i), AND (J) of this section, the Board may not issue a new license in the 46th alcoholic beverages district.

(J) (1) IN THE AREA BOUNDED ON THE NORTH BY INTERSTATE 95, ON THE EAST BY THE SOUTH LOCUST POINT TERMINAL, AND ON THE SOUTH AND WEST BY THE PATAPSCO RIVER, THE BOARD MAY ISSUE NOT MORE THAN:

(I) A TOTAL OF 10 NEW CLASS B-D-7 LICENSES; AND

(II) A TOTAL OF 2 NEW CLASS A-7 LICENSES.

(2) ANY LICENSE ISSUED UNDER THIS SUBSECTION MAY NOT BE TRANSFERRED OUTSIDE THE BOUNDED AREA AS DEFINED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE BOARD MAY NOT AUTHORIZE THE TRANSFER OF A LICENSE INTO THE BOUNDED AREA AS DEFINED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

12-1604.1.

(a) This section applies only to a license holder of a Class D beer and light wine license for use in the 46th alcoholic beverages district.

(b) (1) A license holder who holds a valid Class D beer and light wine license may apply to the Board to convert the license to a Class D beer, wine, and liquor license if the license holder:

(i) 1. maintains average daily receipts from the sale of food that are at least 51% of its total daily receipts;

2. executes a memorandum of understanding with the relevant local neighborhood association as determined by the Board;

3. operates a location with not more than 75 seats; and

4. pays a special transfer fee of \$15,000, in addition to any fees required under § 12-1704 of this title; or

(ii) 1. holds a license that was originally issued by the Board under § 12-1604(i) of this subtitle; and

2. pays a special transfer fee of \$15,000, in addition to any fees required under § 12–1704 of this title.

(2) If a Class D beer and light wine license is converted to a Class D beer, wine, and liquor license under paragraph (1) of this subsection, the Class D beer, wine, and liquor license:

(i) may not be transferred to a new location; and

(ii) is subject to the requirements of paragraph (1) of this subsection.

(c) A holder of a license converted under this section may sell beer, wine, and liquor Monday through Sunday from 6 a.m. until 1 a.m. the following day.

(d) An application to convert a Class D beer and light wine license under subsection (b)(1) of this section is a transfer subject to the provisions of § 12–1701 of this title.

12–1605.

(b) (1) This subsection:

(i) applies only in the 46th alcoholic beverages district; and

(ii) does not apply to a licensed restaurant in:

1. ward 4, precinct 1;

2. ward 22, precinct 1;

3. a residential planned unit development for Silo Point as approved by the Mayor and City Council in Ordinance 04–697 on June 23, 2004; [or]

4. subject to paragraph (3) of this subsection, the area that is bounded as follows: from the intersection of West Ostend Street and Race Street, north on Race Street to Seldner Place, then east on Seldner Place to Clarkson Street, then north on Clarkson Street to West Cross Street, then east on West Cross Street to South Hanover Street, then north on South Hanover Street to Race Street (also known as Winter Street), then west/southwest on Race Street to West Cross Street, then west on West Cross Street to Leadenhall Street, then south on Leadenhall Street to West Ostend Street, then east on West Ostend Street back to the intersection of West Ostend Street and Race Street;

**5. SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE AREA THAT IS BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF EASTERN AVENUE AND SOUTH HIGHLAND AVENUE, NORTH ON SOUTH HIGHLAND AVENUE**



**TO BANK STREET, THEN WEST ON BANK STREET TO SOUTH CLINTON STREET, THEN SOUTH ON SOUTH CLINTON STREET TO EASTERN AVENUE, THEN EAST ON EASTERN AVENUE BACK TO THE INTERSECTION OF EASTERN AVENUE AND SOUTH HIGHLAND AVENUE; OR**

**6. SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE AREA THAT IS BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF EASTERN AVENUE AND SOUTH NEWKIRK STREET, EAST ON EASTERN AVENUE TO OLDHAM STREET, THEN SOUTH ON OLDHAM STREET TO FLEET STREET, THEN WEST ON FLEET STREET TO SOUTH NEWKIRK STREET, THEN NORTH ON SOUTH NEWKIRK STREET BACK TO THE INTERSECTION OF SOUTH NEWKIRK STREET AND EASTERN AVENUE.**

(2) The Board may not issue or approve the transfer of a license if the licensed premises would be:

(i) within 300 feet of the nearest point of a place of worship or school;  
or

(ii) closer to the nearest point of a place of worship or school than the licensed premises was on June 1, 2004.

(3) For an establishment that is within 300 feet of the nearest point of a place of worship or school, the Board may issue a license in or approve the transfer of a license into the area specified in paragraph (1)(ii)4 of this subsection only if the Board:

(i) has executed a memorandum of understanding with a community association in the area specified in paragraph (1)(ii)4 of this subsection regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under paragraph (1)(ii)4 of this subsection and seeks to renew or transfer the license.

**(4) FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL, THE BOARD MAY ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN PARAGRAPH (1)(II)5 OF THIS SUBSECTION ONLY IF THE BOARD:**

**(I) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING WITH A COMMUNITY ASSOCIATION IN THE AREA SPECIFIED IN PARAGRAPH (1)(II)5 OF THIS SUBSECTION REGARDING THE NATURE OF THE ESTABLISHMENT; AND**

**(II) ENFORCES THE MEMORANDUM OF UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER PARAGRAPH (1)(II)5 OF THIS SUBSECTION AND SEEKS TO RENEW OR TRANSFER THE LICENSE.**

**(5) FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL, THE BOARD MAY ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN PARAGRAPH (1)(II)6 OF THIS SUBSECTION ONLY IF THE LICENSE HOLDER HAS RECEIVED A LETTER OF SUPPORT FROM A PLACE OF WORSHIP OR SCHOOL THAT IS WITHIN THE BOUNDED AREA.**

12-2007.

(a) Except as provided in subsection (b) of this section, a licensed premises shall end all operations, including the serving of alcoholic beverages and food and providing entertainment, at the closing hour for that class of licensed premises specified in this title.

(b) (1) The Board may grant an exemption for remaining open after hours to:

(i) a holder of a Class B restaurant license, only for serving food to patrons seated for dining;

(ii) a pharmacy that fills prescriptions; or

(iii) a holder of a Class D beer, wine, and liquor license that operates a restaurant, if:

1. it is used only for serving food to patrons seated in a dining room that is not adjacent to a bar; and

2. the restaurant is located in the 46th Legislative District in the Legislative Districting Plan of 2022.

(2) A pharmacy that receives an exemption under paragraph (1) of this subsection may also sell products other than alcohol after normal closing hours.

(3) A hotel that holds a Class B license and that serves food to seated customers or for private functions or guest rooms may continue to provide food service.

**(4) THE BOARD MAY WAIVE THE REQUIREMENT IN PARAGRAPH (1)(III)1 OF THIS SUBSECTION THAT A DINING ROOM NOT BE ADJACENT TO A BAR.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) Notwithstanding § 12-1705 of the Alcoholic Beverages and Cannabis Article, a Class B-D-7 license issued for a premises on the 2800 block of O'Donnell Street

shall be considered unexpired until the end of July 1, 2024, for the purpose of completing a transfer of ownership at the same location.

~~(b)~~ (2) Notwithstanding § 12-1604.1 of the Alcoholic Beverages and Cannabis Article, a holder of a Class D beer and light wine license on the 3200 block of Eastern Avenue may apply to the Board to convert to a Class D beer, wine, and liquor license if the license holder meets each requirement in § 12-1604.1 except for the requirement to maintain average daily receipts from the sale of food that are at least 51% of the total daily receipts.

(3) Notwithstanding § 12-2202 of the Alcoholic Beverages and Cannabis Article, a Class B-D-7 license issued for a premises in the 1600 block of Eastern Avenue shall be considered unexpired until the end of July 1, 2025, for the purpose of completing a transfer of ownership and transfer of location to a premises in the 600 block of South Caroline Street.

(4) (i) Notwithstanding § 12-2202 of the Alcoholic Beverages and Cannabis Article, a Class B license issued for a premises in the 3500 block of Boston Street shall be considered unexpired until the end of July 1, 2025, for the purpose of completing a transfer of ownership and a transfer of location to a premises in the 3600 block of Boston Street.

(ii) If a Class B license transferred to the 3600 block of Boston Street under subparagraph (i) of this paragraph was originally issued as a Class B-D-7 license, the license holder may apply to the Board to convert the Class B license back to a Class B-D-7 license.

(5) Notwithstanding § 12-2202 of the Alcoholic Beverages and Cannabis Article, a Class B-D-7 license issued for a premises in the 600 block of South Luzerne Avenue shall be considered unexpired until the end of July 1, 2025, for the purpose of being renewed to the current license year by the licensee.

(b) The Board may not authorize the transfer of a license in ward 24, precinct 5 to a person or a location that has received and retained funding awarded under a legislative bond initiative.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. Section 2 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of July 31, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Approved by the Governor, May 16, 2024.**

## Chapter 1027

## (Senate Bill 1100)

AN ACT concerning

**Baltimore City – Alcoholic Beverages – 46th Alcoholic Beverages District – Revisions**

FOR the purpose of *authorizing the Board of License Commissioners for Baltimore City to issue a certain number of new alcoholic beverages licenses within a certain bounded area*; providing that, in the 46th alcoholic beverages district in Baltimore City, a certain license may be issued and an existing license may be moved to a building that is within a certain distance of a place of worship or school under certain circumstances; ~~authorizing the Board of License Commissioners for Baltimore City to waive a certain requirement for a certain license holder that operates a restaurant to remain open after hours~~; extending for a certain amount of time the expiration of ~~an~~ *certain* alcoholic beverages ~~license licenses~~ for the purpose of ~~a~~ transfer; authorizing ~~a~~ certain license ~~conversion conversions~~ under certain circumstances; *prohibiting the Board from authorizing a license for a certain recipient of a certain State grant under certain circumstances*; and generally relating to alcoholic beverages licenses in the 46th alcoholic beverages district in Baltimore City.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–102 and 12–1604.1  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–1604(b), 12–1605(b), and 12–2007  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

*BY adding to*  
*Article – Alcoholic Beverages and Cannabis*  
*Section 12–1604(j)*  
*Annotated Code of Maryland*  
*(2016 Volume and 2023 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**

12–102.

This title applies only in Baltimore City.

12-1604.

(b) Except as provided in subsections (c), (d), [and] (i), AND (J) of this section, the Board may not issue a new license in the 46th alcoholic beverages district.

**(J) (1) IN THE AREA BOUNDED ON THE NORTH BY INTERSTATE 95, ON THE EAST BY THE SOUTH LOCUST POINT TERMINAL, AND ON THE SOUTH AND WEST BY THE PATAPSCO RIVER, THE BOARD MAY ISSUE NOT MORE THAN:**

**(I) A TOTAL OF 10 NEW CLASS B-D-7 LICENSES; AND**

**(II) A TOTAL OF 2 NEW CLASS A-7 LICENSES.**

**(2) ANY LICENSE ISSUED UNDER THIS SUBSECTION MAY NOT BE TRANSFERRED OUTSIDE THE BOUNDED AREA AS DEFINED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(3) THE BOARD MAY NOT AUTHORIZE THE TRANSFER OF A LICENSE INTO THE BOUNDED AREA AS DEFINED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

12-1604.1.

(a) This section applies only to a license holder of a Class D beer and light wine license for use in the 46th alcoholic beverages district.

(b) (1) A license holder who holds a valid Class D beer and light wine license may apply to the Board to convert the license to a Class D beer, wine, and liquor license if the license holder:

(i) 1. maintains average daily receipts from the sale of food that are at least 51% of its total daily receipts;

2. executes a memorandum of understanding with the relevant local neighborhood association as determined by the Board;

3. operates a location with not more than 75 seats; and

4. pays a special transfer fee of \$15,000, in addition to any fees required under § 12-1704 of this title; or

(ii) 1. holds a license that was originally issued by the Board under § 12-1604(i) of this subtitle; and

2. pays a special transfer fee of \$15,000, in addition to any fees required under § 12–1704 of this title.

(2) If a Class D beer and light wine license is converted to a Class D beer, wine, and liquor license under paragraph (1) of this subsection, the Class D beer, wine, and liquor license:

(i) may not be transferred to a new location; and

(ii) is subject to the requirements of paragraph (1) of this subsection.

(c) A holder of a license converted under this section may sell beer, wine, and liquor Monday through Sunday from 6 a.m. until 1 a.m. the following day.

(d) An application to convert a Class D beer and light wine license under subsection (b)(1) of this section is a transfer subject to the provisions of § 12–1701 of this title.

12–1605.

(b) (1) This subsection:

(i) applies only in the 46th alcoholic beverages district; and

(ii) does not apply to a licensed restaurant in:

1. ward 4, precinct 1;

2. ward 22, precinct 1;

3. a residential planned unit development for Silo Point as approved by the Mayor and City Council in Ordinance 04–697 on June 23, 2004; [or]

4. subject to paragraph (3) of this subsection, the area that is bounded as follows: from the intersection of West Ostend Street and Race Street, north on Race Street to Seldner Place, then east on Seldner Place to Clarkson Street, then north on Clarkson Street to West Cross Street, then east on West Cross Street to South Hanover Street, then north on South Hanover Street to Race Street (also known as Winter Street), then west/southwest on Race Street to West Cross Street, then west on West Cross Street to Leadenhall Street, then south on Leadenhall Street to West Ostend Street, then east on West Ostend Street back to the intersection of West Ostend Street and Race Street;

**5. SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE AREA THAT IS BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF EASTERN AVENUE AND SOUTH HIGHLAND AVENUE, NORTH ON SOUTH HIGHLAND AVENUE**

**TO BANK STREET, THEN WEST ON BANK STREET TO SOUTH CLINTON STREET, THEN SOUTH ON SOUTH CLINTON STREET TO EASTERN AVENUE, THEN EAST ON EASTERN AVENUE BACK TO THE INTERSECTION OF EASTERN AVENUE AND SOUTH HIGHLAND AVENUE; OR**

**6. SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE AREA THAT IS BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF EASTERN AVENUE AND SOUTH NEWKIRK STREET, EAST ON EASTERN AVENUE TO OLDHAM STREET, THEN SOUTH ON OLDHAM STREET TO FLEET STREET, THEN WEST ON FLEET STREET TO SOUTH NEWKIRK STREET, THEN NORTH ON SOUTH NEWKIRK STREET BACK TO THE INTERSECTION OF SOUTH NEWKIRK STREET AND EASTERN AVENUE.**

(2) The Board may not issue or approve the transfer of a license if the licensed premises would be:

(i) within 300 feet of the nearest point of a place of worship or school;  
or

(ii) closer to the nearest point of a place of worship or school than the licensed premises was on June 1, 2004.

(3) For an establishment that is within 300 feet of the nearest point of a place of worship or school, the Board may issue a license in or approve the transfer of a license into the area specified in paragraph (1)(ii)4 of this subsection only if the Board:

(i) has executed a memorandum of understanding with a community association in the area specified in paragraph (1)(ii)4 of this subsection regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under paragraph (1)(ii)4 of this subsection and seeks to renew or transfer the license.

**(4) FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL, THE BOARD MAY ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN PARAGRAPH (1)(II)5 OF THIS SUBSECTION ONLY IF THE BOARD:**

**(I) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING WITH A COMMUNITY ASSOCIATION IN THE AREA SPECIFIED IN PARAGRAPH (1)(II)5 OF THIS SUBSECTION REGARDING THE NATURE OF THE ESTABLISHMENT; AND**



**(II) ENFORCES THE MEMORANDUM OF UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER PARAGRAPH (1)(II)5 OF THIS SUBSECTION AND SEEKS TO RENEW OR TRANSFER THE LICENSE.**

**(5) FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL, THE BOARD MAY ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN PARAGRAPH (1)(II)6 OF THIS SUBSECTION ONLY IF THE LICENSE HOLDER HAS RECEIVED A LETTER OF SUPPORT FROM A PLACE OF WORSHIP OR SCHOOL THAT IS WITHIN THE BOUNDED AREA.**

12-2007.

(a) Except as provided in subsection (b) of this section, a licensed premises shall end all operations, including the serving of alcoholic beverages and food and providing entertainment, at the closing hour for that class of licensed premises specified in this title.

(b) (1) The Board may grant an exemption for remaining open after hours to:

(i) a holder of a Class B restaurant license, only for serving food to patrons seated for dining;

(ii) a pharmacy that fills prescriptions; or

(iii) a holder of a Class D beer, wine, and liquor license that operates a restaurant, if:

1. it is used only for serving food to patrons seated in a dining room that is not adjacent to a bar; and

2. the restaurant is located in the 46th Legislative District in the Legislative Districting Plan of 2022.

(2) A pharmacy that receives an exemption under paragraph (1) of this subsection may also sell products other than alcohol after normal closing hours.

(3) A hotel that holds a Class B license and that serves food to seated customers or for private functions or guest rooms may continue to provide food service.

**(4) THE BOARD MAY WAIVE THE REQUIREMENT IN PARAGRAPH (1)(III)1 OF THIS SUBSECTION THAT A DINING ROOM NOT BE ADJACENT TO A BAR.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) Notwithstanding § 12-1705 of the Alcoholic Beverages and Cannabis Article, a Class B-D-7 license issued for a premises on the 2800 block of O'Donnell Street



shall be considered unexpired until the end of July 1, 2024, for the purpose of completing a transfer of ownership at the same location.

~~(b)~~ (2) Notwithstanding § 12–1604.1 of the Alcoholic Beverages and Cannabis Article, a holder of a Class D beer and light wine license on the 3200 block of Eastern Avenue may apply to the Board to convert to a Class D beer, wine, and liquor license if the license holder meets each requirement in § 12–1604.1 except for the requirement to maintain average daily receipts from the sale of food that are at least 51% of the total daily receipts.

(3) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 1600 block of Eastern Avenue shall be considered unexpired until the end of July 1, 2025, for the purpose of completing a transfer of ownership and transfer of location to a premises in the 600 block of South Caroline Street.

(4) (i) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B license issued for a premises in the 3500 block of Boston Street shall be considered unexpired until the end of July 1, 2025, for the purpose of completing a transfer of ownership and a transfer of location to a premises in the 3600 block of Boston Street.

(ii) If a Class B license transferred to the 3600 block of Boston Street under subparagraph (i) of this paragraph was originally issued as a Class B–D–7 license, the license holder may apply to the Board to convert the Class B license back to a Class B–D–7 license.

(5) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 600 block of South Luzerne Avenue shall be considered unexpired until the end of July 1, 2025, for the purpose of being renewed to the current license year by the licensee.

(b) The Board may not authorize the transfer of a license in ward 24, precinct 5 to a person or a location that has received and retained funding awarded under a legislative bond initiative.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. Section 2 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of July 31, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Approved by the Governor, May 16, 2024.**



# HB1089/SB0904 - Baltimore City

Class B, Beer, Wine, and Liquor Licenses

## Jurisdiction

Baltimore City

## Statutes Affected

Annotated Code of Maryland Article - Alcoholic Beverages and Cannabis § 12-102, 12-1606

## Summary

- This bill allows the issuance of a Class B Beer, Wine, and Liquor License to a restaurant in Ward 4 Precincts 1 and 2, which are in the central downtown area, if:
  - ▶ The restaurant's average daily receipts from food sales are at least 51% of its total daily receipts.
  - ▶ The Baltimore City Health Department has classified the facility as either a high priority or a moderate priority food service facility.
  - ▶ The facility has executed a memorandum of understanding with the Downtown Partnership of Baltimore.
- ▶ The Board may issue a refillable container permit to the holder of this license.
- License Holder is subject to particular restrictions:
  - ▶ Can't sell alcoholic beverages for off-premises consumption.
  - ▶ Can't transfer license away from the first location.
- To renew the license with the Board the holder must submit:
  - ▶ A statement with the average daily receipts from the restaurant.
  - ▶ Affidavit from a certified public accountant that verifies that the holder meets the requirements.
  - ▶ Any other information that is procured by the Board.
- The Board may continue renewing licenses issued on or before June 30, 2028, but will not issue new licenses after that date.

**Effective Date(s): July 1, 2024**

## Chapter 1028

## (House Bill 1089)

AN ACT concerning

**Baltimore City – Alcoholic Beverages – ~~Class B Beer, Wine, and Liquor License –~~  
~~Downtown Management District~~ Class B Beer, Wine, and Liquor Licenses**

FOR the purpose of authorizing the Board of License Commissioners for Baltimore City to issue a Class B beer, wine, and liquor license in a certain ~~Downtown Management District~~ area; establishing the requirements for a holder of the license; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–1606  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

12–102.

This title applies only in Baltimore City.

12–1606.

(A) ~~IN THIS SECTION, “DOWNTOWN MANAGEMENT DISTRICT” HAS THE MEANING STATED IN § 7-504.2(A) OF THE TAX PROPERTY ARTICLE.~~

~~(B)~~ NOTWITHSTANDING ANY OTHER PROVISION OF LAW IN THIS TITLE, THE BOARD MAY ISSUE A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR USE BY A RESTAURANT IN ~~THE DOWNTOWN MANAGEMENT DISTRICT~~ WARD 4, PRECINCTS 1 AND 2 THAT:

(1) HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT;

(2) HAS BEEN CLASSIFIED BY THE BALTIMORE CITY HEALTH DEPARTMENT AS:

(I) A HIGH PRIORITY FOOD SERVICE FACILITY; OR

(II) A MODERATE PRIORITY FOOD SERVICE FACILITY; AND

(3) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING WITH THE DOWNTOWN PARTNERSHIP OF BALTIMORE.

~~(C)~~ (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE HOLDER OF A LICENSE ISSUED UNDER THIS SECTION MAY NOT SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.

(2) THE BOARD MAY ISSUE THE HOLDER OF A LICENSE ISSUED UNDER THIS SECTION A REFILLABLE CONTAINER PERMIT IN ACCORDANCE WITH § 12-1102 OF THIS TITLE.

~~(D)~~ (C) A LICENSE ISSUED UNDER THIS SECTION MAY NOT BE TRANSFERRED FROM THE LOCATION OF ITS FIRST ISSUANCE.

~~(E)~~ (D) IF A LICENSE ISSUED UNDER THIS SECTION IS RENEWED, THE LICENSE HOLDER SHALL FILE WITH THE BOARD AS PART OF ITS RENEWAL APPLICATION:

(1) A STATEMENT DETAILING THE AVERAGE DAILY RECEIPTS FROM THE RESTAURANT;

(2) AN AFFIDAVIT FROM A CERTIFIED PUBLIC ACCOUNTANT THAT VERIFIES THAT THE LICENSE HOLDER MEETS THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION; AND

(3) ANY OTHER INFORMATION THAT THE BOARD REQUIRES.

~~(F)~~ (E) THE BOARD:

(1) MAY NOT ISSUE A NEW LICENSE UNDER THIS SECTION AFTER JUNE 30, 2028; BUT

(2) MAY CONTINUE TO RENEW LICENSES ISSUED ON OR BEFORE JUNE 30, 2028.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 1029

**(Senate Bill 904)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Class B Beer, Wine, and Liquor Licenses**

FOR the purpose of authorizing the Board of License Commissioners for Baltimore City to issue a Class B beer, wine, and liquor license in a certain area; establishing the requirements for a holder of the license; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–1606  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

12–102.

This title applies only in Baltimore City.

12–1606.

**(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW IN THIS TITLE, THE BOARD MAY ISSUE A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR USE BY A RESTAURANT IN WARD 4, PRECINCTS 1 AND 2 THAT:**

**(1) HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT;**

**(2) HAS BEEN CLASSIFIED BY THE BALTIMORE CITY HEALTH DEPARTMENT AS:**

(I) A HIGH PRIORITY FOOD SERVICE FACILITY; OR

(II) A MODERATE PRIORITY FOOD SERVICE FACILITY; AND

(3) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING WITH THE DOWNTOWN PARTNERSHIP OF BALTIMORE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE HOLDER OF A LICENSE ISSUED UNDER THIS SECTION MAY NOT SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.

(2) THE BOARD MAY ISSUE THE HOLDER OF A LICENSE ISSUED UNDER THIS SECTION A REFILLABLE CONTAINER PERMIT IN ACCORDANCE WITH § 12-1102 OF THIS TITLE.

(C) A LICENSE ISSUED UNDER THIS SECTION MAY NOT BE TRANSFERRED FROM THE LOCATION OF ITS FIRST ISSUANCE.

(D) IF A LICENSE ISSUED UNDER THIS SECTION IS RENEWED, THE LICENSE HOLDER SHALL FILE WITH THE BOARD AS PART OF ITS RENEWAL APPLICATION:

(1) A STATEMENT DETAILING THE AVERAGE DAILY RECEIPTS FROM THE RESTAURANT;

(2) AN AFFIDAVIT FROM A CERTIFIED PUBLIC ACCOUNTANT THAT VERIFIES THAT THE LICENSE HOLDER MEETS THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION; AND

(3) ANY OTHER INFORMATION THAT THE BOARD REQUIRES.

(E) THE BOARD:

(1) MAY NOT ISSUE A NEW LICENSE UNDER THIS SECTION AFTER JUNE 30, 2028; BUT

(2) MAY CONTINUE TO RENEW LICENSES ISSUED ON OR BEFORE JUNE 30, 2028.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 16, 2024.



## HB1198/SB1008 – Baltimore City

Alcoholic Beverages – 40<sup>th</sup> Alcoholic Beverages District – Revisions

### Jurisdiction

#### Baltimore City 40<sup>th</sup> Alcoholic Beverages District

### Statutes Affected

Annotated Code of Maryland, Alcoholic Beverages and Cannabis, § 12-102, 12-1001.5, and 12-1603(b), (c)(1), (c)(16), (17), and c(18).

### Summary

- Creates a Class M-F License to permit the sale of food, beer, wine, and liquor for on-premises consumption at a municipal bowling alley and skating rink on the odd side of the 1600 block of Pennsylvania Avenue.
  - ▶ Applicant must be Authorized through a management agreement with Baltimore City and execute a Memorandum of Understanding with the Upton West Community Association.
  - ▶ Restricts the license holder from participating or publicizing a pub crawl or allowing an open bar to be operated (except during private events closed to the public).
    - ▶ The annual license fee is \$500.
- A Class B Beer, Wine, and Liquor License can be issued to a restaurant on the even side of the 400 block of West 29th St. in the 40th Alcoholic Beverages District, if there is an executed memorandum of understanding with the Greater Remington Improvement Association and the Board also waives the 75 person minimum seating requirement generally required for class B licenses.
- The bill also states that a particular Class A license on West Biddle street shall remain unexpired until July 1, 2025, to allow for renewal under the current licensing year, with the provision set to be abrogated without further action by July 31, 2025.

**Effective Date(s): July 1, 2024**



## Chapter 1032

**(House Bill 1198)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – 40th Alcoholic Beverages District – Revisions**

FOR the purpose of establishing a Class M–F (Municipal Family Fun Center) alcoholic beverages license in the 40th alcoholic beverages district in Baltimore City; authorizing the Board of License Commissioners for Baltimore City to issue a certain Class B beer, wine, and liquor license to a restaurant in a certain location; authorizing a certain Class A license issued for a certain location to remain unexpired until a certain date for the purpose of renewal; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–102 and 12–1603(b) and (c)(1)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–1001.5 and 12–1603(c)(18)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–1603(c)(16) and (17)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

12–102.

This title applies only in Baltimore City.

12–1001.5.

**(A) THERE IS A CLASS M–F (MUNICIPAL FAMILY FUN CENTER) LICENSE FOR USE AT A MUNICIPAL BOWLING ALLEY AND SKATING RINK LOCATED ON THE ODD SIDE OF THE 1600 BLOCK OF PENNSYLVANIA AVENUE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL WHO:**

**(1) IS AUTHORIZED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY THROUGH A MANAGEMENT AGREEMENT TO SELL FOOD, BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION; AND**

**(2) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING WITH THE UPTON WEST COMMUNITY ASSOCIATION.**

**(C) THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

**(D) THE HOURS OF SALE FOR ALCOHOLIC BEVERAGES ARE:**

**(1) FROM 11:30 A.M. TO 11 P.M. MONDAY THROUGH THURSDAY;**

**(2) FROM 11:30 A.M. TO MIDNIGHT ON FRIDAY;**

**(3) FROM 9 A.M. TO MIDNIGHT ON SATURDAY; AND**

**(4) FROM 9 A.M. TO 11 P.M. ON SUNDAY.**

**(E) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS CONCERNING THE HOLDING OF EVENTS THAT ARE CLOSED TO THE PUBLIC.**

**(F) THE LICENSE HOLDER MAY NOT:**

**(1) PARTICIPATE IN OR PUBLICIZE, IN OR OUTSIDE OF THE LICENSED PREMISES, A PUB CRAWL AUTHORIZED UNDER § 12–1101.1 OF THIS TITLE; OR**

**(2) EXCEPT FOR AN EVENT THAT IS CLOSED TO THE PUBLIC, ALLOW AN OPEN BAR TO BE OPERATED.**

**(G) THE ANNUAL LICENSE FEE IS \$500.**

12–1603.

(b) Except as provided in subsection (c) of this section, the Board may not issue a new license in:

- (1) the 40th alcoholic beverages district;
- (2) the 41st alcoholic beverages district;
- (3) the 43rd alcoholic beverages district;
- (4) the 44th alcoholic beverages district; and
- (5) the 45th alcoholic beverages district.

(c) The Board may issue:

(1) in the alcoholic beverages districts specified in subsection (b) of this section:

- (i) a 1–day license; or
- (ii) a Class B beer, wine, and liquor license to a restaurant that:

1. has a minimum capital investment, not including the cost of land and buildings, of \$200,000 for restaurant facilities; and

2. has a minimum seating capacity of 75 individuals;

(16) a Class C beer, wine, and liquor license in the 3600 block of Hickory Avenue in the 40th alcoholic beverages district to a holder of a Class C beer and light wine license; [and]

(17) a Class A–7 beer, wine, and liquor license in the 1200 block of West North Avenue in the 40th alcoholic beverages district, if:

(i) the applicant executes a memorandum of understanding with the Penn North Community Association;

(ii) alcoholic beverages are sold only as part of a gift basket or floral arrangement; and

(iii) the applicant does not hold or apply for a Class BWLT beer, wine, and liquor (on–premises) tasting license; **AND**

**(18) A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR A RESTAURANT ON THE EVEN SIDE OF THE 400 BLOCK OF WEST 29TH STREET IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT IF:**

**(I) THE APPLICANT EXECUTES A MEMORANDUM OF UNDERSTANDING WITH THE GREATER REMINGTON IMPROVEMENT ASSOCIATION; AND**

**(II) THE BOARD WAIVES A MINIMUM SEATING REQUIREMENT UNDER ITEM (1)(II)2 OF THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 12-2202 of the Alcoholic Beverages and Cannabis Article, a Class A license issued for a premises on the odd side of the unit block of ~~East~~ West Biddle Street shall be considered unexpired until the end of July 1, 2025, for the purpose of being renewed to the current license year.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. Section 2 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of July 31, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Approved by the Governor, May 16, 2024.**

## Chapter 1033

**(Senate Bill 1008)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – 40th Alcoholic Beverages District – Revisions**

FOR the purpose of establishing a Class M–F (Municipal Family Fun Center) alcoholic beverages license in the 40th alcoholic beverages district in Baltimore City; authorizing the Board of License Commissioners for Baltimore City to issue a certain Class B beer, wine, and liquor license to a restaurant in a certain location; authorizing a certain Class A license issued for a certain location to remain unexpired until a certain date for the purpose of renewal; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–102 and 12–1603(b) and (c)(1)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–1001.5 and 12–1603(c)(18)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 12–1603(c)(16) and (17)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

12–102.

This title applies only in Baltimore City.

**12–1001.5.**

**(A) THERE IS A CLASS M–F (MUNICIPAL FAMILY FUN CENTER) LICENSE FOR USE AT A MUNICIPAL BOWLING ALLEY AND SKATING RINK LOCATED ON THE ODD SIDE OF THE 1600 BLOCK OF PENNSYLVANIA AVENUE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL WHO:**

**(1) IS AUTHORIZED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY THROUGH A MANAGEMENT AGREEMENT TO SELL FOOD, BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION; AND**

**(2) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING WITH THE UPTON WEST COMMUNITY ASSOCIATION.**

**(C) THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

**(D) THE HOURS OF SALE FOR ALCOHOLIC BEVERAGES ARE:**

**(1) FROM 11:30 A.M. TO 11 P.M. MONDAY THROUGH THURSDAY;**

**(2) FROM 11:30 A.M. TO MIDNIGHT ON FRIDAY;**

**(3) FROM 9 A.M. TO MIDNIGHT ON SATURDAY; AND**

**(4) FROM 9 A.M. TO 11 P.M. ON SUNDAY.**

**(E) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS CONCERNING THE HOLDING OF EVENTS THAT ARE CLOSED TO THE PUBLIC.**

**(F) THE LICENSE HOLDER MAY NOT:**

**(1) PARTICIPATE IN OR PUBLICIZE, IN OR OUTSIDE OF THE LICENSED PREMISES, A PUB CRAWL AUTHORIZED UNDER § 12–1101.1 OF THIS TITLE; OR**

**(2) EXCEPT FOR AN EVENT THAT IS CLOSED TO THE PUBLIC, ALLOW AN OPEN BAR TO BE OPERATED.**

**(G) THE ANNUAL LICENSE FEE IS \$500.**

12–1603.

(b) Except as provided in subsection (c) of this section, the Board may not issue a new license in:

- (1) the 40th alcoholic beverages district;
- (2) the 41st alcoholic beverages district;
- (3) the 43rd alcoholic beverages district;
- (4) the 44th alcoholic beverages district; and
- (5) the 45th alcoholic beverages district.

(c) The Board may issue:

(1) in the alcoholic beverages districts specified in subsection (b) of this section:

- (i) a 1–day license; or
- (ii) a Class B beer, wine, and liquor license to a restaurant that:

1. has a minimum capital investment, not including the cost of land and buildings, of \$200,000 for restaurant facilities; and

2. has a minimum seating capacity of 75 individuals;

(16) a Class C beer, wine, and liquor license in the 3600 block of Hickory Avenue in the 40th alcoholic beverages district to a holder of a Class C beer and light wine license; [and]

(17) a Class A–7 beer, wine, and liquor license in the 1200 block of West North Avenue in the 40th alcoholic beverages district, if:

(i) the applicant executes a memorandum of understanding with the Penn North Community Association;

(ii) alcoholic beverages are sold only as part of a gift basket or floral arrangement; and

(iii) the applicant does not hold or apply for a Class BWLT beer, wine, and liquor (on–premises) tasting license; **AND**

**(18) A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR A RESTAURANT ON THE EVEN SIDE OF THE 400 BLOCK OF WEST 29TH STREET IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT IF:**

**(I) THE APPLICANT EXECUTES A MEMORANDUM OF UNDERSTANDING WITH THE GREATER REMINGTON IMPROVEMENT ASSOCIATION; AND**

**(II) THE BOARD WAIVES A MINIMUM SEATING REQUIREMENT UNDER ITEM (1)(II)2 OF THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 12-2202 of the Alcoholic Beverages and Cannabis Article, a Class A license issued for a premises on the odd side of the unit block of ~~East~~ West Biddle Street shall be considered unexpired until the end of July 1, 2025, for the purpose of being renewed to the current license year.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. Section 2 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of July 31, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Approved by the Governor, May 16, 2024.**





## HB1235/SB1079 - Baltimore City

Alcoholic Beverages - License Extensions

### Jurisdiction

Baltimore City

### Statutes Affected

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 12-1705 and 12-2202

### Summary

- A Class B–D–7 license in the 5517 block of Harford Road can be transferred to another owner at the same location until July 1, 2025.
    - ▶ The license will be considered unexpired for the purpose of transfer.
    - ▶ Contingent on the applicant entering into a memorandum of understanding (MOU) with the Hamilton Community Association.
  - A Class B–D–7 license in the 2200 block of East Fayette Street can be renewed and transferred to a different applicant at the same location until July 1, 2025.
    - ▶ The license will be considered unexpired for the purposes of renewal and transfer.
- ▶ The renewal and transfer depend on the applicant entering into a memorandum of understanding with the Cleaning, Active, Restoring, Efforts (C.A.R.E.) Community Association.
  - ▶ The MOU should include the following:
    - Establish a community input process for the transfer of the license.
    - Limit the license to the sale of beer and wine only during the first 12 months of operation immediately following the transfer.
    - Include public safety provisions relating to: parking, lighting, music, noise, camera, and trash.
    - Prohibit the transfer of the license to a new location.

**Effective Date(s): July 1, 2024, and will remain in effect until July 31, 2025, after which it will automatically expire without further action needed by the General Assembly.**

## Chapter 1035

## (House Bill 1235)

AN ACT concerning

**Baltimore City – Alcoholic Beverages – License Extensions**

FOR the purpose of extending for a certain amount of time the expiration dates of certain alcoholic beverages licenses in Baltimore City that are issued for certain areas for certain transfer and renewal purposes under certain circumstances; and generally relating to alcoholic beverages in Baltimore City.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) Notwithstanding § 12–1705 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 5517 block of Harford Road shall be considered unexpired until the end of July 1, 2025, for the purpose of being transferred to another owner at the same location, if the applicant enters into a memorandum of understanding with the Hamilton Community Association.

(b) (1) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 2200 block of East Fayette Street shall be considered unexpired until the end of July 1, 2025, for the purposes of being renewed to the current license year and transferred to a different applicant at the same location, if the applicant enters into a memorandum of understanding with the Cleaning, Active, Restoring, Efforts (C.A.R.E.) Community Association.

(2) The memorandum of understanding shall:

(i) establish a community input process for the transfer of the license;

(ii) limit the license to the sale of beer and wine only during the first 12 months of operation immediately following the transfer;

(iii) include public safety measures relating to:

1. parking;

2. lighting;

3. music;

4. noise;

5. cameras; and

6. trash; and

(iv) prohibit the license from being transferred to a new location.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. It shall remain effective for a period of 1 year and 1 month and, at the end of July 31, 2025, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Approved by the Governor, May 16, 2024.**

## Chapter 1036

**(Senate Bill 1079)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – License Extensions**

FOR the purpose of extending for a certain amount of time the expiration dates of certain alcoholic beverages licenses in Baltimore City that are issued for certain areas for certain transfer and renewal purposes under certain circumstances; and generally relating to alcoholic beverages in Baltimore City.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) Notwithstanding § 12–1705 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 5517 block of Harford Road shall be considered unexpired until the end of July 1, 2025, for the purpose of being transferred to another owner at the same location, if the applicant enters into a memorandum of understanding with the Hamilton Community Association.

(b) (1) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 2200 block of East Fayette Street shall be considered unexpired until the end of July 1, 2025, for the purposes of being renewed to the current license year and transferred to a different applicant at the same location, if the applicant enters into a memorandum of understanding with the Cleaning, Active, Restoring, Efforts (C.A.R.E.) Community Association.

(2) The memorandum of understanding shall:

(i) establish a community input process for the transfer of the license;

(ii) limit the license to the sale of beer and wine only during the first 12 months of operation immediately following the transfer;

(iii) include public safety measures relating to:

1. parking;

2. lighting;

3. music;

4. noise;

## Chapter 1036

**(Senate Bill 1079)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – License Extensions**

FOR the purpose of extending for a certain amount of time the expiration dates of certain alcoholic beverages licenses in Baltimore City that are issued for certain areas for certain transfer and renewal purposes under certain circumstances; and generally relating to alcoholic beverages in Baltimore City.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That:

(a) Notwithstanding § 12–1705 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 5517 block of Harford Road shall be considered unexpired until the end of July 1, 2025, for the purpose of being transferred to another owner at the same location, if the applicant enters into a memorandum of understanding with the Hamilton Community Association.

(b) (1) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 2200 block of East Fayette Street shall be considered unexpired until the end of July 1, 2025, for the purposes of being renewed to the current license year and transferred to a different applicant at the same location, if the applicant enters into a memorandum of understanding with the Cleaning, Active, Restoring, Efforts (C.A.R.E.) Community Association.

(2) The memorandum of understanding shall:

(i) establish a community input process for the transfer of the license;

(ii) limit the license to the sale of beer and wine only during the first 12 months of operation immediately following the transfer;

(iii) include public safety measures relating to:

1. parking;

2. lighting;

3. music;

4. noise;



**BALTIMORE COUNTY**



## **SB1010 - Baltimore County**

Alcoholic Beverages - Individual Storage Permits

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### **Jurisdiction:**

Baltimore County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 2-113

### **Summary**

- Adds Baltimore County to the set of counties in which a retailer must first obtain written approval from the county's Board of License Commissioners before applying for an individual storage permit with the ATCC.

**Effective Date(s): July 1, 2024**

## Chapter 1046

**(Senate Bill 1010)**

AN ACT concerning

**Baltimore County – Alcoholic Beverages – Individual Storage Permits**

FOR the purpose of requiring an alcoholic beverages retailer in Baltimore County to have written approval from the Board of License Commissioners for Baltimore County before applying to the Executive Director of the Alcohol, Tobacco, and Cannabis Commission for an individual storage permit for alcoholic beverages; and generally relating to individual storage permits for alcoholic beverages in Baltimore County.

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 2–113  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

2–113.

- (a) There is an individual storage permit.
- (b) The permit authorizes the holder to establish a warehouse to store alcoholic beverages in which title to the alcoholic beverages is vested in the permit holder.
- (c) In Anne Arundel County **AND BALTIMORE COUNTY**, a retailer is required to have written approval from the Board of License Commissioners before applying to the Executive Director for the permit.
- (d) The permit fee is \$50.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**





## **HB1269 - Baltimore County**

Alcoholic Beverages - License Applications - Notice

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### **Jurisdiction**

Baltimore County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 4-208, 13-102, 13-504

### **Summary**

- Modifies the requirements for publicly posting notices before approving license applications in Baltimore county. The Board must publicize notices in one of two ways:
  - ▶ Publish two times, in 2 consecutive weeks, in a single newspaper that circulates generally in Baltimore County; or
  - ▶ Post an online notice of an application hearing at least 14 days before the hearing date.

**Effective Date(s): July 1, 2024**

## Chapter 1037

**(House Bill 1269)**

AN ACT concerning

**Baltimore County – Alcoholic Beverages – License Applications – ~~Online~~ Notice**

FOR the purpose of altering a certain notice requirement before the Board of License Commissioners for Baltimore County may approve an application for an alcoholic beverages license; authorizing the Board of ~~License Commissioners for Baltimore County~~ to fulfill ~~a certain~~ the notice requirement by posting online ~~a completed application~~ notice of an application hearing for an alcoholic beverages license a certain number of days before the application hearing date; and generally relating to alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 4–208 and 13–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 13–1504  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

4–208.

(a) Before a local licensing board may approve an application for a license, the local licensing board shall publish notice of the application two times in 2 successive weeks:

- (1) in two newspapers of general circulation in the jurisdiction; or
- (2) if only one newspaper of general circulation exists in the jurisdiction, in that newspaper.

(b) The notice shall state:

- (1) the name of the applicant;

- (2) the type of license for which the application is made;
- (3) the location described in the application; and
- (4) the date, time, and place set by the local licensing board for a hearing on the application.

13-102.

This title applies only in Baltimore County.

13-1504.

(a) **(1) BEFORE THE BOARD MAY APPROVE AN APPLICATION FOR A LICENSE, THE BOARD SHALL PUBLISH NOTICE OF THE APPLICATION TWO TIMES IN 2 SUCCESSIVE WEEKS IN ONE NEWSPAPER OF GENERAL CIRCULATION IN BALTIMORE COUNTY.**

**(2) THE BOARD MAY FULFILL THE NOTICE REQUIREMENT UNDER § 4-208 OF THIS ARTICLE PARAGRAPH (1) OF THIS SUBSECTION BY POSTING ONLINE A COMPLETED APPLICATION NOTICE OF AN APPLICATION HEARING AT LEAST 14 DAYS BEFORE THE APPLICATION HEARING DATE.**

**(2) (3)** In addition to the newspaper notice required under § 4-208 of this article **AND PARAGRAPH (1) OF THIS SUBSECTION, OR THE ONLINE NOTICE AUTHORIZED UNDER PARAGRAPH (1) (2) OF THIS SUBSECTION,** the Board shall post a suitable notice in a conspicuous place at the location described in the application for at least 10 days before holding a hearing on the application.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 16, 2024.



# CAROLINE COUNTY



## **HB0362/SB0531 - Caroline County**

Alcoholic Beverages - Barbershop and Beauty Salon License

### **Jurisdiction**

Caroline County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 15-102, 15-1001, 15-1001.1, 15-1002 and 15-1003.

### **Summary**

- A Barbershop and Beauty Salon Beer and Wine License can be issued to a holder of:
  - ▶ A barbershop permit issued under §4-501 of the Business Occupations and Professions Article.
  - ▶ A beauty salon permit issued under §5-501 of the Business Occupations and Professions Article.
- The license allows the holder to serve a max of 12 ounces of beer or 5 ounces of wine per glass for on-premises consumption by a customer when being provided a service listed under title 4 and 5 of the Business Occupations and Professions Article.
- A license holder may provide beer and wine during normal business hours.
- A license holder may not transfer the license to another location.
- License holder/establishment is subject to the Alcohol Awareness Training Requirements.

**Effective Date(s): July 1, 2024.**

## Chapter 998

**(House Bill 362)**

AN ACT concerning

**Caroline County – Alcoholic Beverages – Barbershop and Beauty Salon License**

FOR the purpose of establishing a barbershop and beauty salon beer and wine license in Caroline County; authorizing the Board of License Commissioners for Caroline County to issue the license to a holder of a certain barbershop or beauty salon permit; and generally relating to alcoholic beverages licenses in Caroline County.

BY renumbering

Article – Alcoholic Beverages and Cannabis  
 Section 15–1001 and 15–1001.1  
 to be Section 15–1002 and 15–1003, respectively  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages and Cannabis  
 Section 15–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to

Article – Alcoholic Beverages and Cannabis  
 Section 15–1001  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 15–1001 and 15–1001.1 of Article – Alcoholic Beverages and Cannabis of the Annotated Code of Maryland be renumbered to be Section(s) 15–1002 and 15–1003, respectively.

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

**Article – Alcoholic Beverages and Cannabis**

15–102.

This title applies only in Caroline County.

**15–1001.**

**(A) THERE IS A BARBERSHOP AND BEAUTY SALON BEER AND WINE LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:**

**(1) A BARBERSHOP PERMIT ISSUED UNDER § 4-501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR**

**(2) A BEAUTY SALON PERMIT ISSUED UNDER § 5-501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO PROVIDE NOT MORE THAN 12 OUNCES OF BEER OR 5 OUNCES OF WINE BY THE GLASS FOR ON-PREMISES CONSUMPTION BY A BARBERSHOP OR BEAUTY SALON CUSTOMER WHEN THE CUSTOMER IS BEING PROVIDED:**

**(1) A BARBERING SERVICE UNDER TITLE 4 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR**

**(2) A COSMETOLOGY SERVICE UNDER TITLE 5 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

**(D) A LICENSE HOLDER MAY PROVIDE BEER AND WINE DURING NORMAL BUSINESS HOURS.**

**(E) A LICENSE HOLDER MAY NOT TRANSFER THE LICENSE TO ANOTHER LOCATION.**

**(F) AN ESTABLISHMENT FOR WHICH THE LICENSE IS ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE AND § 15-1902 OF THIS TITLE.**

**(G) THE ANNUAL LICENSE FEE IS \$100.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

Chapter 999

**(Senate Bill 531)**

AN ACT concerning

**Caroline County – Alcoholic Beverages – Barbershop and Beauty Salon License**

FOR the purpose of establishing a barbershop and beauty salon beer and wine license in Caroline County; authorizing the Board of License Commissioners for Caroline County to issue the license to a holder of a certain barbershop or beauty salon permit; and generally relating to alcoholic beverages licenses in Caroline County.

BY renumbering

Article – Alcoholic Beverages and Cannabis  
Section 15–1001 and 15–1001.1  
to be Section 15–1002 and 15–1003, respectively  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages and Cannabis  
Section 15–102  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

BY adding to

Article – Alcoholic Beverages and Cannabis  
Section 15–1001  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 15–1001 and 15–1001.1 of Article – Alcoholic Beverages and Cannabis of the Annotated Code of Maryland be renumbered to be Section(s) 15–1002 and 15–1003, respectively.

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

**Article – Alcoholic Beverages and Cannabis**

15–102.

This title applies only in Caroline County.

**15–1001.**



- (A) **THERE IS A BARBERSHOP AND BEAUTY SALON BEER AND WINE LICENSE.**
- (B) **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:**
- (1) **A BARBERSHOP PERMIT ISSUED UNDER § 4-501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR**
- (2) **A BEAUTY SALON PERMIT ISSUED UNDER § 5-501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**
- (C) **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO PROVIDE NOT MORE THAN 12 OUNCES OF BEER OR 5 OUNCES OF WINE BY THE GLASS FOR ON-PREMISES CONSUMPTION BY A BARBERSHOP OR BEAUTY SALON CUSTOMER WHEN THE CUSTOMER IS BEING PROVIDED:**
- (1) **A BARBERING SERVICE UNDER TITLE 4 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR**
- (2) **A COSMETOLOGY SERVICE UNDER TITLE 5 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**
- (D) **A LICENSE HOLDER MAY PROVIDE BEER AND WINE DURING NORMAL BUSINESS HOURS.**
- (E) **A LICENSE HOLDER MAY NOT TRANSFER THE LICENSE TO ANOTHER LOCATION.**
- (F) **AN ESTABLISHMENT FOR WHICH THE LICENSE IS ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE AND § 15-1902 OF THIS TITLE.**
- (G) **THE ANNUAL LICENSE FEE IS \$100.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 16, 2024.



## **HB0363/SB0529 - Caroline County**

Alcoholic Beverages - Beer, Wine, and Liquor Tasting License

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### **Jurisdiction**

Caroline County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 15-102, 15-1304.

### **Summary**

- Alters the BWT license to a beer, wine, and liquor tasting license (BWLTL), which allows liquor as well as beer and wine to be consumed on the premises for a tasting.
- The Board can issue the license to a holder or organization that qualifies for a:
  - ▶ Class C per diem beer
  - ▶ Class C per diem beer and wine
  - ▶ Class C per diem beer, wine and liquor license.
- Increases the amount of beer one customer is allowed to consume from all offerings collectively to 9 ounces for beer (previously this was capped at 8 ounces).
- The bill sets the limit one can consume for liquor at 0.5 ounce from each offering of liquor, and 2.5 ounces from all offerings in a day.

**Effective Date(s): July 1, 2024**

## Chapter 1000

**(House Bill 363)**

AN ACT concerning

**Caroline County – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License**

FOR the purpose of altering the 1–day beer and wine tasting (BWT) license in Caroline County to be a 1–day beer, wine, and liquor tasting (BWLTL) license; altering certain qualifications for the license; altering the amounts of alcoholic beverages an individual may consume at a tasting; and generally relating to alcoholic beverages in Caroline County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 15–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 15–1304  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

15–102.

This title applies only in Caroline County.

15–1304.

(a) There is a 1–day beer [and], wine, AND LIQUOR tasting [(BWT)] **(BWLTL)** license.

(b) The Board may issue the license to a holder of a [current] license or an organization that qualifies for a [Class C beer or Class C beer and wine license under § 4–1203 of this article] **CLASS C PER DIEM BEER, A CLASS C PER DIEM BEER AND WINE, OR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

(c) (1) The license authorizes the holder to allow the consumption of beer [or],

wine, **OR LIQUOR** for tasting if:

and

(i) the consumer is not charged for the beer [or], wine, **OR LIQUOR**;

(ii) the beer [or], wine, **OR LIQUOR** is consumed on the licensed premises.

(2) The license may not be issued to a person more than 26 times in a calendar year.

(d) The Board need not publish a license application before granting the license.

(e) An individual may consume beer [or], wine, **OR LIQUOR** covered by the license in a quantity of not more than:

(1) 3 ounces from each offering of beer, and [8] **9** ounces from all offerings in a day; [and]

(2) 1 ounce from each offering of wine, and 4 ounces from all offerings in a day; **AND**

**(3) 0.5 OUNCE FROM EACH OFFERING OF LIQUOR, AND 2.5 OUNCES FROM ALL OFFERINGS IN A DAY.**

(f) At the end of the day for which the license is valid, the license holder shall dispose of beer [or], wine, **OR LIQUOR** that remains in a container that was opened for tasting.

(g) The license fee is \$50.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 1001

**(Senate Bill 529)**

AN ACT concerning

**Caroline County – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License**

FOR the purpose of altering the 1–day beer and wine tasting (BWT) license in Caroline County to be a 1–day beer, wine, and liquor tasting (BWLTL) license; altering certain qualifications for the license; altering the amounts of alcoholic beverages an individual may consume at a tasting; and generally relating to alcoholic beverages in Caroline County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 15–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 15–1304  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

15–102.

This title applies only in Caroline County.

15–1304.

(a) There is a 1–day beer [and], wine, AND LIQUOR tasting [(BWT)] **(BWLTL)** license.

(b) The Board may issue the license to a holder of a [current] license or an organization that qualifies for a [Class C beer or Class C beer and wine license under § 4–1203 of this article] **CLASS C PER DIEM BEER, A CLASS C PER DIEM BEER AND WINE, OR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

(c) (1) The license authorizes the holder to allow the consumption of beer [or],

## Chapter 1001

**(Senate Bill 529)**

AN ACT concerning

**Caroline County – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License**

FOR the purpose of altering the 1–day beer and wine tasting (BWT) license in Caroline County to be a 1–day beer, wine, and liquor tasting (BWLTL) license; altering certain qualifications for the license; altering the amounts of alcoholic beverages an individual may consume at a tasting; and generally relating to alcoholic beverages in Caroline County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 15–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 15–1304  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

15–102.

This title applies only in Caroline County.

15–1304.

(a) There is a 1–day beer [and], wine, AND LIQUOR tasting [(BWT)] **(BWLTL)** license.

(b) The Board may issue the license to a holder of a [current] license or an organization that qualifies for a [Class C beer or Class C beer and wine license under § 4–1203 of this article] **CLASS C PER DIEM BEER, A CLASS C PER DIEM BEER AND WINE, OR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

(c) (1) The license authorizes the holder to allow the consumption of beer [or],





# **CARROLL COUNTY**







## **SB964 - Carroll County**

Alcoholic Beverages Licenses - Alcohol Awareness Training

### **Jurisdiction**

Carroll County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcohol Beverages and Cannabis § 4-505(e), 16-102, 16-901, 16-904

### **Summary**

- This bill requires a certified individual trained in alcohol awareness to be present at all time on Class B or Class D licensed premises in Carroll County during alcohol sales.
  - ▶ The penalties for non-compliance are:
    - \$100 fine for the first offense.
    - For each following offense, a fine not exceeding \$500 or
    - Suspension or revocation of license or both.
- At least one individual listed on the license must maintain a current certificate for completing an alcohol awareness program while listed on the license.

**Effective Date(s): July 1, 2024**

## Chapter 1045

**(Senate Bill 964)**

AN ACT concerning

**Carroll County – Alcoholic Beverages Licenses – Alcohol Awareness Training**

FOR the purpose of requiring ~~on~~ the holder of a Class B or Class D alcoholic beverages license ~~holder~~ in Carroll County or an individual designated by the license holder who has completed training in an approved alcohol awareness program to be present on the licensed premises at certain times when alcoholic beverages may be sold; providing for certain penalties; requiring at least one license holder to maintain alcohol awareness program certification while listed on the license; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 4–505(e) and 16–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 16–1901  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 16–1904  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

4–505.

(e) A holder of any retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program.

16–102.

This title applies only in Carroll County.

16-1901.

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the county without exception or variation:

- (1) § 4-502 (“Storage of alcoholic beverages”);
- (2) § 4-503 (“Solicitations and sales outside of licensed premises”);
- (3) [§ 4-505 (“Alcohol awareness program”);
- (4)] § 4-506 (“Evidence of purchaser’s age”);
- [(5)] (4) § 4-507 (“Retail delivery of alcoholic beverages”); and
- [(6)] (5) § 4-508 (“Display of license”).

(b) [Section 4-504] **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

(1) **§ 4-504 (“Employment of underage individuals”)** [of Division I of this article applies in the county], subject to § 16-1902 of this subtitle; **AND**

(2) **§ 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 16-1904 OF THIS SUBTITLE.**

16-1904.

(A) **THE HOLDER OF A CLASS B OR CLASS D LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL BE:**

(1) **CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;**  
**AND**

(2) **PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

(B) **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

- (1) **FOR THE FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

**(C) AT LEAST ONE INDIVIDUAL WHO IS LISTED ON THE LICENSE AS A LICENSE HOLDER SHALL MAINTAIN A CURRENT CERTIFICATE REFLECTING THE COMPLETION OF AN ALCOHOL AWARENESS PROGRAM WHILE THE INDIVIDUAL IS LISTED ON THE LICENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



# FREDERICK COUNTY



## **HB0586/SB0563 - Frederick County**

Alcoholic Beverages - Weinberg Center/New Spires Arts Stages Beer, Wine, and Liquor Licenses

### **Jurisdiction**

Frederick County

### **Statutes Affected**

Annotated Code of Maryland - Article - Alcoholic Beverages and Cannabis § 20-102 and 20-1015

### **Summary**

- The bill alters the Class C (Weinberg Center) beer, wine, and liquor license to be the Class C (Weinberg Center/New Spires Arts Stage) beer, wine, and liquor license.
- The bill adds the New Spires Arts Stages to the venues that can be issued this license by the Board.
- The manager of the center, the arts stage, or another municipal official designated by the Mayor shall sign the application.
- The bill allows beer, wine, and liquor to be sold at New Spires Arts Stages or events hosted by outside groups renting the facility, from 1 hour before to 1 hour after the event.

**Effective Date(s): July 1, 2024**

## Chapter 1002

**(House Bill 586)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Weinberg Center/New Spires Arts Stages Beer, Wine, and Liquor License**

FOR the purpose of altering the Class C (Weinberg Center) beer, wine, and liquor license in Frederick County to be the Class C (Weinberg Center/New Spires Arts Stages) beer, wine, and liquor license; expanding the licensed premises to include the New Spires Arts Stages; altering the officials who may sign a certain license application; authorizing the license holder to sell beer, wine, and liquor at an event held by a certain group that has rented a certain facility; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–1015  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

20–102.

This title applies only in Frederick County.

20–1015.

(a) There is a Class C (Weinberg Center/**NEW SPIRES ARTS STAGES**) beer, wine, and liquor license.

(b) The [president and two other officers] **MANAGER** of the Weinberg Center for the Arts **OR THE NEW SPIRES ARTS STAGES, OR ANOTHER MUNICIPAL OFFICIAL DESIGNATED BY THE MAYOR OF THE CITY OF FREDERICK**, shall sign the application



for the license.

(c) The Board may issue the license for use by the nonprofit Weinberg Center for the Arts **AT THE CENTER AND AT THE NEW SPIRES ARTS STAGES.**

(d) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail to a customer on the licensed premises.

(2) Beer, wine, and liquor may be consumed anywhere on the licensed premises.

(e) The license holder may sell beer, wine, and liquor from 1 hour before to 1 hour after:

(1) a performance; [or]

(2) a fund-raiser that benefits the Weinberg Center for the Arts **OR THE NEW SPIRES ARTS STAGES; OR**

**(3) AN EVENT HOSTED BY AN OUTSIDE GROUP THAT HAS RENTED EITHER FACILITY.**

(f) The annual license fee is \$325.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 1003

**(Senate Bill 563)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Weinberg Center/New Spires Arts Stages Beer, Wine, and Liquor License**

FOR the purpose of altering the Class C (Weinberg Center) beer, wine, and liquor license in Frederick County to be the Class C (Weinberg Center/New Spires Arts Stages) beer, wine, and liquor license; expanding the licensed premises to include the New Spires Arts Stages; altering the officials who may sign a certain license application; authorizing the license holder to sell beer, wine, and liquor at an event held by a certain group that has rented a certain facility; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–1015  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

20–102.

This title applies only in Frederick County.

20–1015.

(a) There is a Class C (Weinberg Center/**NEW SPIRES ARTS STAGES**) beer, wine, and liquor license.

(b) The [president and two other officers] **MANAGER** of the Weinberg Center for the Arts **OR THE NEW SPIRES ARTS STAGES, OR ANOTHER MUNICIPAL OFFICIAL DESIGNATED BY THE MAYOR OF THE CITY OF FREDERICK**, shall sign the application

for the license.

(c) The Board may issue the license for use by the nonprofit Weinberg Center for the Arts **AT THE CENTER AND AT THE NEW SPIRES ARTS STAGES.**

(d) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail to a customer on the licensed premises.

(2) Beer, wine, and liquor may be consumed anywhere on the licensed premises.

(e) The license holder may sell beer, wine, and liquor from 1 hour before to 1 hour after:

(1) a performance; [or]

(2) a fund-raiser that benefits the Weinberg Center for the Arts **OR THE NEW SPIRES ARTS STAGES; OR**

**(3) AN EVENT HOSTED BY AN OUTSIDE GROUP THAT HAS RENTED EITHER FACILITY.**

(f) The annual license fee is \$325.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## HB0587/SB0561 - Frederick County

Alcoholic Beverages - Manufacturer's Limited Beer, Wine, and Liquor Permit

### Jurisdiction

Frederick County

### Statutes Affected

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 20-102, 20-401, 20-402.1

### Summary

- Changes how Class 1 Distillery Licenses and Class 5 Brewery Licenses, found in ABC Title 2 Subtitle 2 (“Manufacturer’s Licenses”), may operate in Frederick County by creating a new permit which the board may issue to authorize expanded on-site service.
- Manufacturer’s Limited Beer, Wine, and Liquor Permit:
  - ▶ The Board may issue the permit to a holder of a Manufacturer’s License with a local on-site consumption permit.
  - ▶ The permit authorizes the holder to allow a licensed caterer or contracted party to provide sealed beer, wine,

and liquor products not manufactured by the holder brewery or distillery, during private events only.

- ▶ The permit holder must request approval from the Board before each event.
- ▶ The Board will establish regulations for event approval criteria and annual permit fees.
- Permit Restrictions:
  - ▶ The permit holding manufacturer may not have any financial interest, direct or indirect, in the licensed caterer or any other contracted party.
  - ▶ The permit holding manufacturer may not allow patrons that are visiting any other part of the manufacturer’s license premises that’s open to the public, to enter the private event area while the event is being held.

**Effective Date(s): July 1, 2024**

## Chapter 1004

**(House Bill 587)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Manufacturer’s Limited Beer, Wine,  
and Liquor Permit**

FOR the purpose of establishing a manufacturer’s limited beer, wine, and liquor permit in Frederick County; authorizing the Board of License Commissioners for Frederick County to issue a permit to holders of certain manufacturer’s licenses; requiring the Board to adopt certain regulations; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 20–102  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 20–401  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

BY adding to  
Article – Alcoholic Beverages and Cannabis  
Section 20–402.1  
Annotated Code of Maryland  
(2016 Volume and 2023 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**

20–102.

This title applies only in Frederick County.

20–401.

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 (“Issuance by Comptroller”);
- (2) [§ 2–202 (“Class 1 distillery license”);
- (3)] § 2–203 (“Class 9 limited distillery license”);
- [(4)] **(3)** § 2–204 (“Class 2 rectifying license”);
- [(5)] § 2–207 (“Class 5 brewery license”);
- (6)] **(4)** § 2–210 (“Class 8 farm brewery license”);
- [(7)] **(5)** § 2–211 (“Residency requirement”);
- [(8)] **(6)** § 2–212 (“Additional licenses”);
- [(9)] **(7)** § 2–213 (“Additional fees”);
- [(10)] **(8)** § 2–214 (“Sale or delivery restricted”);
- [(11)] **(9)** § 2–215 (“Beer sale on credit to retail dealer prohibited”);
- [(12)] **(10)** § 2–216 (“Interaction between manufacturing entities and  
retailers”);
- [(13)] **(11)** § 2–217 (“Distribution of alcoholic beverages — Prohibited  
practices”); and
- [(14)] **(12)** § 2–218 (“Restrictive agreements between producers and  
retailers — Prohibited”).

(b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:

**(1) § 2–202 (“CLASS 1 DISTILLERY LICENSE”), SUBJECT TO § 20–402.1 OF THIS SUBTITLE;**

[(1)] **(2)** § 2–205 (“Class 3 winery license”), subject to § 20–403 of this subtitle;

[(2)] **(3)** § 2–206 (“Class 4 limited winery license”), subject to § 20–404 of this subtitle;

(4) § 2-207 (“CLASS 5 BREWERY LICENSE”), SUBJECT TO § 20-402.1 OF THIS SUBTITLE;

[(3)] (5) § 2-208 (“Class 6 pub-brewery license”), subject to § 20-405 of this subtitle; and

[(4)] (6) § 2-209 (“Class 7 micro-brewery license”), subject to § 20-406 of this subtitle.

20-402.1.

(A) THERE IS A MANUFACTURER’S LIMITED BEER, WINE, AND LIQUOR PERMIT.

(B) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A MANUFACTURER’S LICENSE WITH A LOCAL ON-SITE CONSUMPTION PERMIT UNDER § 2-202 OR § 2-207 OF THIS ARTICLE.

(C) (1) (I) ~~THE SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,~~ THE PERMIT AUTHORIZES THE HOLDER TO ALLOW A LICENSED CATERER OR OTHER CONTRACTED PARTY TO PROVIDE SEALED BEER, WINE, AND LIQUOR PRODUCTS NOT MANUFACTURED BY THE HOLDER DURING PRIVATE EVENTS FOR ON-PREMISES CONSUMPTION AT THE PREMISES LICENSED FOR THE MANUFACTURER’S LICENSE.

(II) THE HOLDER MAY NOT HAVE A DIRECT OR INDIRECT PECUNIARY INTEREST IN THE LICENSED CATERER OR OTHER CONTRACTED PARTY.

(2) THE HOLDER MAY NOT ALLOW PATRONS WHO ARE VISITING ANY PART OF THE MANUFACTURER’S LICENSED PREMISES THAT IS OPEN TO THE PUBLIC TO ENTER THE PRIVATE EVENT AREA WHILE THE PRIVATE EVENT IS BEING HELD.

(D) THE HOLDER SHALL REQUEST APPROVAL FROM THE BOARD BEFORE EACH EVENT.

(E) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING:

(1) CRITERIA FOR APPROVING EVENTS; AND

(2) SETTING THE ANNUAL PERMIT FEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



Chapter 1005

**(Senate Bill 561)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Manufacturer’s Limited Beer, Wine, and Liquor Permit**

FOR the purpose of establishing a manufacturer’s limited beer, wine, and liquor permit in Frederick County; authorizing the Board of License Commissioners for Frederick County to issue a permit to holders of certain manufacturer’s licenses; requiring the Board to adopt certain regulations; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–401  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–402.1  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

20–102.

This title applies only in Frederick County.

20–401.

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 (“Issuance by Comptroller”);
- (2) [§ 2–202 (“Class 1 distillery license”);
- (3)] § 2–203 (“Class 9 limited distillery license”);
- [(4)] **(3)** § 2–204 (“Class 2 rectifying license”);
- [(5)] § 2–207 (“Class 5 brewery license”);
- (6)] **(4)** § 2–210 (“Class 8 farm brewery license”);
- [(7)] **(5)** § 2–211 (“Residency requirement”);
- [(8)] **(6)** § 2–212 (“Additional licenses”);
- [(9)] **(7)** § 2–213 (“Additional fees”);
- [(10)] **(8)** § 2–214 (“Sale or delivery restricted”);
- [(11)] **(9)** § 2–215 (“Beer sale on credit to retail dealer prohibited”);
- [(12)] **(10)** § 2–216 (“Interaction between manufacturing entities and  
retailers”);
- [(13)] **(11)** § 2–217 (“Distribution of alcoholic beverages — Prohibited  
practices”); and
- [(14)] **(12)** § 2–218 (“Restrictive agreements between producers and  
retailers — Prohibited”).

(b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:

**(1) § 2–202 (“CLASS 1 DISTILLERY LICENSE”), SUBJECT TO § 20–402.1 OF THIS SUBTITLE;**

[(1)] **(2)** § 2–205 (“Class 3 winery license”), subject to § 20–403 of this subtitle;

[(2)] **(3)** § 2–206 (“Class 4 limited winery license”), subject to § 20–404 of this subtitle;

**(4) § 2-207 (“CLASS 5 BREWERY LICENSE”), SUBJECT TO § 20-402.1 OF THIS SUBTITLE;**

**[(3)] (5) § 2-208 (“Class 6 pub-brewery license”), subject to § 20-405 of this subtitle; and**

**[(4)] (6) § 2-209 (“Class 7 micro-brewery license”), subject to § 20-406 of this subtitle.**

**20-402.1.**

**(A) THERE IS A MANUFACTURER’S LIMITED BEER, WINE, AND LIQUOR PERMIT.**

**(B) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A MANUFACTURER’S LICENSE WITH A LOCAL ON-SITE CONSUMPTION PERMIT UNDER § 2-202 OR § 2-207 OF THIS ARTICLE.**

**(C) (1) (I) ~~THE SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, SUBPARAGRAPH (II) OF THIS PARAGRAPH,~~ THE PERMIT AUTHORIZES THE HOLDER TO ALLOW A LICENSED CATERER OR OTHER CONTRACTED PARTY TO PROVIDE SEALED BEER, WINE, AND LIQUOR PRODUCTS NOT MANUFACTURED BY THE HOLDER DURING PRIVATE EVENTS FOR ON-PREMISES CONSUMPTION AT THE PREMISES LICENSED FOR THE MANUFACTURER’S LICENSE.**

**~~(2) (II) THE HOLDER MAY NOT HAVE A DIRECT OR INDIRECT PECUNIARY INTEREST IN THE LICENSED CATERER OR OTHER CONTRACTED PARTY.~~**

**~~(2) THE HOLDER MAY NOT ALLOW PATRONS WHO ARE VISITING ANY PART OF THE MANUFACTURER’S LICENSED PREMISES THAT IS OPEN TO THE PUBLIC TO ENTER THE PRIVATE EVENT AREA WHILE THE PRIVATE EVENT IS BEING HELD.~~**

**(D) THE HOLDER SHALL REQUEST APPROVAL FROM THE BOARD BEFORE EACH EVENT.**

**(E) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING:**

**(1) CRITERIA FOR APPROVING EVENTS; AND**

**(2) SETTING THE ANNUAL PERMIT FEE.**

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.**

**Approved by the Governor, May 16, 2024.**



## **HB0588/SB0560 - Frederick County**

Alcoholic Beverages - Municipal Golf Course License

### **Jurisdiction**

Frederick County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 20-102 and 20-1009.3

### **Summary**

- This bill allows the Board of License Commissioners for Frederick County to issue, or transfer, a municipal golf course license to a city official designated by the Mayor, rather than only to a manager of the course.

**Effective Date(s): July 1, 2024**

## Chapter 1006

**(House Bill 588)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Municipal Golf Course License**

FOR the purpose of authorizing the Board of License Commissioners for Frederick County to issue a municipal golf course license to an official of the City of Frederick designated by the Mayor of the City of Frederick; authorizing the Board to transfer the license to a different city official designated by the Mayor under certain circumstances; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–1009.3  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

20–102.

This title applies only in Frederick County.

20–1009.3.

(a) This section applies only to a municipal golf course that is operated by a municipal golf course manager or a golf course manager under a management agreement with the City of Frederick.

(b) There is a Class M–G beer, wine, and liquor license for use at a municipal golf course.

(c) The Board may issue the license to:

(1) a manager of a municipal golf course; **OR**

(2) **AN OFFICIAL OF THE CITY OF FREDERICK DESIGNATED BY THE MAYOR OF THE CITY OF FREDERICK.**

(d) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption on the land and in the facilities used for golfing purposes.

(e) (1) The license holder may designate an agent to sell beer, wine, and liquor at the municipal golf course.

(2) The agent shall be considered the vendor for purposes of collecting and remitting the sales and use tax.

(f) On request of the City of Frederick, the Board may transfer the license to a different:

(1) golf course manager; **OR**

(2) **CITY OFFICIAL DESIGNATED BY THE MAYOR.**

(g) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005 of this title.

(h) The annual license fee is \$600.

(i) The Board shall adopt regulations to carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 1007

**(Senate Bill 560)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Municipal Golf Course License**

FOR the purpose of authorizing the Board of License Commissioners for Frederick County to issue a municipal golf course license to an official of the City of Frederick designated by the Mayor of the City of Frederick; authorizing the Board to transfer the license to a different city official designated by the Mayor under certain circumstances; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–1009.3  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

20–102.

This title applies only in Frederick County.

20–1009.3.

(a) This section applies only to a municipal golf course that is operated by a municipal golf course manager or a golf course manager under a management agreement with the City of Frederick.

(b) There is a Class M–G beer, wine, and liquor license for use at a municipal golf course.

(c) The Board may issue the license to:



(1) a manager of a municipal golf course; **OR**

(2) **AN OFFICIAL OF THE CITY OF FREDERICK DESIGNATED BY THE MAYOR OF THE CITY OF FREDERICK.**

(d) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption on the land and in the facilities used for golfing purposes.

(e) (1) The license holder may designate an agent to sell beer, wine, and liquor at the municipal golf course.

(2) The agent shall be considered the vendor for purposes of collecting and remitting the sales and use tax.

(f) On request of the City of Frederick, the Board may transfer the license to a different:

(1) golf course manager; **OR**

(2) **CITY OFFICIAL DESIGNATED BY THE MAYOR.**

(g) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005 of this title.

(h) The annual license fee is \$600.

(i) The Board shall adopt regulations to carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## **HB0742/SB0770 - Frederick County**

Alcoholic Beverages - Stadium License

### **Jurisdiction**

Frederick County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 20-102 and 20-1013

### **Summary**

- This bill authorizes the holder of a stadium license to sell liquor for on-premises consumption in addition to beer and wine.
- Increases the annual fee to \$2,500.

**Effective Date(s): June 1, 2024**

Chapter 1017

**(House Bill 742)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Stadium License**

FOR the purpose of authorizing the holder of a stadium license in Frederick County to sell liquor for on–premises consumption in addition to beer and wine; altering the annual license fee for a stadium license in the county; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–1013  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

20–102.

This title applies only in Frederick County.

20–1013.

(a) There is a stadium license.

(b) The Board may issue the license to the owner of a professional baseball team franchise, regardless of whether the franchise is a partnership, corporation, or limited liability company.

(c) The license authorizes the license holder, at the stadium in which the baseball team plays its home games, to sell beer [and], wine, **AND LIQUOR:**

(1) in plastic or paper containers on the licensed premises;

- (2) for on-premises consumption; and
- (3) to an individual present at an event held in the stadium.

(d) The license holder may sell alcoholic beverages from the time the stadium opens for the event until the event ends.

(e) The license holder may not allow an individual to:

- (1) carry any alcoholic beverage onto the licensed premises; or
- (2) carry any alcoholic beverage from the licensed premises.

(f) The annual license fee is [~~\$2,000~~] **\$2,500**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2024.

**Approved by the Governor, May 16, 2024.**

Chapter 1018

**(Senate Bill 770)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Stadium License**

FOR the purpose of authorizing the holder of a stadium license in Frederick County to sell liquor for on–premises consumption in addition to beer and wine; altering the annual license fee for a stadium license in the county; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–1013  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

20–102.

This title applies only in Frederick County.

20–1013.

(a) There is a stadium license.

(b) The Board may issue the license to the owner of a professional baseball team franchise, regardless of whether the franchise is a partnership, corporation, or limited liability company.

(c) The license authorizes the license holder, at the stadium in which the baseball team plays its home games, to sell beer [and], wine, **AND LIQUOR:**

(1) in plastic or paper containers on the licensed premises;

- (2) for on-premises consumption; and
- (3) to an individual present at an event held in the stadium.

(d) The license holder may sell alcoholic beverages from the time the stadium opens for the event until the event ends.

(e) The license holder may not allow an individual to:

- (1) carry any alcoholic beverage onto the licensed premises; or
- (2) carry any alcoholic beverage from the licensed premises.

(f) The annual license fee is [~~\$2,000~~] **\$2,500**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2024.

**Approved by the Governor, May 16, 2024.**



## **HB0743/SB0767 - Frederick County**

Alcoholic Beverages - Promoter's Permit

### **Jurisdiction**

Frederick County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 20-102, 20-1103

### **Summary**

- The bill alters the promoter permit to be a promoter's (on-sale) beer, wine, and liquor permit, which allows promoters to directly sell alcohol.
- The Board may now issue the permit to a for-profit organization that publicizes, sells tickets, organizes, operates, produces, or stages an event where alcohol is served.
  - ▶ It allows the holder to sell beer, wine, and liquor at an event.
- The permit holder may not also hold an alcoholic beverages license.

**Effective Date(s): July 1, 2024**

Chapter 1019

(House Bill 743)

AN ACT concerning

**Frederick County – Alcoholic Beverages – Promoter’s ~~License~~ Permit**

FOR the purpose of altering the promoter’s permit in Frederick County to be a promoter’s (on-sale) beer, wine, and liquor ~~license permit~~; authorizing the Board of License Commissioners for Frederick County to issue the ~~license permit~~ to a certain for-profit organization under certain circumstances; authorizing a ~~license permit~~ holder to sell beer, wine, and liquor at an event; and generally relating to alcoholic beverages in Frederick County.

~~BY renumbering~~

~~Article – Alcoholic Beverages and Cannabis  
Section 20-1103  
to be Section 20-1011.1  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)~~

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 20-102  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages and Cannabis  
Section ~~20-1011.1~~ 20-1103  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)  
~~(As enacted by Section 1 of this Act)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That ~~Section(s) 20-1103 of Article – Alcoholic Beverages and Cannabis of the Annotated Code of Maryland be renumbered to be Section(s) 20-1011.1.~~

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

**Article – Alcoholic Beverages and Cannabis**

20-102.

This title applies only in Frederick County.



~~20-1011.1~~ 20-1103.

(a) There is a promoter's ~~[permit]~~ ~~(ON SALE) BEER, WINE, AND LIQUOR LICENSE.~~

(b) **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** [A for-profit organization shall obtain the permit from the] ~~THE~~ **THE** Board [before the organization] may [publicize, sell tickets for, organize, operate, produce, or stage] **ISSUE THE LICENSE PERMIT FOR USE BY A FOR-PROFIT ORGANIZATION THAT PUBLICIZES, SELLS TICKETS FOR, ORGANIZES, OPERATES, PRODUCES, OR STAGES** an event [at which] **WHERE** alcoholic beverages are sold or served.

**(2) THE PERMIT HOLDER MAY NOT HOLD AN ALCOHOLIC BEVERAGES LICENSE UNDER THIS ARTICLE.**

(c) **THE LICENSE PERMIT AUTHORIZES THE LICENSE PERMIT HOLDER TO SELL BEER, WINE, AND LIQUOR AT AN EVENT.**

(D) The Board may adopt regulations establishing the requirements for conducting an event described in subsection (b) of this section, including health and safety standards to be met by a ~~[permit]~~ ~~LICENSE~~ holder.

~~[(d)]~~ **(E)** The ~~[permit]~~ ~~LICENSE~~ fee is:

- (1) \$50, if the promoter expects that fewer than 500 individuals will attend;
- (2) \$250, if the promoter expects that from 500 to 1,000 individuals will attend;
- (3) \$600, if the promoter expects that from 1,001 to 3,000 individuals will attend; and
- (4) \$1,000, if the promoter expects that more than 3,000 individuals will attend.

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 1020

**(Senate Bill 767)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Promoter’s ~~License~~ Permit**

FOR the purpose of altering the promoter’s permit in Frederick County to be a promoter’s (on-sale) beer, wine, and liquor ~~license permit~~; authorizing the Board of License Commissioners for Frederick County to issue the ~~license permit~~ to a certain for-profit organization under certain circumstances; authorizing a ~~license permit~~ holder to sell beer, wine, and liquor at an event; and generally relating to alcoholic beverages in Frederick County.

~~BY renumbering~~

~~Article – Alcoholic Beverages and Cannabis  
Section 20-1103  
to be Section 20-1011.1  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)~~

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 20-102  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages and Cannabis  
Section ~~20-1011.1~~ 20-1103  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)  
~~(As enacted by Section 1 of this Act)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That ~~Section(s) 20-1103 of Article – Alcoholic Beverages and Cannabis of the Annotated Code of Maryland be renumbered to be Section(s) 20-1011.1.~~

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

**Article – Alcoholic Beverages and Cannabis**

20-102.

This title applies only in Frederick County.

~~20-1011.1.~~ 20-1103.

(a) There is a promoter's ~~[permit]~~ ~~(ON SALE) BEER, WINE, AND LIQUOR LICENSE~~.

(b) **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** [A for-profit organization shall obtain the permit from the] ~~THE~~ **THE** Board [before the organization] may **ISSUE THE LICENSE PERMIT FOR USE BY A FOR-PROFIT ORGANIZATION THAT [publicize, sell tickets for, organize, operate, produce, or stage] PUBLICIZES, SELLS TICKETS FOR, ORGANIZES, OPERATES, PRODUCES, OR STAGES** an event [at which] **WHERE** alcoholic beverages are sold or served.

**(2) THE PERMIT HOLDER MAY NOT HOLD AN ALCOHOLIC BEVERAGES LICENSE UNDER THIS ARTICLE.**

(c) **THE ~~LICENSE PERMIT~~ AUTHORIZES THE ~~LICENSE PERMIT~~ HOLDER TO SELL BEER, WINE, AND LIQUOR AT AN EVENT.**

**(D)** The Board may adopt regulations establishing the requirements for conducting an event described in subsection (b) of this section, including health and safety standards to be met by a ~~[permit]~~ ~~LICENSE~~ holder.

~~[(d)]~~ **(E)** The ~~[permit]~~ ~~LICENSE~~ fee is:

- (1) \$50, if the promoter expects that fewer than 500 individuals will attend;
- (2) \$250, if the promoter expects that from 500 to 1,000 individuals will attend;
- (3) \$600, if the promoter expects that from 1,001 to 3,000 individuals will attend; and
- (4) \$1,000, if the promoter expects that more than 3,000 individuals will attend.

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## HB1377 - Frederick County

Alcoholic Beverages - Brewery and Distillery Licenses

### Jurisdiction

Frederick County

### Statutes Affected

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 2-202(a), (e), (i), 2-207(b), (f), (g), 20-102, 20-401, 20-407, 20-408

### Summary

- Establishes a Class DBR brewery license and a Class DDS distillery permit in Frederick County.
  - The Class DBR license may be issued to a holder of a Class 5 brewery license, and serves as the on-premises consumption permit for that brewery.
  - The Board sets regulations and the annual license fee.
    - ▶ The license holder may sell:
      - Food and nonalcoholic beverages.
- Beer brewed at the brewery, which can be consumed on and off premises as permitted by the holder's Class 5 brewery license.
  - The Class DDS permit may be issued to a holder of a Class 1 distillery license, serves as the on-premises consumption premises, and the Board sets regulations and annual permit fee.
    - ▶ The permit holder may sell:
      - Food and nonalcoholic beverages.
      - Brandy, rum, whiskey, alcohol, and neutral spirits distilled, rectified, blended, and bottled at the distillery can be consumed on and off premises as permitted by the holder's Class 1 distillery license.

**Effective Date(s): July 1, 2024**

Chapter 1041

**(House Bill 1377)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Brewery and Distillery Licenses**

FOR the purpose of establishing in Frederick County a Class DBR brewery license and a Class DDS distillery ~~license~~ permit; authorizing the Board of License Commissioners for Frederick County to issue to the holder of a certain brewery license a Class DBR license, which authorizes the holder to sell certain amounts of beer for on-premises consumption; authorizing the Board of License Commissioners for Frederick County to issue to the holder of a certain distillery license a Class DDS ~~license~~ permit, which authorizes the holder to sell certain amounts of alcoholic beverages for on-premises consumption; and generally relating to brewery and distillery licenses in Frederick County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 2–202(a), (e), and (i), 2–207(b), (f), and (g), and 20–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–401  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 20–407 and 20–408  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

2–202.

- (a) There is a Class 1 distillery license.

(e) Subject to subsection (f) of this section, a license holder may conduct the activities specified in subsections (c)(5) and (i)(2) of this section from 10 a.m. to 10 p.m. each day.

(i) (1) A local licensing board may grant an on-site consumption permit for use at the location of the Class 1 distillery license to a holder of a Class 1 distillery license.

(2) (i) The permit authorizes the holder to sell mixed drinks made from liquor that the holder produces that is mixed with other nonalcoholic ingredients for on-premises consumption.

(ii) The holder may not use more than an aggregate of 7,750 gallons annually of liquor the holder produces for mixed drinks sold under subparagraph (i) of this paragraph.

(3) A local licensing board:

(i) may establish and charge a permit fee; and

(ii) shall require the permit holder to:

1. comply with the alcohol awareness requirements under § 4-505 of this article; and

2. abide by all applicable trade practice restrictions.

2-207.

(b) There is a Class 5 brewery license.

(f) (1) (i) A local licensing board may grant an on-site consumption permit to an applicant that holds a Class 5 brewery license and, subject to paragraph (5) of this subsection, a Class D beer license.

(ii) On request, a local licensing board may grant an applicant a conditional on-site consumption permit or a conditional Class D beer license.

(iii) The conditional permit or conditional license shall become effective after the applicant:

1. files a completed brewer's notice form with the U.S. Department of Treasury;

2. obtains a Class 5 brewery license; and

3. fulfills any other obligation required by law that the local licensing board identifies.

(2) Subject to the maximum volume limit under paragraph (4) of this subsection, a Class D beer license or an equivalent license under paragraph (5) of this subsection entitles the holder to sell to an individual who has attained the legal drinking age, for on-premises consumption at the brewery:

(i) beer:

1. of which the holder of the Class 5 license is the brand owner; and

2. that is fermented and brewed entirely by the license holder at a location authorized by this section;

(ii) beer that is fermented and brewed entirely at the brewery under contract with a brand owner who does not possess a Class 5 license; and

(iii) subject to paragraph (3) of this subsection, beer brewed at a location other than the Class 5 brewery if:

1. the brand owner of the beer is the holder of the Class 5 license or an affiliate of the holder of the Class 5 license;

2. the number of barrels of the beer sold for on-premises consumption under the Class D beer license or an equivalent license or an on-site consumption permit in a calendar year does not exceed the greater of:

A. 25% of the total number of barrels of beer sold for on-premises consumption under the Class D license or an equivalent license or an on-site consumption permit in that calendar year; or

B. 1.2% of total finished production under the Class 5 brewery license; and

3. A. the license holder contracts with or on behalf of a holder of a manufacturer's license or nonresident dealer's permit; or

B. the beer is manufactured by an affiliate of the license holder.

(3) (i) This paragraph applies to a Class 5 brewery with more than 1,000,000 barrels of finished production annually, alone or in combination with its affiliates.

(ii) Beer that is delivered to the Class 5 brewery in finished form may be sold for on-premises consumption under paragraph (2)(iii)2 of this subsection only if it is purchased from a licensed wholesaler.

(4) The total amount of beer sold each year for on-premises consumption under this subsection may not exceed 5,000 barrels.

(5) Before a local licensing board that does not issue a Class D beer license may grant an on-site consumption permit, the local licensing board shall:

- (i) establish an equivalent license; and
- (ii) require the applicant to obtain that equivalent license.

(6) A local licensing board may charge a fee for granting an on-site consumption permit.

(7) A local licensing board shall require the holder of an on-site consumption permit or a Class D beer license or an equivalent license under paragraph (5) of this subsection to:

- (i) comply with the alcohol awareness requirements under § 4-505 of this article; and
- (ii) abide by all applicable trade practice restrictions.

(g) (1) This subsection does not apply to:

(i) the holder of a Class 5 brewery license that held an on-site consumption permit and a Class D license or an equivalent license on or before April 1, 2017, and any transferee of those licenses;

(ii) an individual who held a minority interest in an on-site consumption permit and a Class D license or an equivalent license on or before April 1, 2017, and then obtains by transfer a majority interest in the same license or permit;

(iii) a location in the State for which a completed brewer's notice form was filed with the U. S. Department of Treasury on or before April 1, 2017;

(iv) a permit issued under § 2-140 of this title; and

(v) a guided tour during which:

1. samples of beer are served under subsection (c)(5) of this section; or



2. beer is sold for off-premises consumption under subsection (c)(6) of this section.

(2) This subsection applies to:

(i) a holder of a Class 5 brewery license who:

1. after April 1, 2017, obtains an on-site consumption permit and a Class D beer license or equivalent license for on-premises consumption; or

2. not holding a minority interest in an on-site consumption permit and a Class D license or an equivalent license on or before April 1, 2017, obtains a majority interest by transfer in an on-site consumption permit and a Class D license or an equivalent license; and

(ii) notwithstanding paragraph (1)(iii) of this subsection, a manufacturer of beer with more than 1,000,000 barrels of finished production annually alone or in combination with its affiliates.

(3) Notwithstanding any provision in Division II of this article, the sales and serving privileges of an on-site consumption permit and a Class D license or an equivalent license may be exercised only from 10 a.m. to 10 p.m. Monday through Sunday.

20-102.

This title applies only in Frederick County.

20-401.

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 2-201 (“Issuance by Comptroller”);

(2) [§ 2-202 (“Class 1 distillery license”);

(3)] § 2-203 (“Class 9 limited distillery license”);

[(4)] (3) § 2-204 (“Class 2 rectifying license”);

[(5)] § 2-207 (“Class 5 brewery license”);

(6)] (4) § 2-210 (“Class 8 farm brewery license”);

[(7)] (5) § 2-211 (“Residency requirement”);

**[(8)] (6)** § 2–212 (“Additional licenses”);

**[(9)] (7)** § 2–213 (“Additional fees”);

**[(10)] (8)** § 2–214 (“Sale or delivery restricted”);

**[(11)] (9)** § 2–215 (“Beer sale on credit to retail dealer prohibited”);

**[(12)] (10)** § 2–216 (“Interaction between manufacturing entities and retailers”);

**[(13)] (11)** § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and

**[(14)] (12)** § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:

**(1) § 2–202 (“CLASS 1 DISTILLERY LICENSE”), SUBJECT TO § 20–408 OF THIS SUBTITLE;**

**(2)** § 2–205 (“Class 3 winery license”), subject to § 20–403 of this subtitle;

**[(2)] (3)** § 2–206 (“Class 4 limited winery license”), subject to § 20–404 of this subtitle;

**(4) § 2–207 (“CLASS 5 BREWERY LICENSE”), SUBJECT TO § 20–407 OF THIS SUBTITLE;**

**[(3)] (5)** § 2–208 (“Class 6 pub–brewery license”), subject to § 20–405 of this subtitle; and

**[(4)] (6)** § 2–209 (“Class 7 micro–brewery license”), subject to § 20–406 of this subtitle.

**20–407.**

**(A) THERE IS A CLASS DBR LICENSE.**

**(B) THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 5 BREWERY LICENSE.**

(C) THE LICENSE SERVES AS THE ON-PREMISES CONSUMPTION PERMIT REQUIRED UNDER §§ 2-207(F) AND (G) OF THIS ARTICLE.

(D) THE LICENSE HOLDER MAY SELL:

(1) FOOD AND NONALCOHOLIC BEVERAGES; AND

(2) BEER BREWED AT THE BREWERY FOR ON- AND OFF-PREMISES CONSUMPTION TO THE EXTENT THE LICENSE HOLDER IS ALLOWED UNDER THE LICENSE HOLDER'S CLASS 5 BREWERY LICENSE.

(E) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION AND TO SET THE ANNUAL LICENSE FEE.

20-408.

(A) THERE IS A CLASS DDS ~~LICENSE~~ PERMIT.

(B) THE ~~LICENSE~~ PERMIT MAY BE ISSUED TO A HOLDER OF A CLASS 1 DISTILLERY LICENSE.

(C) THE ~~LICENSE~~ PERMIT SERVES AS THE ON-PREMISES CONSUMPTION PERMIT REQUIRED UNDER §§ 2-202(E) AND (I) OF THIS ARTICLE.

(D) THE ~~LICENSE~~ PERMIT HOLDER MAY SELL:

(1) FOOD AND NONALCOHOLIC BEVERAGES; AND

(2) BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS THAT ARE DISTILLED, RECTIFIED, BLENDED, AND BOTTLED AT THE DISTILLERY FOR ON- AND OFF-PREMISES CONSUMPTION TO THE EXTENT THE ~~LICENSE~~ PERMIT HOLDER IS ALLOWED UNDER THE LICENSE HOLDER'S CLASS 1 DISTILLERY LICENSE.

(E) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION AND TO SET THE ANNUAL ~~LICENSE~~ PERMIT FEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 16, 2024.



# **GARRETT COUNTY**



## SB0428 - Garrett County

### Alcoholic Beverages Act of 2024

## Jurisdiction

### Garrett County

## Statutes Affected

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 12-102, 21-1002, 21-1002.1, 21-1304.3, 12-1408, 21-2502, 21-2002(a)

## Summary

- This omnibus bill makes several changes to law in Garrett County, including establishing a resort beer license, a resort beer and wine license, and a beer, wine and liquor festival license in Garrett County, and other general changes.

#### Class B resort license:

- ▶ The Class B-resort beer license and the Class B-resort beer and wine license can be issued by the Board to a license holder for a complex that has at least two facilities that are:
  - Located on the same adjoining property,
  - Separated by at least 150 feet from the main area of the licensed premises, and
  - Determined by the Board to be hotel, motel, recreational, or restaurant facilities.
- ▶ The Class B-resort beer license allows

the holder to sell beer during the hours and days established for a Class B beer license.

- ▶ The Class B- resort beer and wine license authorizes the holder to sell at a hotel, motel, recreational, or restaurant facility, at the place described in the license:
  - Beer and wine for on-premises consumption.
  - Beer for off-premises consumption.
- ▶ The license holder may sell beer and wine during the hours and days specified for a Class B Beer and Wine license.

#### Beer, Wine, and Liquor Festival license:

- ▶ Defines “festival” as the Garrett County Beer, Wine, and Liquor Festival and “festival organization” as a nonprofit chosen by the county to organize a festival.
  - However, A non-profit selected for the festival must have extensive experience in organizing and managing large-scale public events.
- ▶ The Board may issue the beer, wine, and liquor festival license to a holder of a retail license or an individual that

is eligible to hold a Class C multiple day or event license.

- May issue not more than 4 licenses each year.
- ▶ This license holder is permitted to display and sell beer, wine, and liquor that is:
  - Manufactured and processed both within and outside the state, and
  - Distributed within the state at the time the license application is submitted.
- ▶ The holder must display and sell alcohol to be sold at retail for both on-premises and off-premises consumption, and it is available for sale during the designated hours and days of the festival.
- ▶ The bill requires the Board to:
  - Hold a hearing for the license application,
  - Publish notice of the hearing in a newspaper within the county at least 7 days before the scheduled date,
  - Choose a location for the festival, and
  - Establish the license fee.

- ▶ A holder of a retail license or state wholesaler's license may enter into an agreement with the holder of the Beer, Wine, and Liquor Festival license to:
  - Deliver beer, wine, and liquor no earlier than 2 days before the effective date of the license.
  - Accept returns no later than 5 days after the expiration date of the license.

Other Statutory changes applicable to all licenses:

- ▶ Changes the start of alcoholic beverages sales on Sundays from 10 a.m. to 6 a.m. for multiple license types.
- ▶ Changes the residency requirement for licenses so that at least 1 applicant must be a resident in the State and remain in the State, but they do not need to reside in Garrett County.
- ▶ Establishes a misdemeanor criminal offense with a \$5000 fine per day for bringing or allowing consumption of alcohol in an adult entertainment establishment.
- ▶ Raises the maximum fine for other law violations from \$3000 to \$5000.

**Effective Date(s): July 1, 2024**

## Chapter 1044

**(Senate Bill 428)**

AN ACT concerning

**Garrett County Alcoholic Beverages Act of 2024**

FOR the purpose of establishing a resort beer license, a resort beer and wine license, and a beer, wine, and liquor festival license in Garrett County; altering the hours of sale for alcoholic beverages on Sundays for certain licenses; altering the residency requirements for certain applicants for an alcoholic beverages license in the county; prohibiting alcoholic beverages from being brought into places of adult entertainment and consumed or transferred; establishing certain penalties for a person that brings alcoholic beverages into a place of adult entertainment and consumes or transfers the alcoholic beverages; altering the maximum fine for violating an alcoholic beverages law affecting the county; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 21–102 and 21–2002(a)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 21–1002, 21–1002.1, 21–1304.3, 21–1408, and 21–2502  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 21–1002, 21–1401, 21–2002(f), 21–2003, 21–2004, and 21–2802  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

21–102.

This title applies only in Garrett County.

**21–1002.**

**(A) THERE IS A CLASS B–RESORT BEER LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER FOR A COMPLEX THAT HAS AT LEAST TWO FACILITIES THAT ARE:**

**(1) LOCATED ON THE SAME CONTIGUOUS PROPERTY;**

**(2) SEPARATED BY AT LEAST 150 FEET FROM THE MAIN AREA OF THE LICENSED PREMISES; AND**

**(3) DETERMINED BY THE BOARD TO BE HOTEL, MOTEL, RECREATIONAL, OR RESTAURANT FACILITIES.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER FOR ON– OR OFF–PREMISES CONSUMPTION AT A HOTEL, MOTEL, RECREATIONAL, OR RESTAURANT FACILITY AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(D) THE LICENSE HOLDER MAY SELL BEER DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER LICENSE UNDER § 21–2002 OF THIS TITLE.**

**(E) THE ANNUAL LICENSE FEES ARE:**

**(1) \$300 FOR A 6–DAY LICENSE FOR TWO FACILITIES;**

**(2) \$150 FOR EACH ADDITIONAL FACILITY FOR A 6–DAY LICENSE;**

**(3) \$350 FOR A 7–DAY LICENSE FOR TWO FACILITIES; AND**

**(4) \$175 FOR EACH ADDITIONAL FACILITY FOR A 7–DAY LICENSE.**

**(F) THE BOARD SHALL CHARGE A ONE–TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

#### **21–1002.1.**

**(A) THERE IS A CLASS B–RESORT BEER AND WINE LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER FOR A COMPLEX THAT HAS AT LEAST TWO FACILITIES THAT ARE:**

**(1) LOCATED ON THE SAME CONTIGUOUS PROPERTY;**



(2) SEPARATED BY AT LEAST 150 FEET FROM THE MAIN AREA OF THE LICENSED PREMISES; AND

(3) DETERMINED BY THE BOARD TO BE HOTEL, MOTEL, RECREATIONAL, OR RESTAURANT FACILITIES.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT A HOTEL, MOTEL, RECREATIONAL, OR RESTAURANT FACILITY AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE:

(1) BEER AND WINE FOR ON-PREMISES CONSUMPTION; AND

(2) BEER FOR OFF-PREMISES CONSUMPTION.

(D) THE LICENSE HOLDER MAY SELL BEER AND WINE DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER AND WINE LICENSE UNDER § 21-2003 OF THIS TITLE.

(E) THE ANNUAL LICENSE FEES ARE:

(1) \$700 FOR A 6-DAY LICENSE FOR TWO FACILITIES;

(2) \$350 FOR EACH ADDITIONAL FACILITY FOR A 6-DAY LICENSE;

(3) \$820 FOR A 7-DAY LICENSE FOR TWO FACILITIES; AND

(4) \$410 FOR EACH ADDITIONAL FACILITY FOR A 7-DAY LICENSE.

(F) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.

[21-1002.] 21-1002.2.

(a) There is a Class B-resort beer, wine, and liquor license.

(b) The Board may issue the license to a license holder for a complex that has at least two facilities that are:

(1) located on the same contiguous property;

(2) separated by at least 150 feet from the main area of the licensed premises; and

(3) determined by the Board to be hotel, motel, recreational, or restaurant facilities.

(c) The license authorizes the license holder to sell at a hotel, motel, **RECREATIONAL**, or restaurant **FACILITY** at retail at the place described in the license:

- (1) beer, wine, and liquor for on-premises consumption; and
- (2) beer for off-premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 21-2004 of this title.

(e) The annual license fees are:

- (1) \$3,000 for a 6-day license for two facilities;
- (2) \$1,500 for each additional facility for a 6-day license;
- (3) \$3,500 for a 7-day license for two facilities; and
- (4) \$1,750 for each additional facility for a 7-day license.

(f) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

### **21-1304.3.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “FESTIVAL” MEANS THE GARRETT COUNTY BEER, WINE, AND LIQUOR FESTIVAL.**

**(3) “FESTIVAL ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT IS CHOSEN BY THE COUNTY IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION TO ORGANIZE A FESTIVAL.**

**(B) (1) THERE IS A BEER, WINE, AND LIQUOR FESTIVAL LICENSE.**

**(2) UNDER THE SUPERVISION OF THE BOARD, THE FESTIVAL ORGANIZATION MAY CONDUCT THE FESTIVAL ANNUALLY FOR A FIXED PERIOD OF TIME OF UP TO 3 CONSECUTIVE DAYS.**

**(C) (1) IN SELECTING A NONPROFIT ORGANIZATION TO BE A FESTIVAL ORGANIZATION, THE COUNTY SHALL ENSURE THAT THE NONPROFIT ORGANIZATION HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND MANAGING LARGE-SCALE PUBLIC EVENTS.**

**(2) THE BOARD MAY ISSUE NOT MORE THAN FOUR BEER, WINE, AND LIQUOR FESTIVAL LICENSES EACH YEAR.**

**(D) THE BOARD MAY ISSUE THE BEER, WINE, AND LIQUOR FESTIVAL LICENSE TO A HOLDER OF A RETAIL LICENSE OR A PERSON THAT IS ELIGIBLE TO HOLD A CLASS C MULTIPLE DAY OR MULTIPLE EVENT LICENSE.**

**(E) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO DISPLAY AND SELL BEER, WINE, AND LIQUOR THAT IS:**

**(1) MANUFACTURED AND PROCESSED IN OR OUTSIDE THE STATE;**  
AND

**(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.**

**(F) A LICENSE HOLDER SHALL DISPLAY AND SELL BEER, WINE, AND LIQUOR:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(G) THE BOARD SHALL:**

**(1) HOLD A HEARING ON A LICENSE APPLICATION; AND**

**(2) PUBLISH NOTICE OF A LICENSE APPLICATION HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONE TIME AT LEAST 7 DAYS BEFORE THE HEARING.**

**(H) (1) THE BOARD SHALL CHOOSE A LOCATION FOR THE FESTIVAL THAT IS NOT ALREADY LICENSED.**

**(2) IF THE LOCATION CHOSEN ALLOWS FOR SUNDAY SALES, SUNDAY SALES MAY BEGIN AT 10 A.M.**

**(I) BEER, WINE, AND LIQUOR DISPLAYED AND SOLD SHALL BE:**

**(1) INVOICED TO THE LICENSE HOLDER BY A RETAILER OR WHOLESALER; AND**

**(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE RETAILER OR WHOLESALER.**

**(J) A HOLDER OF A RETAIL LICENSE OR STATE WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF THE BEER, WINE, AND LIQUOR FESTIVAL LICENSE TO:**

**(1) DELIVER BEER, WINE, AND LIQUOR NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

**(2) ACCEPT RETURNS NOT LATER THAN 5 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.**

**(K) THE BOARD SHALL ESTABLISH THE BEER, WINE, AND LIQUOR FESTIVAL LICENSE FEE.**

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

21-1401.

(a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 4-102 (“Applications to be filed with local licensing board”);

(2) § 4-103 (“Application on behalf of partnership”);

(3) § 4-104 (“Application on behalf of corporation or club”);

(4) § 4-105 (“Application on behalf of limited liability company”);

(5) § 4-106 (“Payment of notice expenses”);

(6) § 4-108 (“Application form required by Comptroller”);

(7) [§ 4-109 (“Required information on application – In general”);

(8)] § 4-110 (“Required information on application – Petition of support”);

[9] (8) § 4-113 (“Refund of license fees”); and

[(10)] **(9)** § 4-114 (“Fees for licenses issued for less than 1 year”).

(b) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:

(1) § 4-107 (“Criminal history records check”), subject to §§ 21-1402 through 21-1405 of this subtitle;

(2) **§ 4-109 (“REQUIRED INFORMATION ON APPLICATION – IN GENERAL”), SUBJECT TO § 21-1408 OF THIS SUBTITLE;**

(3) § 4-111 (“Payment of license fees”), subject to § 21-1406 of this subtitle; and

[(3)] **(4)** § 4-112 (“Disposition of license fees”), subject to § 21-1407 of this subtitle.

**21-1408.**

**(A) AT THE TIME AN APPLICATION FOR AN ALCOHOLIC BEVERAGES LICENSE IS FILED, AT LEAST ONE OF THE APPLICANTS SHALL BE A RESIDENT OF THE STATE.**

**(B) THE LICENSE REMAINS VALID ONLY FOR AS LONG AS AT LEAST ONE OF THE APPLICANTS REMAINS A RESIDENT OF THE STATE.**

21-2002.

(a) This section does not apply to the hours of sale on December 31 and January 1 set out in § 21-2007 of this subtitle.

(f) Sunday sales for a Class A, Class B, or Class D license are allowed from [10 a.m.] **6 A.M.** to midnight in:

(1) election districts 11 and 15; and

(2) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

21-2003.

(a) This section does not apply to the hours of sale on December 31 and January 1 set out in § 21-2007 of this subtitle.

(b) (1) A holder of a Class A beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(c) (1) A holder of a Class B beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(d) Reserved.

(e) (1) A holder of a Class D beer and wine license may sell beer and wine on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

21–2004.

(a) This section does not apply to the hours of sale on December 31 and January 1 set out in § 21–2007 of this subtitle.

(b) Reserved.

(c) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(d) (1) A holder of a Class BDR (deluxe restaurant) beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(e) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district in which the voters by referendum approve Sunday sales.

(f) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

(i) election districts 11 and 15; and

(ii) any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

## **21-2502.**

**(A) ALCOHOLIC BEVERAGES MAY NOT BE BROUGHT INTO AN ESTABLISHMENT AND CONSUMED OR TRANSFERRED IF THE ESTABLISHMENT IS A**

**PLACE OF ADULT ENTERTAINMENT OF THE TYPE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

**(B) (1) A PERSON WHO OPERATES A PLACE OF ADULT ENTERTAINMENT WHO KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION.**

**(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A SEPARATE VIOLATION.**

21-2802.

The Board may impose a fine not exceeding [~~\$3,000~~] **\$5,000** or suspend a license for a violation of the alcoholic beverages laws affecting the county.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**







# **HARFORD COUNTY**





## **HB0621 - Harford County**

Alcoholic Beverages - Stadium License Annual Fee

### **Jurisdiction**

Harford County

### **Statutes Affected**

Annotated Code of Maryland, Article – Alcoholic Beverages and Cannabis § 22–102, 22–1006.

### **Summary**

- Reduces the annual fee for a stadium beer, wine, and liquor license in Harford County.
- Amends the law to lower fees from \$10,000 to \$7,000.
- Maintains existing provisions regarding the service and consumption of alcoholic beverages.

**Effective Dates: July 1, 2024**

## Chapter 1008

**(House Bill 621)**

AN ACT concerning

**Harford County – Alcoholic Beverages – Stadium License Annual Fee**

FOR the purpose of reducing the annual fee for a stadium beer, wine, and liquor license in Harford County; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 22–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 22–1006  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

22–102.

This title applies only in Harford County.

22–1006.

(a) (1) In this section the following words have the meanings indicated.

(2) “Concession manager” means a person that provides and supervises under contract the comprehensive management of all food and beverage concession sales on the licensed premises.

(3) “Licensed premises” includes the stadium facility and stadium parking lots.

(b) There is a stadium beer, wine, and liquor license.

(c) The Board may issue the license for a stadium to the owner, lessee, or concession manager of a professional baseball stadium.

(d) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.

(2) The license holder may sell, serve, or allow the consumption of beer, wine, and liquor on the stadium parking lots only with the prior written approval of the Board.

(e) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(2) During a baseball game, a holder of a stadium license may not sell beer, wine, or liquor:

(i) after the beginning of the eighth inning; or

(ii) during a doubleheader game, after the beginning of the sixth inning of the second game.

(f) (1) An individual who serves beer, wine, and liquor on the licensed premises shall hold a certificate from an alcohol awareness program that the Board approves.

(2) (i) Subject to subparagraph (ii) of this paragraph, an individual may serve beer, wine, and liquor during a baseball game.

(ii) An individual may serve beer, wine, and liquor in a glass container only on the club level, in an area in the stadium designated by the license holder to hold a special event, or in a dining area where patrons are seated.

(3) (i) This paragraph does not apply to wine and liquor served on the club level, in an area in the stadium designated by the license holder to hold a special event, or in a dining area where patrons are seated.

(ii) An individual may dispense wine and liquor during a baseball game only from a stationary structure that is in the stadium and equipped with a motor vehicle driver's license scanner.

(4) A license holder may not allow a roving vendor to dispense wine and liquor.

(5) A license holder may not allow a person to carry beer, wine, and liquor onto or off of the licensed premises.

(g) The annual license fee is ~~[\$10,000] \$4,000~~ \$7,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## **HB0632/SB0736 - Harford County**

Alcoholic Beverages Licenses - Golf Simulator Facility

### **Jurisdiction**

Harford County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 22-102, 22-1003.2

### **Summary**

- This bill authorizes the Board of License Commissions to issue a Class GSF (golf simulator facility) license to a golf simulator facility under certain circumstances:
  - ▶ The facility is open to the public,
  - ▶ Has at least 5 golf simulator bays,
  - ▶ Has accommodations and seating that are predominantly dedicated to golf simulator bays,
  - ▶ Submits a floor plan/layout of the premises that must meet the circumstances listed above.
- The holder may sell beer, wine, an liquor for on-premises consumption during normal business hours, if the holder offers food on the premises at all times when alcohol is being sold.
  - ▶ Holder's annual gross sales requirements:
  - ▶ Alcoholic beverages may not exceed 35% of the annual gross sales of the facility.
  - ▶ Bay rental fees shall be at least 50% of the annual gross sales of the facility.
  - ▶ Food shall be at least 15% of the annual gross sales of the facility.
- To renew, the holder must provide the Board with an annual gross sales report for alcohol, bay rental fees, and food that shows they met the requirements.

**Effective Date(s): July 1, 2024**



## Chapter 1009

**(House Bill 632)**

AN ACT concerning

**Harford County – Alcoholic Beverages Licenses – Golf Simulator Facility**

FOR the purpose of authorizing the Board of License Commissioners for Harford County to issue a Class GSF (golf simulator facility) license to a golf simulator facility under certain circumstances; authorizing the license holder to sell beer, wine, and liquor for on-premises consumption under certain circumstances; requiring the license holder to submit a certain report to the Board before a license may be renewed; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 22–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 22–1003.2  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

22–102.

This title applies only in Harford County.

**22–1003.2.**

**(A) THERE IS A CLASS GSF (GOLF SIMULATOR FACILITY) LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A GOLF SIMULATOR FACILITY THAT:**

**(1) IS OPEN TO THE PUBLIC;**

**(2) HAS AT LEAST FIVE GOLF SIMULATOR BAYS; AND**

**(3) HAS ACCOMMODATIONS THAT ARE PREDOMINANTLY DEDICATED TO GOLF SIMULATOR BAYS AND SEATING DEDICATED TO THE GOLF SIMULATOR BAYS.**

**(C) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD A FLOOR PLAN OR LAYOUT OF THE PROPOSED LICENSED PREMISES THAT ILLUSTRATES THAT THE PROPOSED LICENSED PREMISES IS PREDOMINANTLY DEDICATED TO GOLF SIMULATOR BAYS AND HAS SEATING DEDICATED TO THE GOLF SIMULATOR BAYS.**

**(D) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION:**

**(1) IF THE LICENSE HOLDER OFFERS FOOD ON THE PREMISES AT ALL TIMES WHEN ALCOHOLIC BEVERAGES ARE BEING SOLD; AND**

**(2) DURING NORMAL BUSINESS HOURS AND IN ACCORDANCE WITH § 22-2004 OF THIS TITLE.**

**(E) (1) THE LICENSE HOLDER'S ANNUAL GROSS SALES FROM:**

**(I) ALCOHOLIC BEVERAGES MAY NOT EXCEED 35% OF THE ANNUAL GROSS SALES OF THE GOLF SIMULATOR FACILITY;**

**(II) GOLF SIMULATOR BAY RENTAL FEES SHALL BE AT LEAST 50% OF THE ANNUAL GROSS SALES OF THE GOLF SIMULATOR FACILITY; AND**

**(III) FOOD SHALL BE AT LEAST 15% OF THE ANNUAL GROSS SALES OF THE GOLF SIMULATOR FACILITY.**

**(2) BEFORE THE BOARD MAY RENEW THE LICENSE, THE LICENSE HOLDER SHALL PROVIDE THE BOARD WITH AN ANNUAL GROSS SALES REPORT FOR ALCOHOL, GOLF SIMULATOR BAY RENTAL FEES, AND FOOD THAT SHOWS THE LICENSE HOLDER HAS MET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.**

**(F) THE ANNUAL LICENSE FEE IS \$1,500.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 16, 2024.

## Chapter 1010

**(Senate Bill 736)**

AN ACT concerning

**Harford County – Alcoholic Beverages Licenses – Golf Simulator Facility**

FOR the purpose of authorizing the Board of License Commissioners for Harford County to issue a Class GSF (golf simulator facility) license to a golf simulator facility under certain circumstances; authorizing the license holder to sell beer, wine, and liquor for on-premises consumption under certain circumstances; requiring the license holder to submit a certain report to the Board before a license may be renewed; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 22–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 22–1003.2  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

22–102.

This title applies only in Harford County.

**22–1003.2.**

**(A) THERE IS A CLASS GSF (GOLF SIMULATOR FACILITY) LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A GOLF SIMULATOR FACILITY THAT:**

**(1) IS OPEN TO THE PUBLIC;**

**(2) HAS AT LEAST FIVE GOLF SIMULATOR BAYS; AND**

**(3) HAS ACCOMMODATIONS THAT ARE PREDOMINANTLY DEDICATED TO GOLF SIMULATOR BAYS AND SEATING DEDICATED TO THE GOLF SIMULATOR BAYS.**

**(C) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD A FLOOR PLAN OR LAYOUT OF THE PROPOSED LICENSED PREMISES THAT ILLUSTRATES THAT THE PROPOSED LICENSED PREMISES IS PREDOMINANTLY DEDICATED TO GOLF SIMULATOR BAYS AND HAS SEATING DEDICATED TO THE GOLF SIMULATOR BAYS.**

**(D) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION:**

**(1) IF THE LICENSE HOLDER OFFERS FOOD ON THE PREMISES AT ALL TIMES WHEN ALCOHOLIC BEVERAGES ARE BEING SOLD; AND**

**(2) DURING NORMAL BUSINESS HOURS AND IN ACCORDANCE WITH § 22-2004 OF THIS TITLE.**

**(E) (1) THE LICENSE HOLDER'S ANNUAL GROSS SALES FROM:**

**(I) ALCOHOLIC BEVERAGES MAY NOT EXCEED 35% OF THE ANNUAL GROSS SALES OF THE GOLF SIMULATOR FACILITY;**

**(II) GOLF SIMULATOR BAY RENTAL FEES SHALL BE AT LEAST 50% OF THE ANNUAL GROSS SALES OF THE GOLF SIMULATOR FACILITY; AND**

**(III) FOOD SHALL BE AT LEAST 15% OF THE ANNUAL GROSS SALES OF THE GOLF SIMULATOR FACILITY.**

**(2) BEFORE THE BOARD MAY RENEW THE LICENSE, THE LICENSE HOLDER SHALL PROVIDE THE BOARD WITH AN ANNUAL GROSS SALES REPORT FOR ALCOHOL, GOLF SIMULATOR BAY RENTAL FEES, AND FOOD THAT SHOWS THE LICENSE HOLDER HAS MET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.**

**(F) THE ANNUAL LICENSE FEE IS \$1,500.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 16, 2024.



## HB0635/SB0734 - Harford County

Alcoholic Beverages - Performing Arts Nonprofit Organization License

### Jurisdiction

Harford County

### Statutes Affected

Annotated Code of Maryland, Article – Alcoholic Beverages and Cannabis § 22–102, 22–1005.2, 22–1005.3, 22–1005.4, 22–1501(b)(2). The bill specifically renumbers the existing § 22–1005.2 and § 1005.3 to become § 22-1005.3 and § 22-1005.4 respectively. It creates a new law at § 10-1005.2, summarized here. See note below on related bills impacting this section of law.

### Summary

- Codifies a Performing Arts Nonprofit Organization Beer, Wine, and Liquor License.
  - ▶ Defines “Performing Arts Nonprofit Organization” as a nonprofit that organizes the production of plays, concerts, or similar events.
- The license enables the sale or service of beer, wine, and liquor at retail for on-premises consumption at up to three locations designated at the time of application.
  - ▶ Allows for the sale or service of alcoholic beverages 1 hour before and after a performance, during the event, during intermissions, and receptions within 1 hour before or after a performance.
- While the initial application must designate specific locations, the license holder can alter these authorized locations upon license renewal.
- Alcoholic beverages may be purchased either from a retail license holder or an authorized wholesaler.
- No more than 750 tickets can be sold or issued

for any event where alcohol will be sold or served under this license.

- Snacks must be available for sale or service whenever alcoholic beverages are offered.
- Obtaining a license under this section does not preclude the organization from receiving a Class C per diem license for other events outside the scope of this license.
- License holders must keep detailed records of all alcohol sales, purchases, and services. They must report this information upon request from the Comptroller, Board, or Executive Director and may be required to make these reports under oath.
- The fee for this license is set at \$750.

**Effective Dates: July 1, 2024**

### NOTE ON RELATED BILLS

**HB1118/SB0933** (Chapter Bills 1030 and 1031) and **HB635/SB734** (Chapter Bills 1011 and 1012) both impact the same section to Title 22 at Maryland Code Alcoholic Beverages and Cannabis Article § 22-1005.2. The bills can be viewed collectively to expand the scope of the existing license available exclusively to non-profit organizations, and create a parallel license available to for-profit theaters that is similar, but without the ability to present films or the ability to purchase alcohol from other retailers rather than a wholesaler.

- **HB1118/SB0933** amends the “Performing arts theater beer and wine license” found in current law at § 22-1005.2 to make it available to for-profit non-cinema theaters, and grant the ability to sell liquor.
- **HB635/SB734** renumbers the existing § 22–1005.2 and § 1005.3 by moving them to become § 22-1005.3 and § 22-1005.4 respectively and creates a new law at § 10-1005.2 for the “Performing Arts Nonprofit Organization Beer, Wine, and Liquor License” with expanded scope.

## Chapter 1011

**(House Bill 635)**

AN ACT concerning

**Harford County – Alcoholic Beverages – Performing Arts Nonprofit Organization License**

FOR the purpose of establishing in Harford County a performing arts nonprofit organization license that authorizes the holder to sell or serve beer, wine, and liquor at certain locations for on-premises consumption; requiring the holder of the license to comply with certain record-keeping and reporting requirements; and generally relating to alcoholic beverages licenses in Harford County.

BY renumbering

Article – Alcoholic Beverages and Cannabis  
 Section 22–1005.2 and 22–1005.3  
 to be Section 22–1005.3 and 22–1005.4, respectively  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages and Cannabis  
 Section 22–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to

Article – Alcoholic Beverages and Cannabis  
 Section 22–1005.2  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages and Cannabis  
 Section 22–1501(b)(2)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

**SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,** That Section(s) 22–1005.2 and 22–1005.3 of Article – Alcoholic Beverages and Cannabis of the Annotated Code of Maryland be renumbered to be Section(s) 22–1005.3 and 22–1005.4, respectively.

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

**Article – Alcoholic Beverages and Cannabis**

22-102.

This title applies only in Harford County.

**22-1005.2.**

**(A) IN THIS SECTION, “PERFORMING ARTS NONPROFIT ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT ORGANIZES THE PRODUCTION OF PLAYS, ACTS, DRAMAS, CONCERTS, OR SIMILAR EVENTS BY INDIVIDUALS PERFORMING ON A STAGE OR THE SHOWING OF FILMS.**

**(B) THERE IS A PERFORMING ARTS NONPROFIT ORGANIZATION BEER, WINE, AND LIQUOR LICENSE.**

**(C) THE BOARD MAY ISSUE THE LICENSE TO A PERFORMING ARTS NONPROFIT ORGANIZATION.**

**(D) (1) THE LICENSE AUTHORIZES THE HOLDER TO SELL OR SERVE BEER, WINE, AND LIQUOR AT RETAIL FOR ON-PREMISES CONSUMPTION AT UP TO THREE LOCATIONS DESIGNATED AT THE TIME OF APPLICATION.**

**(2) THE LOCATIONS DESIGNATED AT THE TIME OF APPLICATION MUST:**

**(I) BE SUITABLE FOR THE PRODUCTION OF PLAYS, ACTS, DRAMAS, CONCERTS, OR SIMILAR EVENTS BY INDIVIDUALS PERFORMING ON A STAGE OR THE SHOWING OF FILMS; AND**

**(II) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE BOARD.**

**(3) THE LICENSE HOLDER MAY ALTER THE AUTHORIZED LOCATIONS EACH TIME THE LICENSE IS RENEWED.**

**(E) THE LICENSE HOLDER MAY SELL OR SERVE BEER, WINE, AND LIQUOR:**

**(1) 1 HOUR BEFORE AND AFTER A PERFORMANCE;**

**(2) DURING A PERFORMANCE;**

**(3) DURING AN INTERMISSION; AND**



(4) DURING A RECEPTION WITHIN 1 HOUR BEFORE OR AFTER A PERFORMANCE.

(F) THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION NOT IDENTIFIED ON THE APPLICATION.

(G) THE LICENSE HOLDER SHALL PURCHASE BEER, WINE, AND LIQUOR FROM A RETAIL LICENSE HOLDER OR AN AUTHORIZED AND LICENSED WHOLESALER.

(H) A LICENSE HOLDER MAY NOT SELL OR ISSUE MORE THAN 750 TICKETS TO ANY EVENT OR PERFORMANCE AT WHICH THE HOLDER WILL SELL OR SERVE BEER, WINE, OR LIQUOR.

(I) ISSUANCE OF A LICENSE UNDER THIS SECTION DOES NOT PROHIBIT THE BOARD FROM ISSUING A CLASS C PER DIEM LICENSE TO THE PERFORMING ARTS NONPROFIT ORGANIZATION FOR AN EVENT OUTSIDE THE SCOPE OF THE LICENSE.

(J) THE LICENSE HOLDER SHALL SERVE OR OFFER FOR SALE SNACKS AT ALL TIMES WHEN BEER, WINE, AND LIQUOR ARE SOLD.

(K) (1) THE LICENSE HOLDER SHALL:

(I) KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC BEVERAGES SOLD, SERVED, AND PURCHASED UNDER THIS SECTION;

(II) ON WRITTEN REQUEST OF THE COMPTROLLER ~~OR~~, THE BOARD, OR THE EXECUTIVE DIRECTOR, REPORT ON THE FORM THAT THE COMPTROLLER ~~OR~~, THE BOARD, OR THE EXECUTIVE DIRECTOR REQUIRES INFORMATION RELATING TO THE ALCOHOLIC BEVERAGES THAT ARE THE SUBJECT OF THE RECORDS REQUIRED TO BE KEPT; AND

(III) ON REQUEST OF THE COMPTROLLER ~~OR~~, THE BOARD, OR THE EXECUTIVE DIRECTOR, MAKE THE REPORT UNDER OATH.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH LICENSE HOLDER SHALL KEEP RECORDS AT THE LOCATION DESIGNATED IN THE LICENSE.

(II) IF THE LICENSE HOLDER IS ALLOWED TO HAVE MORE THAN ONE LOCATION, THE LICENSE HOLDER MAY KEEP THE RECORDS AT THE PRINCIPAL LOCATION.

(III) THE RECORDS SHALL:



1. MEET FORM AND CONTENT REQUIREMENTS OF THE COMPTROLLER ~~AND~~, THE BOARD, AND THE EXECUTIVE DIRECTOR;

2. BE PRESERVED FOR AT LEAST 2 YEARS IN A MANNER THAT ENSURES PERMANENCY; AND

3. BE MADE AVAILABLE FOR AUDIT OR INSPECTION DURING REGULAR BUSINESS HOURS BY THE COMPTROLLER ~~OR~~, THE BOARD, OR THE EXECUTIVE DIRECTOR OR A DESIGNEE OF THE COMPTROLLER ~~OR~~, THE BOARD, OR THE EXECUTIVE DIRECTOR.

(3) (I) THE COMPTROLLER MAY WITHOUT A HEARING IMMEDIATELY SUSPEND FOR A MAXIMUM OF 30 DAYS THE LICENSE OF A LICENSE HOLDER WHO FAILS TO COMPLY WITH THIS SUBSECTION.

(II) IF A REPORT REQUIRED BY THIS SECTION OR AN INVESTIGATION BY THE BOARD, A BOARD OFFICER, THE COMPTROLLER, THE EXECUTIVE DIRECTOR, OR ANY OTHER PERSON INDICATES THAT THE LICENSE HOLDER IS VIOLATING THIS SECTION, THE BOARD SHALL SUMMON THE LICENSE HOLDER AND CONDUCT A HEARING.

(III) IF THE CHARGES AT THE HEARING ARE SUSTAINED, THE BOARD:

1. SHALL IMPOSE A FINE OF NOT LESS THAN \$250 AND NOT MORE THAN \$2,000; AND

2. MAY SUSPEND OR REVOKE THE LICENSE HOLDER'S LICENSE IMMEDIATELY.

~~(K)~~ (L) THE ANNUAL LICENSE FEE IS \$750.

22-1501.

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to §§ 22-1503 and 22-1504 of this subtitle and Subtitle 13, Part III [and], Subtitle 16, Part II, AND § 22-1005.2 of this title;

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 1012

## (Senate Bill 734)

AN ACT concerning

**Harford County – Alcoholic Beverages – Performing Arts Nonprofit  
Organization License**

FOR the purpose of ~~repealing the performing arts theater beer and wine license in Harford County~~, establishing in Harford County a performing arts nonprofit organization license that authorizes the holder to sell or serve beer, wine, and liquor at certain locations for on-premises consumption; requiring the holder of the license to comply with certain record-keeping and reporting requirements; and generally relating to alcoholic beverages licenses in Harford County.

*BY renumbering*

*Article – Alcoholic Beverages and Cannabis*  
*Section 22-1005.2 and 22-1005.3*  
*to be Section 22-1005.3 and 22-1005.4, respectively*  
*Annotated Code of Maryland*  
*(2016 Volume and 2023 Supplement)*

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 22-102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

~~BY repealing~~

~~Article – Alcoholic Beverages and Cannabis~~  
~~Section 22-1005.2~~  
~~Annotated Code of Maryland~~  
~~(2016 Volume and 2023 Supplement)~~

## BY adding to

Article – Alcoholic Beverages and Cannabis  
 Section 22-1005.2  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 22-1501(b)(2)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 22-1005.2 and 22-1005.3 of Article – Alcoholic Beverages and Cannabis of the Annotated Code of Maryland be renumbered to be Section(s) 22-1005.3 and 22-1005.4, respectively.

~~SECTION 1. 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, AND BE IT FURTHER ENACTED,~~ That the Laws of Maryland read as follows:

### Article – Alcoholic Beverages and Cannabis

22-102.

This title applies only in Harford County.

~~{22-1005.2.~~

~~(a) In this section, “performing arts theater” means an area, a building, or a structure designed and used for plays, acts, dramas, concerts, or histrionics by actors or actresses performing on a stage or the showing of movies or films.~~

~~(b) There is a performing arts theater beer and wine license.~~

~~(c) The Board may issue the license for use on the premises of a performing arts theater operated by a nonprofit organization.~~

~~(d) The license authorizes the holder to sell or serve beer and wine at retail for on-premises consumption.~~

~~(e) The license holder may sell or serve beer and wine:~~

~~(1) 1 hour before and after a performance;~~

~~(2) during a performance;~~

~~(3) during an intermission; and~~

~~(4) during a reception 1 hour before or 1 hour after a performance.~~

~~(f) The license may not be transferred to another location.~~

~~(g) The license holder shall purchase beer and wine from an authorized and licensed wholesaler.~~

~~(h) Issuance of a license under this section does not prohibit the Board from issuing a Class C per diem license that applies to the performing arts theater.~~

~~(i) The license holder shall serve or offer for sale snacks at all times when beer and wine are sold.~~

~~(j) The annual license fee is \$500.~~

## 22-1005.2.

(A) IN THIS SECTION, “PERFORMING ARTS NONPROFIT ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT ORGANIZES THE PRODUCTION OF PLAYS, ACTS, DRAMAS, CONCERTS, OR SIMILAR EVENTS BY INDIVIDUALS PERFORMING ON A STAGE OR THE SHOWING OF FILMS.

(B) THERE IS A PERFORMING ARTS NONPROFIT ORGANIZATION BEER, WINE, AND LIQUOR LICENSE.

(C) THE BOARD MAY ISSUE THE LICENSE TO A PERFORMING ARTS NONPROFIT ORGANIZATION.

(D) (1) THE LICENSE AUTHORIZES THE HOLDER TO SELL OR SERVE BEER, WINE, AND LIQUOR AT RETAIL FOR ON-PREMISES CONSUMPTION AT UP TO THREE LOCATIONS DESIGNATED AT THE TIME OF APPLICATION.

(2) THE LOCATIONS DESIGNATED AT THE TIME OF APPLICATION MUST:

(I) BE SUITABLE FOR THE PRODUCTION OF PLAYS, ACTS, DRAMAS, CONCERTS, OR SIMILAR EVENTS BY INDIVIDUALS PERFORMING ON A STAGE OR THE SHOWING OF FILMS; AND

(II) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE BOARD.

(3) THE LICENSE HOLDER MAY ALTER THE AUTHORIZED LOCATIONS EACH TIME THE LICENSE IS RENEWED.

(E) THE LICENSE HOLDER MAY SELL OR SERVE BEER, WINE, AND LIQUOR:

(1) 1 HOUR BEFORE AND AFTER A PERFORMANCE;

(2) DURING A PERFORMANCE;

(3) DURING AN INTERMISSION; AND

(4) DURING A RECEPTION WITHIN 1 HOUR BEFORE OR AFTER A PERFORMANCE.

(F) THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION NOT IDENTIFIED ON THE APPLICATION.

(G) THE LICENSE HOLDER SHALL PURCHASE BEER, WINE, AND LIQUOR FROM A RETAIL LICENSE HOLDER OR AN AUTHORIZED AND LICENSED WHOLESALER.

(H) A LICENSE HOLDER MAY NOT SELL OR ISSUE MORE THAN 750 TICKETS TO ANY EVENT OR PERFORMANCE AT WHICH THE HOLDER WILL SELL OR SERVE BEER, WINE, OR LIQUOR.

(I) ISSUANCE OF A LICENSE UNDER THIS SECTION DOES NOT PROHIBIT THE BOARD FROM ISSUING A CLASS C PER DIEM LICENSE TO THE PERFORMING ARTS NONPROFIT ORGANIZATION FOR AN EVENT OUTSIDE THE SCOPE OF THE LICENSE.

(J) THE LICENSE HOLDER SHALL SERVE OR OFFER FOR SALE SNACKS AT ALL TIMES WHEN BEER, WINE, AND LIQUOR ARE SOLD.

(K) (1) THE LICENSE HOLDER SHALL:

(I) KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC BEVERAGES SOLD, SERVED, AND PURCHASED UNDER THIS SECTION;

(II) ON WRITTEN REQUEST OF THE COMPTROLLER ~~OR~~, THE BOARD, OR THE EXECUTIVE DIRECTOR, REPORT ON THE FORM THAT THE COMPTROLLER ~~OR~~, THE BOARD, OR THE EXECUTIVE DIRECTOR REQUIRES INFORMATION RELATING TO THE ALCOHOLIC BEVERAGES THAT ARE THE SUBJECT OF THE RECORDS REQUIRED TO BE KEPT; AND

(III) ON REQUEST OF THE COMPTROLLER ~~OR~~, THE BOARD, OR THE EXECUTIVE DIRECTOR, MAKE THE REPORT UNDER OATH.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH LICENSE HOLDER SHALL KEEP RECORDS AT THE LOCATION DESIGNATED IN THE LICENSE.

(II) IF THE LICENSE HOLDER IS ALLOWED TO HAVE MORE THAN ONE LOCATION, THE LICENSE HOLDER MAY KEEP THE RECORDS AT THE PRINCIPAL LOCATION.

(III) THE RECORDS SHALL:

1. MEET FORM AND CONTENT REQUIREMENTS OF THE COMPTROLLER AND THE BOARD, OR THE EXECUTIVE DIRECTOR;

2. BE PRESERVED FOR AT LEAST 2 YEARS IN A MANNER THAT ENSURES PERMANENCY; AND

3. BE MADE AVAILABLE FOR AUDIT OR INSPECTION DURING REGULAR BUSINESS HOURS BY THE COMPTROLLER ~~OR~~, THE BOARD, OR THE EXECUTIVE DIRECTOR OR A DESIGNEE OF THE COMPTROLLER ~~OR~~, THE BOARD, OR THE EXECUTIVE DIRECTOR.

(3) (I) THE COMPTROLLER MAY WITHOUT A HEARING IMMEDIATELY SUSPEND FOR A MAXIMUM OF 30 DAYS THE LICENSE OF A LICENSE HOLDER WHO FAILS TO COMPLY WITH THIS SUBSECTION.

(II) IF A REPORT REQUIRED BY THIS SECTION OR AN INVESTIGATION BY THE BOARD, A BOARD OFFICER, THE COMPTROLLER, THE EXECUTIVE DIRECTOR, OR ANY OTHER PERSON INDICATES THAT THE LICENSE HOLDER IS VIOLATING THIS SECTION, THE BOARD SHALL SUMMON THE LICENSE HOLDER AND CONDUCT A HEARING.

(III) IF THE CHARGES AT THE HEARING ARE SUSTAINED, THE BOARD:

1. SHALL IMPOSE A FINE OF NOT LESS THAN \$250 AND NOT MORE THAN \$2,000; AND

2. MAY SUSPEND OR REVOKE THE LICENSE HOLDER'S LICENSE IMMEDIATELY.

~~(K)~~ (L) THE ANNUAL LICENSE FEE IS \$750.

22-1501.

(b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county:

(2) § 4-203 ("Prohibition against issuing multiple licenses to individual or for use of entity"), subject to §§ 22-1503 and 22-1504 of this subtitle and Subtitle 13, Part III [and], Subtitle 16, Part II, **AND § 22-1005.2** of this title;

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**





## HB1118/SB0933

Harford County - Alcoholic Beverages - Performing Arts Theatre License

### Jurisdiction

Harford County

### Statutes Affected

Annotated Code of Maryland - Article - Alcoholic Beverages and Cannabis § 22-102 and 22-1005.2. See note below on related bills impacting this section of law.

### Summary

- This bill alters the eligibility for a performing arts theater license in two key ways:
- It allows the board to issue the license to a **for-profit** organization, and
- It removes “the showing of movies or films” from the type of events that are included in the definition of a “performing arts theater.”
- The bill now authorizes the sale of liquor, in addition to beer, and wine for on-premises consumption and allows the purchase of liquor from an authorized and licensed wholesaler.
- Increases the annual license fee to \$1,500.

**Effective Date(s): July 1, 2024**

### NOTE ON RELATED BILLS

**HB1118/SB0933** (Chapter Bills 1030 and 1031) and **HB635/SB734** (Chapter Bills 1011 and 1012) both impact the same section to Title 22 at Maryland Code Alcoholic Beverages and Cannabis Article § 22-1005.2. The bills can be viewed collectively to expand the scope of the existing license available exclusively to non-profit organizations, and create a parallel license available to for-profit theaters that is similar, but without the ability to present films or the ability to purchase alcohol from other retailers rather than a wholesaler.

- **HB1118/SB0933** amends the “Performing arts theater beer and wine license” found in current law at § 22-1005.2 to make it available to for-profit non-cinema theaters, and grant the ability to sell liquor.
- **HB635/SB734** renumbers the existing § 22-1005.2 and § 1005.3 by moving them to become § 22-1005.3 and § 22-1005.4 respectively and creates a new law at § 10-1005.2 for the “Performing Arts Nonprofit Organization Beer, Wine, and Liquor License” with expanded scope.

## Chapter 1030

**(House Bill 1118)**

AN ACT concerning

**Harford County – Alcoholic Beverages – Performing Arts Theater License**

FOR the purpose of altering eligibility for a performing arts theater license in Harford County by altering the definition of “performing arts theater” and authorizing the Board of License Commissioners for Harford County to issue the license to a certain for-profit theater, rather than a nonprofit theater; authorizing the holder of the license to sell liquor for on-premises consumption in addition to beer and wine; altering the license fee; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 22–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 22–1005.2 and ~~22–1501(b)(2)~~  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

22–102.

This title applies only in Harford County.

22–1005.2.

(a) In this section, “performing arts theater” means an area, a building, or a structure designed and used for plays, acts, dramas, concerts, or histrionics by actors or actresses performing on a stage [or the showing of movies or films].

(b) There is a performing arts theater beer [and], wine, AND LIQUOR license.

(c) The Board may issue the license for use on the premises of a performing arts theater operated by a [nonprofit] **FOR–PROFIT** organization.

(d) The license authorizes the holder to sell or serve beer [and], wine, **AND LIQUOR** at retail for on–premises consumption.

(e) The license holder may sell or serve beer [and], wine, **AND LIQUOR**:

- (1) 1 hour before and after a performance;
- (2) during a performance;
- (3) during an intermission; and
- (4) during a reception 1 hour before or 1 hour after a performance.

(f) The license may not be transferred to another location.

(g) The license holder shall purchase beer [and], wine, **AND LIQUOR** from an authorized and licensed wholesaler.

~~(h) Issuance of a license under this section does not prohibit the Board from issuing a Class C per diem license that applies to the performing arts theater.~~

~~(i)~~ The license holder shall serve or offer for sale snacks at all times when beer [and], wine, **AND LIQUOR** are sold.

~~(j)~~ **(I)** The annual license fee is [\$500] **\$1,500**.

~~22-1501.~~

~~(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:~~

~~(2) § 4-203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to §§ 22-1503 and 22-1504 of this subtitle and Subtitle 13, Part III [and], Subtitle 16, Part II, AND § 22-1005.2 of this title;~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 1031

**(Senate Bill 933)**

AN ACT concerning

**Harford County – Alcoholic Beverages – Performing Arts Theater License**

FOR the purpose of altering eligibility for a performing arts theater license in Harford County by altering the definition of “performing arts theater” and authorizing the Board of License Commissioners for Harford County to issue the license to a certain for-profit theater, rather than a nonprofit theater; authorizing the holder of the license to sell liquor for on-premises consumption in addition to beer and wine; altering the license fee; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 22–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 22–1005.2 and ~~22–1501(b)(2)~~  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

22–102.

This title applies only in Harford County.

22–1005.2.

(a) In this section, “performing arts theater” means an area, a building, or a structure designed and used for plays, acts, dramas, concerts, or histrionics by actors or actresses performing on a stage [or the showing of movies or films].

(b) There is a performing arts theater beer [and], wine, AND LIQUOR license.

(c) The Board may issue the license for use on the premises of a performing arts theater operated by a [nonprofit] **FOR–PROFIT** organization.

(d) The license authorizes the holder to sell or serve beer [and], wine, **AND LIQUOR** at retail for on–premises consumption.

(e) The license holder may sell or serve beer [and], wine, **AND LIQUOR**:

- (1) 1 hour before and after a performance;
- (2) during a performance;
- (3) during an intermission; and
- (4) during a reception 1 hour before or 1 hour after a performance.

(f) The license may not be transferred to another location.

(g) The license holder shall purchase beer [and], wine, **AND LIQUOR** from an authorized and licensed wholesaler.

~~(h) Issuance of a license under this section does not prohibit the Board from issuing a Class C per diem license that applies to the performing arts theater.~~

~~(i)~~ The license holder shall serve or offer for sale snacks at all times when beer [and], wine, **AND LIQUOR** are sold.

~~(j)~~ **(I)** The annual license fee is [\$500] **\$1,500**.

~~22-1501.~~

~~(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:~~

~~(2) § 4-203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to §§ 22-1503 and 22-1504 of this subtitle and Subtitle 13, Part III [and], Subtitle 16, Part II, AND § 22-1005.2 of this title;~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



# MONTGOMERY COUNTY



## **HB0762 - Montgomery County**

Alcoholic Beverages - Class B Beer, Wine, and Liquor License -  
Off - Premises Consumption

### **Jurisdiction**

Montgomery County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic  
Beverages and Cannabis § 25-102, 25-902

### **Summary**

- In addition to on premises sales, the Class B beer, wine, and liquor license now authorizes the holder to sell beer and wine to be consumed off-premises alongside to-go food service, subject to limitations.
- The beer and wine must be sold in containers sealed with the original manufacturer's seal to a person who has purchased prepared food from the premises.
- The beer and wine may be sold for off-premises consumption only when the

licensed premises is open for business as a hotel or restaurant.

- The holder is not allowed to display or provide shelving for beer or wine for off-premises sales in areas of the establishment that are publicly accessible.
- The bill also specifies that these off-premise sales of beer and wine will be included in the calculation of gross alcohol receipts. There is an existing requirement for food sales to be at least 40% of the gross total of food and alcohol sales combined. The Board can adopt regulations that limit the quantity of beer and wine that can be sold to an individual for off-premises consumption in a single transaction.

**Effective Date(s): July 1, 2024**

## Chapter 1021

**(House Bill 762)**

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Class B Beer, Wine, and Liquor License – Off-Premises Consumption****MC 9–24**

FOR the purpose of authorizing the holder of a certain Class B beer, wine, and liquor license in Montgomery County to sell beer and wine in certain sealed containers for off-premises consumption, subject to certain requirements; authorizing the Board of License Commissioners for Montgomery County to adopt certain regulations; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 25–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 25–902  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

25–102.

This title applies only in Montgomery County.

25–902.

- (a) There is a Class B beer, wine, and liquor license.
- (b) The Board may issue the license to the owner or operator of a restaurant or hotel if:

- (1) before the issuance of the license, the owner or operator attests in a sworn statement that gross receipts from food sales in the restaurant or hotel will be at



least equal to 40% of the gross receipts from the sale of food and alcoholic beverages; and

(2) before each renewal of the license, the owner or operator attests in a sworn statement that the gross receipts from food sales in the restaurant or hotel for the 12 months immediately before the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

(c) The license authorizes the license holder to sell [beer, wine, and liquor at retail] at the place described in the license:

(1) **BEER, WINE, AND LIQUOR AT RETAIL** for on-premises consumption;  
AND

(2) **BEER AND WINE IN CONTAINERS SEALED WITH THE MANUFACTURER'S ORIGINAL SEAL FOR OFF-PREMISES CONSUMPTION ONLY TO A PERSON WHO HAS PURCHASED PREPARED FOOD FROM THE LICENSED PREMISES.**

(D) (1) **THE LICENSE HOLDER MAY NOT DISPLAY OR PROVIDE SHELVING FOR BEER OR WINE FOR OFF-PREMISES SALES IN AREAS OF THE ESTABLISHMENT THAT ARE ACCESSIBLE TO THE PUBLIC.**

(2) **OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS COLLECTED UNDER THE LICENSE SHALL BE INCLUDED IN THE CALCULATION OF GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

(3) **THE LICENSE HOLDER MAY SELL BEER AND WINE FOR OFF-PREMISES CONSUMPTION ONLY WHEN THE LICENSED PREMISES IS OPEN FOR BUSINESS AS A HOTEL OR RESTAURANT.**

(E) (1) **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS THAT LIMIT THE QUANTITY OF BEER AND WINE THAT MAY BE SOLD TO A PERSON FOR OFF-PREMISES CONSUMPTION IN A SINGLE TRANSACTION.**

[(d)] (2) The Board shall adopt regulations to provide for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of beer, wine, and liquor.

[(e)] (F) (1) The Board may revoke a license if the license holder fails to maintain the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages required under this section:

(i) during the initial license year, for 3 consecutive months; or

(ii) after the initial license year, for each license or calendar year.

(2) The Board may require a license holder to provide supporting data as the Board considers necessary to establish that the license holder has met the requirements of this section relating to the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

**[(f)] (G)** The annual license fee is \$2,500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**





**PRINCE GEORGE'S**





# **HB0307/SB0009 - Prince George's County**

## **Alcoholic Beverages Licenses - Nonprofit Organizations**

### **Jurisdiction**

Prince George's County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 26-102, 26-1011.

### **Summary**

- Adds “an independent and nonprofit nationwide fraternal or sororal organization” to the list of entities eligible to obtain a Class C beer, wine, and liquor license.
- Defines “Independent and nonprofit nationwide fraternal or sororal organization” to mean an organization composed of graduate members of an independent non-profit fraternal or sororal organization. It does not include:
  - ▶ A college or high school fraternity or sorority
  - ▶ Any other fraternity or sorority, in which membership is restricted in whole or in part to students of an educational institution or a professional school.
- Additionally, empowers the Board to suspend or revoke the license of any Class C if a license holder is found guilty of two underage violations or violations of purchasing alcohol from a person other than a licensed wholesaler within a 1 year period (in any combination).

**Effective Date(s): July 1, 2024**

Chapter 994

(House Bill 307)

AN ACT concerning

**Prince George’s County – Alcoholic Beverages Licenses – Nonprofit Organizations**

**PG 304–24**

FOR the purpose of authorizing the Board of License Commissioners for Prince George’s County to issue a Class C (fraternal/sororal/service organization) alcoholic beverages license for use by an independent and nonprofit fraternal or sororal organization that meets certain ~~membership~~ requirements; and generally relating to alcoholic beverages licenses in Prince George’s County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 26–102  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 26–1011  
Annotated Code of Maryland  
(2016 Volume and 2023 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**

26–102.

This title applies only in Prince George’s County.

26–1011.

(a) **(1) IN THIS SECTION, “INDEPENDENT AND NONPROFIT NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION” MEANS AN ORGANIZATION WHOSE MEMBERSHIP IS COMPOSED SOLELY OF GRADUATE MEMBERS OF AN INDEPENDENT AND NONPROFIT NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION.**

**(2) “INDEPENDENT AND NONPROFIT NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION” DOES NOT INCLUDE:**

**(I) A COLLEGE OR HIGH SCHOOL FRATERNITY OR SORORITY;**  
**OR**

**(II) ANY OTHER FRATERNITY OR SORORITY, THE MEMBERSHIP OF WHICH IS RESTRICTED IN WHOLE OR IN PART TO STUDENTS OF AN EDUCATIONAL INSTITUTION OR A PROFESSIONAL SCHOOL.**

**(B)** There is a Class C (fraternal/sororal/service organization) beer, wine, and liquor license.

~~(C)~~ **(C)** The Board may issue the license for use by:

~~(1)~~ **(1)** a local unit of a lodge or chapter of a nonprofit and nationwide fraternal, sororal, or service organization **OR AN INDEPENDENT AND NONPROFIT NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION** that:

~~{(1)}~~ ~~(I)~~ is composed solely of inducted members;

~~{(2)}~~ ~~(II)~~ was operating in the county before the license application was made;

~~{(3)}~~ ~~(III)~~ has at least 100 members paying dues of at least \$5 per year per member; and

~~{(4)}~~ ~~(IV)~~ owns or operates a home or clubhouse that is principally for the use of its members and guests when accompanied by members; ~~OR~~

~~(2) AN INDEPENDENT NONPROFIT ORGANIZATION WHOSE MEMBERSHIP IS COMPOSED SOLELY OF MEMBERS OF A NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION.~~

~~(D)~~ **(D)**(1) The license authorizes the license holder to sell beer, wine, and liquor by the glass or by the bottle for on-premises consumption by a member or guest accompanied by a member.

(2) The license holder may allow a person that has leased a private room or other area of the licensed premises for a private social gathering to bring beer, wine, and liquor onto the licensed premises for on-premises consumption.



~~(d)~~ **(E)** The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title, except that restrictions on the sale of alcoholic beverages on Sunday do not apply.

~~(e)~~ **(F)** *DURING A 1-YEAR PERIOD, IF A LICENSE HOLDER IS FOUND GUILTY OF TWO UNDERAGE VIOLATIONS OR TWO VIOLATIONS OF PURCHASING BEER, WINE, OR LIQUOR, FROM A PERSON OTHER THAN A LICENSED WHOLESALER, OR ANY COMBINATION OF THE TWO, THE BOARD MAY SUSPEND OR REVOKE THE LICENSE.*

**(G)** The annual license fee is \$910.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 995

## (Senate Bill 9)

AN ACT concerning

**Prince George's County – Alcoholic Beverages Licenses – Nonprofit Organizations**

FOR the purpose of authorizing the Board of License Commissioners for Prince George's County to issue a Class C (fraternal/sororal/service organization) alcoholic beverages license for use by an independent and nonprofit fraternal or sororal organization that meets certain ~~membership~~ requirements; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 26–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 26–1011  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

26–102.

This title applies only in Prince George's County.

26–1011.

(a) **(1) IN THIS SECTION, “INDEPENDENT AND NONPROFIT NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION” MEANS AN ORGANIZATION WHOSE MEMBERSHIP IS COMPOSED SOLELY OF GRADUATE MEMBERS OF AN INDEPENDENT AND NONPROFIT NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION.**

**(2) “INDEPENDENT AND NONPROFIT NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION” DOES NOT INCLUDE:**

(I) A COLLEGE OR HIGH SCHOOL FRATERNITY OR SORORITY;  
OR

(II) ANY OTHER FRATERNITY OR SORORITY, THE MEMBERSHIP OF WHICH IS RESTRICTED IN WHOLE OR IN PART TO STUDENTS OF AN EDUCATIONAL INSTITUTION OR A PROFESSIONAL SCHOOL.

**(B)** There is a Class C (fraternal/sororal/service organization) beer, wine, and liquor license.

~~(b)~~ **(C)** The Board may issue the license for use by:

~~(1)~~ a local unit of a lodge or chapter of a nonprofit and nationwide fraternal, sororal, or service organization OR AN INDEPENDENT AND NONPROFIT NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION that:

~~{(1)}~~ ~~(1)~~ is composed solely of inducted members;

~~{(2)}~~ ~~(2)~~ was operating in the county before the license application was made;

~~{(3)}~~ ~~(3)~~ has at least 100 members paying dues of at least \$5 per year per member; and

~~{(4)}~~ ~~(4)~~ owns or operates a home or clubhouse that is principally for the use of its members and guests when accompanied by members; ~~OR~~

~~(2) AN INDEPENDENT NONPROFIT ORGANIZATION WHOSE MEMBERSHIP IS COMPOSED SOLELY OF MEMBERS OF A NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION.~~

~~(e)~~ **(D)** (1) The license authorizes the license holder to sell beer, wine, and liquor by the glass or by the bottle for on-premises consumption by a member or guest accompanied by a member.

(2) The license holder may allow a person that has leased a private room or other area of the licensed premises for a private social gathering to bring beer, wine, and liquor onto the licensed premises for on-premises consumption.

~~(e)~~ **(E)** The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26-2004 of this title, except that restrictions on the sale of alcoholic beverages on Sunday do not apply.

**(F) DURING A 1-YEAR PERIOD, IF A LICENSE HOLDER IS FOUND GUILTY OF TWO UNDERAGE VIOLATIONS OR TWO VIOLATIONS OF PURCHASING BEER, WINE, OR LIQUOR, FROM A PERSON OTHER THAN A LICENSED WHOLESALER, OR ANY COMBINATION OF THE TWO, THE BOARD MAY SUSPEND OR REVOKE THE LICENSE.**

~~(e)~~ **(G)** The annual license fee is \$910.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## **HB0817/SB0066 - Prince George's County**

Alcoholic Beverages - Issuance of License Near a Place of Worship or School

### **Jurisdiction**

Prince George's County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 26-102 and 26-1604

### **Summary**

- This bill authorizes the Board of License Commissioners to issue an alcoholic beverages license to an establishment within 500 feet of a place of worship or 1,000 feet of a school if:
  - ▶ A license of the same class was previously issued at that location,
  - ▶ Held by the same applicant, and
  - ▶ Was in effect before the place of worship or school was built.

**Effective Date(s): July 1, 2024**

## Chapter 1022

**(House Bill 817)**

AN ACT concerning

**Prince George's County – Alcoholic Beverages – Issuance of License Near a Place of Worship or School****PG 307–24**

FOR the purpose of authorizing the Board of License Commissioners for Prince George's County to issue an alcoholic beverages license for an establishment that is within certain distances of a place of worship or school building if a license of the same class had been issued and was held by the same person seeking the new license and was in effect for the establishment before the place of worship or school building was built; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 26–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 26–1604  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

26–102.

This title applies only in Prince George's County.

26–1604.

(a) This section does not apply to:

(1) a holder of a Class B (RT) beer, wine, and liquor license, a Class BH (hotel) license, a Class BLX license, a Class BCE license, a Class B–DD (development

district) license, a Class B–TP (theme park) license, a Class B–AE (arts and entertainment) license, or a per diem license;

(2) an establishment that is within:

(i) the 500–foot restricted distance of a place of worship, if the governing body of the place of worship consents in writing to the issuance of the license and the consent is filed with the license application; or

(ii) the 1,000–foot restricted distance of a private kindergarten or nursery school;

(3) a renewal or extension of a license issued for an establishment that is within the 500–foot restricted distance of a place of worship or the 1,000–foot restricted distance of a school building;

(4) (i) a transfer of a license within 1,000 feet of a place of worship or a school building to another establishment within the same restricted distance; or

(ii) an assignee of a license within the same distance of the same place of worship or school building;

(5) the issuance of a license for an establishment to which a license of the same class had been issued and was in effect on June 1, 1965; [and]

(6) the renewal of a license if a place of worship or school was built within 1,000 feet of the establishment after the original issuance of the license; **AND**

**(7) THE ISSUANCE OF A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 500 FEET OF A PLACE OF WORSHIP OR WITHIN 1,000 FEET OF A SCHOOL BUILDING IF A LICENSE OF THE SAME CLASS HAD BEEN ISSUED AND WAS:**

**(I) HELD BY THE SAME PERSON SEEKING THE NEW LICENSE;**

**AND**

**(II) IN EFFECT FOR THE ESTABLISHMENT BEFORE THE PLACE OF WORSHIP OR SCHOOL BUILDING WAS BUILT.**

(b) (1) Except as provided in subsections (c) and (d) of this section, the Board may not issue a license for an establishment that is within 500 feet of a place of worship or within 1,000 feet of a school building.

(2) The distance from an establishment to a place of worship or school is to be measured from the front door or main entrance of the establishment, whichever is nearest the street abutting the site, along the nearest usual pedestrian route to:

or (i) the closest door that is used as an entrance or exit to the school;

(ii) the main entrance of the place of worship.

(c) The restriction on the distance between the location of a school and a licensed premises does not apply to a Class B–ECF/DS license.

(d) (1) In the part of the Gateway Arts and Entertainment District located in Hyattsville, as designated by the Secretary of Commerce, the front door or main entrance of an establishment for which a Class D beer and wine license is issued may be used if the door or entrance is at least 350 feet from a place of worship.

(2) In College Park, the Board may issue a license for an establishment that is more than 400 feet from a school building if the land on which the establishment is located is in a commercial district.

(3) In Laurel, the Board may issue a license for an establishment regardless of its distance from a place of worship.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## Chapter 1023

**(Senate Bill 66)**

AN ACT concerning

**Prince George's County – Alcoholic Beverages – Issuance of License Near a Place of Worship or School**

FOR the purpose of authorizing the Board of License Commissioners for Prince George's County to issue an alcoholic beverages license for an establishment that is within certain distances of a place of worship or school building if a license of the same class had been issued and was held by the same person seeking the new license and was in effect for the establishment before the place of worship or school building was built; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 26–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 26–1604  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

26–102.

This title applies only in Prince George's County.

26–1604.

(a) This section does not apply to:

(1) a holder of a Class B (RT) beer, wine, and liquor license, a Class BH (hotel) license, a Class BLX license, a Class BCE license, a Class B–DD (development district) license, a Class B–TP (theme park) license, a Class B–AE (arts and entertainment) license, or a per diem license;

(2) an establishment that is within:

(i) the 500-foot restricted distance of a place of worship, if the governing body of the place of worship consents in writing to the issuance of the license and the consent is filed with the license application; or

(ii) the 1,000-foot restricted distance of a private kindergarten or nursery school;

(3) a renewal or extension of a license issued for an establishment that is within the 500-foot restricted distance of a place of worship or the 1,000-foot restricted distance of a school building;

(4) (i) a transfer of a license within 1,000 feet of a place of worship or a school building to another establishment within the same restricted distance; or

(ii) an assignee of a license within the same distance of the same place of worship or school building;

(5) the issuance of a license for an establishment to which a license of the same class had been issued and was in effect on June 1, 1965; [and]

(6) the renewal of a license if a place of worship or school was built within 1,000 feet of the establishment after the original issuance of the license; AND

**(7) THE ISSUANCE OF A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 500 FEET OF A PLACE OF WORSHIP OR WITHIN 1,000 FEET OF A SCHOOL BUILDING IF A LICENSE OF THE SAME CLASS HAD BEEN ISSUED AND WAS:**

**(I) HELD BY THE SAME PERSON SEEKING THE NEW LICENSE;**

**AND**

**(II) IN EFFECT FOR THE ESTABLISHMENT BEFORE THE PLACE OF WORSHIP OR SCHOOL BUILDING WAS BUILT.**

(b) (1) Except as provided in subsections (c) and (d) of this section, the Board may not issue a license for an establishment that is within 500 feet of a place of worship or within 1,000 feet of a school building.

(2) The distance from an establishment to a place of worship or school is to be measured from the front door or main entrance of the establishment, whichever is nearest the street abutting the site, along the nearest usual pedestrian route to:

(i) the closest door that is used as an entrance or exit to the school;

or

Chapter 1023

**(Senate Bill 66)**

AN ACT concerning

**Prince George's County – Alcoholic Beverages – Issuance of License Near a Place of Worship or School**

FOR the purpose of authorizing the Board of License Commissioners for Prince George's County to issue an alcoholic beverages license for an establishment that is within certain distances of a place of worship or school building if a license of the same class had been issued and was held by the same person seeking the new license and was in effect for the establishment before the place of worship or school building was built; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 26–102  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 26–1604  
Annotated Code of Maryland  
(2016 Volume and 2023 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**

26–102.

This title applies only in Prince George's County.

26–1604.

(a) This section does not apply to:

(1) a holder of a Class B (RT) beer, wine, and liquor license, a Class BH (hotel) license, a Class BLX license, a Class BCE license, a Class B–DD (development district) license, a Class B–TP (theme park) license, a Class B–AE (arts and entertainment) license, or a per diem license;



## SB1184 - Prince George's County

Alcoholic Beverages - College Athletic Event Venue Concessionaire Beer, Wine, and Liquor License

### Jurisdiction

Prince George's County

### Statutes Affected

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 26-102 and 24-1001.1

### Summary

- The Class B-College Athletic Event Venue Concessionaire (B-CAEVC) license that the Board can issue to a concessionaire at the University of Maryland, College Park and Bowie State University.
  - ▶ This new license does not count toward the maximum number of Class B licenses that can be issued in the county.
- The Class B-CAEVC license can only be issued to an establishment contracted by a Class B-ECF/DS (Education Conference Facility/Dining Service) beer, wine, and liquor license in areas of those campuses used primarily to host college athletic events.
- The license authorizes the holder to sell beer, wine, and liquor by the glass or

bottle for on-premises consumption:

- ▶ In the area of the venue used to host college athletic events
  - ▶ In any other area controlled by the holder of a Class B-ECF/DS beer, wine, and liquor license.
- A concessionaire requires a separate Class B-CAEVC license for each venue it operates in.
  - The holder may sell beer, wine, and liquor during the hours and days set out for a Class B beer, wine, and liquor license.
  - Under this arrangement of licensed entities, beverages purchased from an outlet operated by the B-ECF/DS (Education Conference Facility/Dining Service) can also be brought onto and consumed in the premises of the new B-CAEVC.
  - The annual fee of \$3,500 must be paid to the Board on or before May 1.

**Effective Date(s): July 1, 2024**

Chapter 1047

**(Senate Bill 1184)**

AN ACT concerning

**Prince George's County – Alcoholic Beverages – College Athletic Event Venue  
Concessionaire Beer, Wine, and Liquor License**

FOR the purpose of establishing a Class B–CAEVC (College Athletic Event Venue Concessionaire) beer, wine, and liquor license in Prince George's County; authorizing the Board of License Commissioners for Prince George's County to issue the license to a certain concessionaire; authorizing beer, wine, and liquor purchased under the license to be consumed in certain areas; providing for the hours and days of sale and an annual license fee; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages and Cannabis  
Section 26–102  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

BY adding to  
Article – Alcoholic Beverages and Cannabis  
Section 26–1001.1  
Annotated Code of Maryland  
(2016 Volume and 2023 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**

26–102.

This title applies only in Prince George's County.

26–1001.1.

**(A) IN THIS SECTION, “CONCESSIONAIRE” MEANS A LESSEE, A SUBLESSEE, OR ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT IS CONTRACTED BY THE HOLDER OF A CLASS B–ECF/DS BEER, WINE, AND LIQUOR LICENSE TO PROVIDE FOOD AND BEVERAGES SERVICES IN DESIGNATED AREAS OF VENUES THAT ARE:**

**(1) LOCATED ON THE UNIVERSITY OF MARYLAND, COLLEGE PARK**

**CAMPUS CAMPUS OR THE BOWIE STATE UNIVERSITY CAMPUS; AND**

**(2) USED PRIMARILY TO HOST COLLEGE ATHLETIC EVENTS.**

**(B) THERE IS A CLASS B–CAEVC (COLLEGE ATHLETIC EVENT VENUE CONCESSIONAIRE) BEER, WINE, AND LIQUOR LICENSE.**

**(C) THE BOARD MAY ISSUE THE LICENSE TO A CONCESSIONAIRE.**

**(D) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE GLASS OR BY THE BOTTLE FOR ON–PREMISES CONSUMPTION:**

**(I) IN THE AREA OF THE VENUE PRIMARILY USED TO HOST COLLEGE ATHLETIC EVENTS, INCLUDING COURTSIDE SEATING AND SUITES AT THE VENUE; AND**

**(II) IN ANY OTHER AREA OF THE VENUE CONTROLLED BY THE HOLDER OF A CLASS B–ECF/DS BEER, WINE, AND LIQUOR LICENSE.**

**(2) THE LICENSE HOLDER MAY RESTRICT ACCESS TO THE LICENSED PREMISES.**

**(E) NOTWITHSTANDING § 26–1009(D)(2) OF THIS SUBTITLE, BEER, WINE, AND LIQUOR PURCHASED FROM AN OUTLET CONTROLLED BY THE HOLDER OF A CLASS B–ECF/DS LICENSE MAY BE CONSUMED AT THE PREMISES CONTROLLED BY THE HOLDER OF A CLASS B–CAEVC LICENSE.**

**(F) A SEPARATE CLASS B–CAEVC BEER, WINE, AND LIQUOR LICENSE IS REQUIRED FOR EACH VENUE IN WHICH THE CONCESSIONAIRE OPERATES.**

**(G) THE LICENSE MAY NOT BE COUNTED AS A CLASS B LICENSE FOR PURPOSES OF § 26–1601 OF THIS TITLE.**

**(H) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 26–2004 OF THIS TITLE.**

**(I) (1) THE ANNUAL FEE FOR THE LICENSE IS \$3,500.**

**(2) THE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



**ST. MARY'S**





## HB0651 - St Mary's County

Alcoholic Beverages - Beer, Wine, and Liquor Tasting Permit

### Jurisdiction

St Mary's County

### Statutes Affected

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 28-102 and 28-1308

### Summary

- The bill establishes a beer, wine, and liquor tasting permit in St. Mary's County.
- The Board may issue the BWLT beer, wine, and liquor tasting permit to a holder of a Class A license, and the permit is effective for a max of either:
  - ▶ Any 26 days in a licensing period for a fee of \$200,
  - ▶ Any 52 days in a licensing period for a fee of \$250, or
  - ▶ Any 365 days in a licensing period for a fee of \$300.
- The permit allows on-premises consumption of beer, wine, and liquor for tasting purposes only, and this consumption is restricted to the licensed premises of the holder.
- They must notify the Board of the intent to have a tasting at least 7 days before the event if the permit is effective for 26 or 52 days in a licensing period.
- An individual may consume alcohol covered by the license in the following quantities per day:
  - ▶ Liquor: up to 0.5 ounce per offering, not exceeding 1.5 ounces in total.
  - ▶ Wine: up to 1 ounce per offering, not exceeding 4 ounces in total.
  - ▶ Beer: up to 2 ounces per offering, not exceeding 8 ounces in total.

**Effective Date(s): July 1, 2024**

## Chapter 1013

**(House Bill 651)**

AN ACT concerning

**St. Mary's County – Alcoholic Beverages – Beer, Wine, and Liquor Tasting Permit**

FOR the purpose of establishing a beer, wine, and liquor tasting permit in St. Mary's County; and generally relating to alcoholic beverages licenses in St. Mary's County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 28–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 28–1308  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

28–102.

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

28–1308.

- (A) **THERE IS A BWLT BEER, WINE, AND LIQUOR TASTING PERMIT.**
- (B) **THE BOARD MAY ISSUE THE PERMIT ONLY TO A HOLDER OF A CLASS A LICENSE.**
- (C) **THE PERMIT AUTHORIZES THE HOLDER TO ALLOW THE ON–PREMISES CONSUMPTION OF BEER, WINE, AND LIQUOR FOR TASTING PURPOSES ONLY.**
- (D) **THE HOLDER OF A CLASS A LICENSE MAY APPLY FOR AND THE BOARD MAY ISSUE THE PERMIT THAT IS EFFECTIVE FOR A MAXIMUM OF:**

- (1) ANY 26 DAYS IN A LICENSING PERIOD;
- (2) ANY 52 DAYS IN A LICENSING PERIOD; OR
- (3) 365 DAYS IN A LICENSING PERIOD.

(E) A PERMIT HOLDER SHALL NOTIFY THE BOARD OF THE HOLDER'S INTENT TO HAVE A TASTING AT LEAST 7 DAYS BEFORE THE EVENT IF THE PERMIT IS EFFECTIVE FOR ANY:

- (1) 26 DAYS IN A LICENSING PERIOD; OR
- (2) 52 DAYS IN A LICENSING PERIOD.

(F) AN INDIVIDUAL MAY CONSUME BEER, WINE, OR LIQUOR COVERED BY THE LICENSE IN A QUANTITY NOT EXCEEDING:

- (1) 0.5 OUNCE FROM EACH OFFERING AND 1.5 OUNCES FROM ALL OFFERINGS OF LIQUOR IN A DAY;
- (2) 1 OUNCE FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY; AND
- (3) 2 OUNCES FROM EACH OFFERING AND 8 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.

(G) THE PERMIT AUTHORIZES THE CONSUMPTION OF BEER, WINE, OR LIQUOR ONLY ON THE LICENSED PREMISES OF THE HOLDER.

(H) THE PERMIT FEES ARE:

- (1) FOR A PERMIT THAT IS EFFECTIVE FOR ANY 26 DAYS IN A LICENSING PERIOD, \$200;
- (2) FOR A PERMIT THAT IS EFFECTIVE FOR ANY 52 DAYS IN A LICENSING PERIOD, \$250; AND
- (3) FOR A PERMIT THAT IS EFFECTIVE FOR 365 DAYS IN A LICENSING PERIOD, \$300.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## **HB0654 - St. Mary's County**

Alcoholic Beverages - Nonprofit Performing Arts Theatre License

### **Jurisdiction**

St. Mary's County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 28-102 and 28-1004

### **Summary**

- The bill creates a nonprofit performing arts theater beer and wine license which is issued by the Board for use at a performing arts theater that:
  - ▶ Has seating
  - ▶ Is operated by a nonprofit organization.
- The license application must be signed by the president and two other members of the theater.
- The license authorizes the holder to sell or serve beer and wine at retail for on-premises consumption.
- The holder may purchase beer and wine from a licensed wholesaler.
- Beer and wine may be served 1 hour before to 1 hour after a regular performance or a fundraiser performance that benefits the theater.

**Effective Date(s): July 1, 2024**

## Chapter 1014

**(House Bill 654)**

AN ACT concerning

**St. Mary's County – Alcoholic Beverages – Nonprofit Performing Arts Theater License**

FOR the purpose of establishing in St. Mary's County a nonprofit performing arts theater beer and wine license that authorizes the holder to sell or serve beer and wine in certain nonprofit performing arts theaters at retail for on-premises consumption; and generally relating to alcoholic beverages in St. Mary's County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 28–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
 Article – Alcoholic Beverages and Cannabis  
 Section 28–1004  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

28–102.

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

28–1004.

**(A) IN THIS SECTION, “NONPROFIT PERFORMING ARTS THEATER” MEANS AN AREA, A BUILDING, OR A STRUCTURE DESIGNED AND USED FOR PLAYS, ACTS, DRAMAS, CONCERTS, OR SIMILAR EVENTS BY INDIVIDUALS PERFORMING ON A STAGE.**

**(B) THERE IS A NONPROFIT PERFORMING ARTS THEATER BEER AND WINE LICENSE.**

**(C) (1) THE BOARD MAY ISSUE THE LICENSE FOR USE ON THE PREMISES OF A PERFORMING ARTS THEATER THAT:**

**(I) HAS SEATING; AND**

**(II) IS OPERATED BY A NONPROFIT ORGANIZATION.**

**(2) THE PRESIDENT AND TWO OTHER OFFICERS OF THE NONPROFIT PERFORMING ARTS THEATER SHALL SIGN THE APPLICATION FOR THE LICENSE.**

**(D) THE LICENSE AUTHORIZES THE HOLDER TO SELL OR SERVE BEER AND WINE AT RETAIL FOR ON-PREMISES CONSUMPTION.**

**(E) THE LICENSE HOLDER MAY SELL OR SERVE BEER AND WINE FROM 1 HOUR BEFORE TO 1 HOUR AFTER:**

**(1) A REGULAR PERFORMANCE; OR**

**(2) A FUND-RAISER PERFORMANCE THAT BENEFITS THE NONPROFIT PERFORMING ARTS THEATER.**

**(F) THE LICENSE HOLDER MAY PURCHASE BEER AND WINE FROM ~~A RETAIL LICENSE HOLDER OR~~ A LICENSED WHOLESALER.**

**(G) THE ANNUAL LICENSE FEE IS \$300.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

**(C) (1) THE BOARD MAY ISSUE THE LICENSE FOR USE ON THE PREMISES OF A PERFORMING ARTS THEATER THAT:**

**(I) HAS SEATING; AND**

**(II) IS OPERATED BY A NONPROFIT ORGANIZATION.**

**(2) THE PRESIDENT AND TWO OTHER OFFICERS OF THE NONPROFIT PERFORMING ARTS THEATER SHALL SIGN THE APPLICATION FOR THE LICENSE.**

**(D) THE LICENSE AUTHORIZES THE HOLDER TO SELL OR SERVE BEER AND WINE AT RETAIL FOR ON-PREMISES CONSUMPTION.**

**(E) THE LICENSE HOLDER MAY SELL OR SERVE BEER AND WINE FROM 1 HOUR BEFORE TO 1 HOUR AFTER:**

**(1) A REGULAR PERFORMANCE; OR**

**(2) A FUND-RAISER PERFORMANCE THAT BENEFITS THE NONPROFIT PERFORMING ARTS THEATER.**

**(F) THE LICENSE HOLDER MAY PURCHASE BEER AND WINE FROM ~~A RETAIL LICENSE HOLDER OR~~ A LICENSED WHOLESALER.**

**(G) THE ANNUAL LICENSE FEE IS \$300.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 16, 2024.







# WASHINGTON COUNTY





## **HB0920/SB0853 - Washington County**

Alcoholic Beverages - Multi-use Sports Events Facility Beer, Wine, and Liquor License

### **Jurisdiction**

Washington County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 31-102 and 31-1005

### **Summary**

- This bill alters the stadium beer and wine license to be a multi-use sports and events facility beer, wine, and liquor license,
- This license is only available for a baseball franchise owner, but allows that organization to be structured to operate a multi-use event facility.
- In addition to allowing this facility to serve liquor, the bill removes limits that previously prohibited the stadium from using glass containers.
- The license allows for service at any events, rather than only baseball games involving the team owned by the license holder.
- The bill requires employees of the facility to:
  - ▶ Complete an alcohol awareness training program
  - ▶ Obtain a crowd control training certificate.
- The annual license fee is increased to \$2,500.

**Effective Date(s): July 1, 2024**

## Chapter 1024

**(House Bill 920)**

AN ACT concerning

**Washington County – Alcoholic Beverages – Multi-Use Sports and Events Facility Beer, Wine, and Liquor License**

FOR the purpose of altering the stadium beer and wine license in Washington County to be a multi-use sports and events facility beer, wine, and liquor license; authorizing the license holder to sell beer, wine, and liquor for on-premises consumption in the multi-use sports and events facility; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 31-102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 31-1005  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

31-102.

This title applies only in Washington County.

31-1005.

(a) In this section, “premises” includes the entire [stadium] **MULTI-USE SPORTS AND EVENTS** facility [and the stadium parking lots].

(b) There is a [stadium] **MULTI-USE SPORTS AND EVENTS FACILITY** beer, **WINE**, and [wine] **LIQUOR** license.

(c) The Board may issue the license to the owner of a professional baseball team franchise that may be in any form of business organization, including partnership,

corporation, and limited liability company **THAT WILL OPERATE AS A MULTI-USE SPORTS AND EVENTS FACILITY.**

(d) [(1)] The license authorizes the license holder to sell beer, **WINE**, and [wine:

(i) **LIQUOR** for on-premises consumption to individuals present at an event held in the [stadium; and

(ii) in plastic, Styrofoam, or paper containers.

(2) The written approval of the Board is required before beer and wine may be sold, served, or consumed:

(i) on a parking lot of the stadium; or

(ii) during an event other than a baseball game in which the team of the license holder is playing] **MULTI-USE SPORTS AND EVENTS FACILITY.**

(e) The license holder [may sell beer and wine from the time the stadium opens for the event until the event ends] **SHALL REQUIRE ALL EMPLOYEES TO:**

**(1) COMPLETE AN ALCOHOL AWARENESS TRAINING PROGRAM; AND**

**(2) OBTAIN A CROWD CONTROL TRAINING CERTIFICATE.**

(f) The license holder may not allow an individual to carry alcoholic beverages onto or from the licensed premises.

(g) [(1)] The annual license fee is [\$2,000] **\$2,500.**

[(2)] The fee for a Sunday permit is \$250.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 1025

**(Senate Bill 853)**

AN ACT concerning

**Washington County – Alcoholic Beverages – Multi-Use Sports and Events Facility Beer, Wine, and Liquor License**

FOR the purpose of altering the stadium beer and wine license in Washington County to be a multi-use sports and events facility beer, wine, and liquor license; authorizing the license holder to sell beer, wine, and liquor for on-premises consumption in the multi-use sports and events facility; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 31-102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 31-1005  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

31-102.

This title applies only in Washington County.

31-1005.

(a) In this section, “premises” includes the entire [stadium] **MULTI-USE SPORTS AND EVENTS** facility [and the stadium parking lots].

(b) There is a [stadium] **MULTI-USE SPORTS AND EVENTS FACILITY** beer, **WINE**, and [wine] **LIQUOR** license.

(c) The Board may issue the license to the owner of a professional baseball team franchise that may be in any form of business organization, including partnership,

corporation, and limited liability company **THAT WILL OPERATE AS A MULTI-USE SPORTS AND EVENTS FACILITY.**

(d) [(1)] The license authorizes the license holder to sell beer, **WINE**, and [wine] **LIQUOR**[:

(i) for on-premises consumption to individuals present at an event held in the [stadium] **MULTI-USE SPORTS AND EVENTS FACILITY**]; and

(ii) in plastic, Styrofoam, or paper containers.

(2) The written approval of the Board is required before beer and wine may be sold, served, or consumed:

(i) on a parking lot of the stadium; or

(ii) during an event other than a baseball game in which the team of the license holder is playing].

(e) The license holder [may sell beer and wine from the time the stadium opens for the event until the event ends] **SHALL REQUIRE ALL EMPLOYEES TO:**

**(1) COMPLETE AN ALCOHOL AWARENESS TRAINING PROGRAM; AND**

**(2) OBTAIN A CROWD CONTROL TRAINING CERTIFICATE.**

(f) The license holder may not allow an individual to carry alcoholic beverages onto or from the licensed premises.

(g) [(1)] The annual license fee is [\$2,000] **\$2,500.**

[(2) The fee for a Sunday permit is \$250.]

**SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**







## **WICOMICO COUNTY**





## **HB1340 - Wicomico County**

Alcoholic Beverages - Monopoly of Liquor Control Board and Dispensary - Repeal

### **Jurisdiction**

Wicomico County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic beverages and Cannabis § 32-102, 32-301, 32-306, 32-309, 32-501, 32-504, 32-901(a), (e), 32-902(a), (e), § 32-903(a),(d), 32-904, 32-1003(a), (c)

### **Summary**

- This bill strikes the exclusive right of the Liquor Control Board dispensaries to sell liquor to retailers in Wicomico.
- Class A, B, C, or D license holders may now purchase liquor, beer, and wine from holders of wholesaler's licenses that operate in Maryland.
- Wholesalers are no longer prohibited from delivery alcohol in wicomico to entities other than the dispensary
- The bill also removes references in certain retail licenses that required that bottles sold in retail stores bear a stamp from the dispensary.
- Additionally, the bill makes grammatical changes to provisions which states that a dispensary may not charge the license holder more than 15% above the wholesale operating cost to the dispensary.

**Effective Date(s): July 1, 2024**

## Chapter 964

**(House Bill 1340)**

AN ACT concerning

**Wicomico County – Alcoholic Beverages – Monopoly of Liquor Control Board and Dispensary – Repeal**

FOR the purpose of repealing the monopoly of the Liquor Control Board for Wicomico County and its dispensaries on the sale and distribution of certain liquor at wholesale in the county; authorizing the holders of certain alcoholic beverages licenses to purchase alcoholic beverages from a dispensary or a wholesaler; repealing the prohibition on delivery of certain liquor by certain wholesalers in Wicomico County; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages and Cannabis

Section 32–102, 32–301, 32–901(a), 32–902(a), 32–903(a), 32–904, and 32–1003(a)

Annotated Code of Maryland

(2016 Volume and 2023 Supplement)

BY repealing

Article – Alcoholic Beverages and Cannabis

Section 32–306 and 32–504

Annotated Code of Maryland

(2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages and Cannabis

Section 32–309, 32–501, 32–901(e), 32–902(e), 32–903(d), and 32–1003(c)

Annotated Code of Maryland

(2016 Volume and 2023 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**

32–102.

This title applies only in Wicomico County.

32–301.

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

(b) “Dispensary” means a store established and maintained by the Liquor Control Board for the sale of alcoholic beverages.

(c) “Liquor Control Board” means the Liquor Control Board for the county.

[32–306.

Subject to § 1–319 of this article, the Liquor Control Board has a monopoly on the sale and distribution in the county of:

- (1) wine that contains more than 15.5% alcohol by volume; and
- (2) liquor.]

32–309.

(a) The Liquor Control Board may establish and maintain stores known as “dispensaries”.

(b) A dispensary:

(1) may sell sparkling or fortified wine or other alcoholic beverages containing more than 14% alcohol by volume; and

(2) shall sell the alcoholic beverages in sealed packages or containers.

(c) A dispensary may sell chilled and nonchilled ~~beer, wine,~~ liquor, ice, or bottled water.

(d) **(1) [All] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ALL** alcoholic beverages other than beer and wine shall be purchased from the Liquor Control Board.

**(2) A HOLDER OF A CLASS A, B, C, OR D LICENSE MAY PURCHASE ALCOHOLIC BEVERAGES FROM A DISPENSARY OR A WHOLESALER.**

(e) A dispensary shall sell liquor at wholesale to a beer, wine, and liquor license holder:

(1) for a Class A, B, or C license, at a markup not exceeding 15% above the operating cost to the dispensary; or

(2) for a Class D license, at a markup not exceeding 15% above the wholesale cost to the dispensary.

~~[(f)]~~ (1) The Liquor Control Board may hold wine tasting and sampling promotional events in dispensaries in accordance with this subsection.

(2) The Liquor Control Board:

(i) may not serve to an individual more than 1 ounce from each brand at an event;

(ii) may not allow more than six wine bottles to be open at any one time at an event;

(iii) may not conduct events in the county on more than 10 days in any 12-month period;

(iv) shall mark each wine bottle used for an event, once opened, that it is to be used only for tasting or sampling;

(v) may not mix the contents of a wine bottle with the contents of another wine bottle;

(vi) shall destroy all empty wine bottles;

(vii) shall allow on-premises consumption at an event; and

(viii) may not conduct wine tasting and sampling using a drive-through window. ~~]~~

~~[(g)]~~ ~~(F)~~ A person may not open or consume the contents of a sealed container or package on the premises of the dispensary where sold.

~~[(h)]~~ ~~(G)~~ Title 4, Subtitle 2 of this article does not apply to this section.

32-501.

**[(a)]** The following sections of Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 2-301 (“Licenses issued by Comptroller”);

**(2) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);**

**(3) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**

**[(2)] (4) § 2-304 (“Class 3 beer and wine wholesaler’s license”);**

- [(3)] (5) § 2–305 (“Class 4 beer wholesaler’s license”);  
 [(4)] (6) § 2–306 (“Class 5 wine wholesaler’s license”);  
 [(5)] (7) § 2–307 (“Class 6 limited wine wholesaler’s license”);  
 [(6)] (8) § 2–308 (“Class 7 limited beer wholesaler’s license”);  
 [(7)] (9) § 2–309 (“Sale and delivery of beer or wine from wholesaler’s  
 vehicle”);  
 [(8)] (10) § 2–310 (“Sale and delivery to retail license holder”);  
 [(9)] (11) § 2–311 (“Additional wholesaler’s licenses”);  
 [(10)] (12) § 2–312 (“Direct importation of alcoholic beverages”);  
 [(11)] (13) § 2–313 (“Sale or delivery restricted to holder of license or  
 permit”);  
 [(12)] (14) § 2–314 (“Beer sale on credit to retail dealer prohibited”);  
 [(13)] (15) § 2–315 (“Interaction between wholesaling entities and  
 retailers”);  
 [(14)] (16) § 2–316 (“Distribution of alcoholic beverages — Prohibited  
 practices”); and  
 [(15)] (17) § 2–317 (“Restrictive agreements between wholesalers and  
 retailers — Prohibited”).

[(b)] The following sections of Title 2, Subtitle 3 (“Wholesaler’s Licenses”) of Division I of this article apply in the county, subject to § 32–504 of this subtitle:

- (1) § 2–302 (“Class 1 beer, wine, and liquor wholesaler’s license”); and
- (2) § 2–303 (“Class 2 wine and liquor wholesaler’s license”).]

[32–504.

A holder of a Class 1 beer, wine, and liquor or Class 2 wine and liquor wholesaler’s license may not sell or deliver liquor in the county for resale except to a county dispensary.]

32–901.



(a) There is a Class A beer, wine, and liquor license.

(e) (1) The license holder shall purchase liquor for retail sale from a county dispensary **OR FROM A WHOLESALER.**

(2) **[The] A DISPENSARY MAY NOT CHARGE THE** license holder **[shall be charged not]** more than 15% above the wholesale operating cost to the dispensary.

32-902.

(a) There is a Class B beer, wine, and liquor license.

(e) (1) The license holder shall purchase liquor for retail sale from a county dispensary **OR FROM A WHOLESALER.**

(2) **[The] A DISPENSARY MAY NOT CHARGE THE** license holder **[shall be charged not]** more than 15% above the wholesale operating cost to the **[county]** dispensary.

32-903.

(a) There is:

(1) a 6-day Class C beer, wine, and liquor license; and

(2) a 7-day Class C beer, wine, and liquor license.

(d) **[(1)]** A license holder shall purchase alcoholic beverages for retail sale, except beer and wine, from the Liquor Control Board **OR FROM A WHOLESALER.**

**[(2)]** A license holder may purchase a bottle from the Liquor Control Board under paragraph (1) of this subsection that is stamped or otherwise designated “on-sale only” by the Liquor Control Board.]

32-904.

(a) There is a Class D beer, wine, and liquor license.

(b) The Board may issue the license for use by a tavern that, not including the dance floor or bar area, has seating for at least 140 individuals.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on-premises consumption 7 days a week.

(d) An individual under the legal drinking age may not enter the licensed premises.

- (e) The license may not be issued for use by a drugstore.
- (f) The annual license fee is \$2,200.

32–1003.

- (a) There is a Class B beer, wine, and liquor (golf course) license.

(c) (1) The license holder may sell beer, wine, and liquor for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes.

- (2) A patron need not be seated to be served.

[(3) (i) Alcoholic beverages other than beer and wine that are sold or offered for sale shall be purchased from the Liquor Control Board.

(ii) Each bottle containing alcoholic beverages shall be stamped or otherwise designated “on–sale only” by the Liquor Control Board.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## **HB1341/SB0941 - Wicomico County**

Alcoholic Beverages - Class B Beer, Wine, and Liquor Licenses - Purchases from Licensed Wholesalers and Self- Distribution

### **Jurisdiction**

Wicomico County

### **Statutes Affected**

Annotated Code of Maryland, Article - Alcoholic Beverages and Cannabis § 2-203, 32-102, 32-902.

### **Summary**

- This bill makes changes to law in Wicomico county that will allow Class 9 distilleries to sell alcohol at retail through a class B license they hold in Wicomico county directly without a need to pass their products through the dispensary system.
- A Class B beer, wine, and liquor restaurant license holder with a Class 9 limited distillery license may sell distillery products at the location specified in the Class B license for on- and off-premises consumption, consistent with the Class B license.
- It also authorizes a Class B beer, wine, and liquor license holder to purchase liquor for retail sale from a licensed wholesaler.
- Additionally, the bill makes grammatical changes to a provision which states that a dispensary may not charge the Class B license holder more than 15% above the wholesale operating cost to the dispensary.

**Effective Date(s): July 1, 2024**

## Chapter 1039

**(House Bill 1341)**

AN ACT concerning

**Wicomico County – Alcoholic Beverages – Class B Beer, Wine, and Liquor Licenses – Purchases From Licensed Wholesalers and Self-Distribution**

FOR the purpose of authorizing a Class B beer, wine, and liquor license holder to purchase liquor for retail sale from a licensed wholesaler; authorizing a Class B beer, wine, and liquor restaurant license holder that has been issued a Class 9 limited distillery license to sell certain products manufactured under the distillery license in a certain manner; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 2–203 and 32–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 32–902  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

2–203.

(a) There is a Class 9 limited distillery license.

(b) The limited distillery license may be issued only to a holder of a:

(1) Class D beer, wine, and liquor license where sales for both on- and off-premises consumption are permitted for use on the premises for which the Class D license was issued; or

(2) Class B beer, wine, and liquor license where sales for both on- and off-premises consumption are permitted for use on the premises for which the Class B license was issued.

(c) A holder of the limited distillery license:

(1) may establish and operate a plant in the State for distilling, rectifying, and bottling brandy, rum, whiskey, alcohol, and neutral spirits if the holder:

(i) maintains only one brand at any one time for each product of brandy, rum, whiskey, alcohol, and neutral spirits that is distilled, rectified, and sold; and

(ii) does not manufacture or rectify product of any other brand for another entity;

(2) may acquire bulk alcoholic beverages from the holder of a distillery or rectifying license in the State or from the holder of a nonresident dealer's permit;

(3) after acquiring an individual storage permit, may store on the licensed premises those products manufactured under the license;

(4) except as authorized under subsection (d)(1) of this section, may sell and deliver those products manufactured under the license only to a licensed wholesaler in the State or person authorized to acquire distilled spirits in another state and not to a county dispensary;

(5) may sell the products manufactured under the license at retail in a manner consistent with the underlying Class D or Class B license;

(6) may conduct guided tours of that portion of the licensed premises used for the limited distillery operation;

(7) may serve not more than three samples of products manufactured at the licensed premises, with each sample consisting of not more than one-half ounce from a single product, to persons who:

(i) have attained the legal drinking age;

(ii) participated in a guided tour; and

(iii) are present on that portion of the premises used for the limited distillery operation; and

(8) may sell and deliver products manufactured by the license holder to an individual in accordance with § 2-219 of this subtitle.

(d) A holder of the limited distillery license may not:

(1) apply for or possess a wholesaler's license, except for a Class 8 liquor wholesaler's license;

(2) sell bottles of the products manufactured at the Class 9 limited distillery on that part of the premises used for the distillery operation;

(3) except as provided in subsection (e) of this section, distill, rectify, bottle, or sell more than 100,000 gallons of brandy, rum, whiskey, alcohol, and neutral spirits each calendar year;

(4) sell at retail on the premises of the Class D or Class B license, for on-premises or off-premises consumption, more than 31,000 gallons of the products manufactured under the license each calendar year; and

(5) own, operate, or be affiliated in any manner with another manufacturer.

(e) To distill more than the gallonage specified in subsection (d)(3) of this section, a holder of the limited distillery license shall divest itself of any Class D or Class B retail license and obtain a Class 1 distillery license.

(f) A holder of the limited distillery license shall abide by all trade practice restrictions applicable to distilleries.

(g) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$500.

32-102.

This title applies only in Wicomico County.

32-902.

(a) There is a Class B beer, wine, and liquor license.

(b) The Board may issue the license for use by:

(1) a hotel that has:

(i) at least 25 rooms;

(ii) a lobby with registration, mail desk, and seating facilities; and

(iii) a dining room that serves full-course meals at least twice daily;

or

(2) (i) a restaurant that:

1. has a proper and adequate dining room with facilities for preparing and serving regular meals;

2. not counting seating at a bar or counter, has table seating for at least 40 individuals; and

3. has average daily receipts from the sale of food, not counting foodstuff contained in a mixed drink, that each month exceed the average daily receipts from the sale of alcoholic beverages.

(ii) The seating requirement in item (i)1 of this item does not apply to a Class B beer, wine, and liquor license holder who held the license on July 1, 1978.

(c) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant at retail at the place described in the license, for on-premises consumption.

(d) (1) In this subsection, “lounge area” means an area that includes:

(i) a bar where alcoholic beverages are served; and

(ii) an entertainment facility in the same area as the bar.

(2) The license holder may:

(i) prohibit an individual under the legal drinking age from entering the lounge area after 9 p.m. unless the individual is accompanied by a parent or legal guardian who is of the legal drinking age; and

(ii) charge an entertainment fee for each individual who is present while live entertainment is in progress in the lounge area.

(e) (1) **[The] NOTWITHSTANDING § 32–306 OF THIS TITLE, THE** license holder **[shall] MAY** purchase liquor for retail sale from a county dispensary **OR FROM A LICENSED WHOLESALER.**

(2) **[The] A COUNTY DISPENSARY MAY NOT CHARGE THE** license holder **[shall be charged not]** more than 15% above the wholesale operating cost to the county dispensary.

(f) The annual license fees are:

(1) \$1,980 for a hotel; and

(2) \$1,320 for a restaurant.

(g) (1) The Board may issue a wine permit to a holder of the license for use by a restaurant that:

(i) at least 5 days per week, offers for sale and describes in a printed menu:

1. breakfast and lunch;
2. breakfast and dinner; or
3. lunch and dinner; and

(ii) has an area used for the preparation and consumption of food and beverages that is at least 80% of the area of the premises.

(2) Off-sale alcoholic beverages receipts shall be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 32-901(c)(2)(i)3 of this subtitle.

(3) The wine permit authorizes the license holder to sell, at retail, at the place described in the license:

- (i) beer, wine, and liquor for on-premises consumption; and
- (ii) wine for off-premises consumption.

(4) The term of the wine permit is the same as the term of the Class B license.

(5) If the premises is open for business as a restaurant, the hours and days of sale for the wine permit are:

- (i) 10 a.m. to midnight, Monday through Saturday; and
- (ii) 12:30 p.m. to midnight on Sunday.

(6) Wine sold under the wine permit may not have an alcohol content greater than 15.5%.

(7) An applicant for the wine permit shall complete the form that the Board provides.

(8) Advertising, posting of notice, and public hearing requirements for the wine permit are the same as those for Class B licenses.



(9) The Board may adopt regulations to carry out this subsection, including a limit on the number of wine permits to be granted.

(10) The annual permit fee is \$1,500.

**(H) THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR RESTAURANT LICENSE THAT HAS BEEN ISSUED A CLASS 9 LIMITED DISTILLERY LICENSE MAY SELL PRODUCTS MANUFACTURED UNDER THE DISTILLERY LICENSE AT THE PLACE DESCRIBED IN THE CLASS B LICENSE IN A MANNER CONSISTENT WITH THE UNDERLYING CLASS B LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 1040

**(Senate Bill 941)**

AN ACT concerning

**Wicomico County – Alcoholic Beverages – Class B Beer, Wine, and Liquor Licenses – Purchases From Licensed Wholesalers and Self-Distribution**

FOR the purpose of authorizing a Class B beer, wine, and liquor license holder to purchase liquor for retail sale from a licensed wholesaler; authorizing a Class B beer, wine, and liquor restaurant license holder that has been issued a Class 9 limited distillery license to sell certain products manufactured under the distillery license in a certain manner; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 2–203 and 32–102  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 32–902  
 Annotated Code of Maryland  
 (2016 Volume and 2023 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**

2–203.

(a) There is a Class 9 limited distillery license.

(b) The limited distillery license may be issued only to a holder of a:

(1) Class D beer, wine, and liquor license where sales for both on- and off-premises consumption are permitted for use on the premises for which the Class D license was issued; or

(2) Class B beer, wine, and liquor license where sales for both on- and off-premises consumption are permitted for use on the premises for which the Class B license was issued.

(c) A holder of the limited distillery license:

(1) may establish and operate a plant in the State for distilling, rectifying, and bottling brandy, rum, whiskey, alcohol, and neutral spirits if the holder:

(i) maintains only one brand at any one time for each product of brandy, rum, whiskey, alcohol, and neutral spirits that is distilled, rectified, and sold; and

(ii) does not manufacture or rectify product of any other brand for another entity;

(2) may acquire bulk alcoholic beverages from the holder of a distillery or rectifying license in the State or from the holder of a nonresident dealer's permit;

(3) after acquiring an individual storage permit, may store on the licensed premises those products manufactured under the license;

(4) except as authorized under subsection (d)(1) of this section, may sell and deliver those products manufactured under the license only to a licensed wholesaler in the State or person authorized to acquire distilled spirits in another state and not to a county dispensary;

(5) may sell the products manufactured under the license at retail in a manner consistent with the underlying Class D or Class B license;

(6) may conduct guided tours of that portion of the licensed premises used for the limited distillery operation;

(7) may serve not more than three samples of products manufactured at the licensed premises, with each sample consisting of not more than one-half ounce from a single product, to persons who:

(i) have attained the legal drinking age;

(ii) participated in a guided tour; and

(iii) are present on that portion of the premises used for the limited distillery operation; and

(8) may sell and deliver products manufactured by the license holder to an individual in accordance with § 2-219 of this subtitle.

(d) A holder of the limited distillery license may not:

(1) apply for or possess a wholesaler's license, except for a Class 8 liquor wholesaler's license;

(2) sell bottles of the products manufactured at the Class 9 limited distillery on that part of the premises used for the distillery operation;

(3) except as provided in subsection (e) of this section, distill, rectify, bottle, or sell more than 100,000 gallons of brandy, rum, whiskey, alcohol, and neutral spirits each calendar year;

(4) sell at retail on the premises of the Class D or Class B license, for on-premises or off-premises consumption, more than 31,000 gallons of the products manufactured under the license each calendar year; and

(5) own, operate, or be affiliated in any manner with another manufacturer.

(e) To distill more than the gallonage specified in subsection (d)(3) of this section, a holder of the limited distillery license shall divest itself of any Class D or Class B retail license and obtain a Class 1 distillery license.

(f) A holder of the limited distillery license shall abide by all trade practice restrictions applicable to distilleries.

(g) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$500.

32-102.

This title applies only in Wicomico County.

32-902.

(a) There is a Class B beer, wine, and liquor license.

(b) The Board may issue the license for use by:

(1) a hotel that has:

(i) at least 25 rooms;

(ii) a lobby with registration, mail desk, and seating facilities; and

(iii) a dining room that serves full-course meals at least twice daily;

or

(2) (i) a restaurant that:

1. has a proper and adequate dining room with facilities for preparing and serving regular meals;

2. not counting seating at a bar or counter, has table seating for at least 40 individuals; and

3. has average daily receipts from the sale of food, not counting foodstuff contained in a mixed drink, that each month exceed the average daily receipts from the sale of alcoholic beverages.

(ii) The seating requirement in item (i)1 of this item does not apply to a Class B beer, wine, and liquor license holder who held the license on July 1, 1978.

(c) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant at retail at the place described in the license, for on-premises consumption.

(d) (1) In this subsection, “lounge area” means an area that includes:

(i) a bar where alcoholic beverages are served; and

(ii) an entertainment facility in the same area as the bar.

(2) The license holder may:

(i) prohibit an individual under the legal drinking age from entering the lounge area after 9 p.m. unless the individual is accompanied by a parent or legal guardian who is of the legal drinking age; and

(ii) charge an entertainment fee for each individual who is present while live entertainment is in progress in the lounge area.

(e) (1) **[The] NOTWITHSTANDING § 32–306 OF THIS TITLE, THE** license holder **[shall] MAY** purchase liquor for retail sale from a county dispensary **OR FROM A LICENSED WHOLESALER.**

(2) **[The] A COUNTY DISPENSARY MAY NOT CHARGE THE** license holder **[shall be charged not]** more than 15% above the wholesale operating cost to the county dispensary.

(f) The annual license fees are:

(1) \$1,980 for a hotel; and

(2) \$1,320 for a restaurant.

(g) (1) The Board may issue a wine permit to a holder of the license for use by a restaurant that:

(i) at least 5 days per week, offers for sale and describes in a printed menu:

1. breakfast and lunch;
2. breakfast and dinner; or
3. lunch and dinner; and

(ii) has an area used for the preparation and consumption of food and beverages that is at least 80% of the area of the premises.

(2) Off-sale alcoholic beverages receipts shall be included in the calculation of average daily receipts from the sale of alcoholic beverages under § 32-901(c)(2)(i)3 of this subtitle.

(3) The wine permit authorizes the license holder to sell, at retail, at the place described in the license:

- (i) beer, wine, and liquor for on-premises consumption; and
- (ii) wine for off-premises consumption.

(4) The term of the wine permit is the same as the term of the Class B license.

(5) If the premises is open for business as a restaurant, the hours and days of sale for the wine permit are:

- (i) 10 a.m. to midnight, Monday through Saturday; and
- (ii) 12:30 p.m. to midnight on Sunday.

(6) Wine sold under the wine permit may not have an alcohol content greater than 15.5%.

(7) An applicant for the wine permit shall complete the form that the Board provides.

(8) Advertising, posting of notice, and public hearing requirements for the wine permit are the same as those for Class B licenses.

(9) The Board may adopt regulations to carry out this subsection, including a limit on the number of wine permits to be granted.

(10) The annual permit fee is \$1,500.

**(H) THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR RESTAURANT LICENSE THAT HAS BEEN ISSUED A CLASS 9 LIMITED DISTILLERY LICENSE MAY SELL PRODUCTS MANUFACTURED UNDER THE DISTILLERY LICENSE AT THE PLACE DESCRIBED IN THE CLASS B LICENSE IN A MANNER CONSISTENT WITH THE UNDERLYING CLASS B LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



# ***STATE TOBACCO BILLS***





## HB0042 / SB220

Public Health – Public Health Services and Protections – Revisions

### Jurisdiction

Statewide

### Statutes Affected

Annotated Code of Maryland, BR 16–209(c), 16.5–214.1, and 16.7–204.1 17; Criminal Law 21 § 10–107(b), (c), and (d); Family Law 5–712(e), 5–7A–06, and 5–7A–09; Family Law 5–7A–01(a); Health – General 13–1013(d) and Health – General 13–1013(e), (f), and (g), 24–305(b) and (d), and 24–307(a), (d), and (f); Health – General 13–1108(f); Local Government 1–1203.

### Summary

- This bill’s primary change is to remove Maryland’s exception to allow Military personnel as young as 18 to buy tobacco products from each law related to sales to underage persons.
- The bill requires Cigarette retailers (BR 16-209), OTP retailers (BR 16.5-214.1), and ESD retailers (16.7-204.1) to post conspicuous signs that say “No person under 21 may be sold tobacco products.” References to the military exception that were previously required on signs are removed.
- The bill also changes the administration of the Cigarette Restitution Fund and certain other public health grants.
- It streamlines the use of funds by the Maryland Department of Health in two primary ways:
  - ▶ It removes a prerequisite legislative reporting requirement before allocating funds from the Cigarette Restitution Fund for the department’s Counter-Marketing and Media Component.
  - ▶ It allows the department to move unspent Local Public Health Cancer Grant funds awarded to one county to a different county during the fiscal year as needed.
- In Health General Article 24-307, the bill updates a reference to the Alcohol, Tobacco, and Cannabis Commission and to abrogated sections of Criminal Law Article Title 10.

**Effective Date(s): October 1, 2024**

## Chapter 765

## (House Bill 42)

AN ACT concerning

**Public Health – Public Health Services and Protections – Revisions**

FOR the purpose of repealing the exceptions that allow the sale, distribution, or purchase of tobacco products, tobacco paraphernalia, and electronic smoking devices to or for certain individuals who are active duty members of the military; authorizing the Maryland Department of Health to reallocate from one county to another county certain projected unspent grant funding relating to cancer to address certain funding needs; altering the duties of the State Council on Child Abuse and Neglect; repealing the requirement that the Secretary of Health appoint and convene an expert panel on child abuse and neglect relating to research and data collection on a yearly basis; transferring responsibility for the payment of certain emergency medical treatment charges in cases of child abuse and neglect from the Department to the Governor's Office of Crime Prevention, ~~Youth, and Victim Services~~ *and Policy*; and generally relating to public health services and protections.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 16–209(c), 16.5–214.1, and 16.7–204.1

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–107(b), (c), and (d)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–712(e), 5–7A–06, and 5–7A–09

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 5–7A–01(a)

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing

Article – Health – General

Section 13–1013(d) and 13–2205  
Annotated Code of Maryland  
(2023 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 13–1013(e), (f), and (g), 24–305(b) and (d), and 24–307(a), (d), and (f)  
Annotated Code of Maryland  
(2023 Replacement Volume)

BY adding to  
Article – Health – General  
Section 13–1108(f)  
Annotated Code of Maryland  
(2023 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 1–1203  
Annotated Code of Maryland  
(2013 Volume and 2023 Supplement)

#### Preamble

WHEREAS, The minimum age in all states for the sale of tobacco products was raised from 18 to 21 years effective December 20, 2019, under 21 U.S.C. § 387f(d)(5); and

WHEREAS, State statutory provisions maintain exceptions for active duty military personnel between the ages of 18 and 21 years of age to purchase tobacco products, which has caused confusion among Maryland tobacco product sellers; and

WHEREAS, Distribution of funds for the Local Public Health Cancer Grant for cancer prevention, education, screening, and treatment are made in accordance with the formula established in § 13–1108(b) of the Health – General Article, and funds cannot be redistributed between eligible counties during the fiscal year if distribution does not align with the fiscal needs of counties; and

WHEREAS, Reporting on Enforcement Strategies for Distribution of Tobacco Products to Minors under § 24–307(f) of the Health – General Article contains references to sections of the Criminal Law Article repealed by the enactment of Chapter 396 of the Acts of the General Assembly of 2019; and

WHEREAS, Reporting requirements of the Cigarette Restitution Fund’s Counter–Marketing Component under § 13–1013(d) of the Health – General Article are duplicative of reporting requirements of the Cigarette Restitution Fund’s Annual

Accomplishments and Outcomes Report under § 7–317 of the State Finance and Procurement Article; and

WHEREAS, Section 13–2205 of the Health – General Article, establishing an expert panel on child abuse and neglect, can be repealed without reducing the amount or quality of information provided to the General Assembly as the expert panel has completed its work and the efforts and reporting requirements of the expert panel can be assumed by the State Council on Child Abuse and Neglect established under § 5–7A–01 of the Family Law Article; and

WHEREAS, The Maryland Department of Health currently is named as the payor of last resort and given authority to adopt regulations for payments for emergency medical treatment to children in cases of child abuse and neglect under § 5–712(e) of the Family Law Article; and

WHEREAS, The Governor’s Office of Crime Prevention, ~~Youth, and Victim Services~~ *and Policy* has taken over the responsibility as the payor of last resort for the payments for emergency medical treatment; now, therefore,

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

### Article – Business Regulation

16–209.

(c) (1) A licensee shall post a sign in a location that is clearly visible to the consumer that states:

“No person under the age of 21 may be sold tobacco [products without military identification”] **PRODUCTS**”.

(2) The sign required under this subsection shall be written in letters at least one-half inch high.

16.5–214.1.

(a) A licensed other tobacco products retailer shall post a sign in a location that is clearly visible to the consumer that states:

“No person under the age of 21 may be sold tobacco [products without military identification”] **PRODUCTS**”.

(b) The sign required under this section shall be written in letters at least one-half inch high.

16.7–204.1.

(a) A retail licensee shall post a sign in a location that is clearly visible to the consumer that states:

“No person under the age of 21 may be sold tobacco [products without military identification”] **PRODUCTS**”.

(b) The sign required under this section shall be written in letters at least one-half inch high.

### Article – Criminal Law

10–107.

(b) (1) This subsection does not apply to the distribution of a tobacco product or tobacco paraphernalia to[:

(i)] an individual under the age of 21 years who is acting solely as the agent of the individual’s employer if the employer distributes tobacco products or tobacco paraphernalia for commercial purposes[; or

(ii) a purchaser or recipient who:

1. is at least 18 years of age;
2. is an active duty member of the military; and
3. presents a valid military identification].

(2) A person who distributes tobacco products for commercial purposes, including a person licensed under Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article, may not distribute to an individual under the age of 21 years:

- (i) a tobacco product;
- (ii) tobacco paraphernalia; or
- (iii) a coupon redeemable for a tobacco product.

(c) A person not described in subsection (b)(2) of this section may not:

(1) purchase for or sell a tobacco product to an individual under the age of 21 years[,unless the individual:

- (i) is at least 18 years of age;
- (ii) is an active duty member of the military; and
- (iii) presents a valid military identification]; or

(2) distribute tobacco paraphernalia to an individual under the age of 21 years[, unless the individual:

- (i) is at least 18 years of age;
- (ii) is an active duty member of the military; and
- (iii) presents a valid military identification].

(d) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by a government unit that positively identified the purchaser or recipient as at least 21 years of age [or as at least 18 years of age and an active duty member of the military].

### Article – Family Law

5-712.

(e) (1) In accordance with regulations adopted by the [Secretary of Health] **EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES AND POLICY**, the [Maryland Department of Health] **GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES AND POLICY** shall pay for emergency medical treatment charges that are incurred on behalf of a child who is examined or treated under this section.

(2) The child's parent or guardian is liable to the [Maryland Department of Health] **GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES AND POLICY** for the payments and shall take any steps necessary to secure health benefits available for the child from a public or private benefit program.

(3) The local department shall:

- (i) immediately determine whether a child treated or examined under this section is eligible for medical assistance payments; and
- (ii) secure medical assistance benefits for any eligible child examined or treated under this section.

5-7A-01.

- (a) There is a State Council on Child Abuse and Neglect.

5-7A-06.

(a) In addition to any duties set forth elsewhere, the Council shall, by examining the policies and procedures of State and local agencies and specific cases that the Council considers necessary to perform its duties under this section, evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities in accordance with:

- (1) the State plan under 42 U.S.C. § 5106a(b);
- (2) the child protection standards set forth in 42 U.S.C. § 5106a(b); and

(3) any other criteria that the Council considers important to ensure the protection of children, including:

(i) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption program established under Part E of Title IV of the Social Security Act; and

(ii) a review of child fatalities and near fatalities.

(b) The Council may request that a local citizens review panel established under § 5-539.2 of this title conduct a review under this section and report its findings to the Council.

(c) The Council shall coordinate its activities under this section with the State Citizens Review Board for Children, local citizens review panels, [and] the child fatality review teams, **AND THE CHILD ABUSE MEDICAL PROVIDERS (MARYLAND CHAMP) INITIATIVE** in order to avoid unnecessary duplication of effort.

(d) The chairperson of the Council may designate members of the Children's Justice Act Committee as special members of the Council for the purpose of carrying out the duties set forth in this section.

5-7A-09.

(a) The Council shall report and make recommendations annually to the Governor and the General Assembly on:

**(1) ACTIVITIES OF THE MARYLAND CHAMP INITIATIVE ESTABLISHED UNDER TITLE 13, SUBTITLE 22 OF THE HEALTH – GENERAL ARTICLE,**

**INCLUDING DATA COLLECTED ON CHILD ABUSE AND NEGLECT DIAGNOSES AND TREATMENT; AND**

**(2)** matters relating to the prevention, detection, prosecution, and treatment of child abuse and neglect, including policy and training needs that require the attention and action of the Governor or the General Assembly.

(b) The Council shall annually prepare and make available to the public a report containing a summary of its activities under § 5–7A–05 of this subtitle.

**Article – Health – General**

13–1013.

[(d) Subject to subsection (c)(2) of this section, before spending any funds allocated in the State budget to the Counter–Marketing and Media Component and no later than January 1, 2001, the Department shall submit a report to the Governor and, subject to § 2–1257 of the State Government Article, the General Assembly that:

(1) Identifies the goals of the Counter–Marketing and Media Component and the target dates for meeting these goals;

(2) Describes the various elements of the Counter–Marketing and Media Component and how the Department plans to implement the Component; and

(3) Identifies the different target audiences of the Counter–Marketing and Media Component.]

[(e)] **(D)** (1) The Department may contract with a higher education institution or private entity to implement any part of the Counter–Marketing and Media Component.

(2) If the Department determines that any part of the Counter–Marketing and Media Component should be implemented by a higher education institution or private entity, the Department shall issue a request for proposal to select the entity that will implement that part of the Component.

(3) At a minimum, the request for proposal shall:

(i) State with specificity the goals of the Counter–Marketing and Media Component;

(ii) State with specificity the objectives and performance criteria that will be used to measure the success of the program to which the request for proposal relates; and



(iii) Require that the response to the request for proposal include a plan to reach the targeted audiences identified by the Department.

(4) If the Department issues a request for proposal to select an entity to implement any part of the Counter-Marketing and Media Component, the Department shall use the criteria established in § 13-1003(e)(5) of this subtitle as a guide in administering the request for proposal process.

**[(f)] (E)** To the extent practicable, the Department shall take steps to maximize the cost effectiveness of the Counter-Marketing and Media Component, including:

(1) Using advertisements and other communications and public relations products and services that have been developed by and shown to be effective in other states;

(2) Subject to subsection **[(g)] (F)** of this section, using money that is allocated to the Counter-Marketing and Media Component to obtain money from the federal government, the National Public Education Fund, or any other entity; and

(3) Coordinating the purchase of broadcast time with other states.

**[(g)] (F)** The Department may not accept money from the federal government, the National Public Education Fund, or any other entity if the Department is required to accept, as a condition of receiving the money, restrictions on the content of advertisements, communications, or other public relations products or services that are funded with money from the Cigarette Restitution Fund if the restrictions are inconsistent with the purposes of this subtitle.

13-1108.

**(F) THE DEPARTMENT MAY REALLOCATE PROJECTED UNSPENT FUNDS AWARDED TO A COUNTY TO ANOTHER COUNTY AS NEEDED DURING THE FISCAL YEAR IN ORDER TO ADDRESS ANY UNMET COUNTY FUNDING NEEDS AS DETERMINED UNDER § 13-1107 OF THIS SUBTITLE.**

[13-2205.

(a) The Secretary shall appoint and convene an expert panel on child abuse and neglect relating to research and data collection at least one time each year.

(b) The panel shall assist the Secretary in:

(1) Reviewing the appropriateness of current procedural terminology (CPT) codes and billing protocols for services provided regarding child abuse and neglect; and

(2) Determining how diagnosis and treatment data may be preserved to provide statistics on the extent of child abuse and neglect in the State, including through the creation of a special billing code.

(c) The panel shall meet at least one time each year with representatives from each emergency room, child advocacy center, and any other facility that provides expert child abuse and neglect care, as defined in § 5–712 of the Family Law Article, to provide training in current procedural terminology (CPT) codes and billing protocols.

(d) On or before December 1 of each year, the panel shall submit a report, in accordance with § 2–1257 of the State Government Article, to the General Assembly on the data collected on child abuse and neglect diagnosis and treatment and the activities of the Initiative.]

24–305.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not sell, distribute, or offer for sale to an individual under the age of 21 years an electronic smoking device, as defined in § 16.7–101(c) of the Business Regulation Article.

(2) This subsection does not apply to[:

(i) An] AN electronic smoking device that contains or delivers nicotine intended for human consumption if the device has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for this purpose[; or

(ii) A purchaser or recipient who:

1. Is at least 18 years of age;
2. Is an active duty member of the military; and
3. Presents a valid military identification].

(d) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser’s or recipient’s driver’s license or other valid identification issued by a government unit that positively identified the purchaser or recipient as at least 21 years of age [or as at least 18 years of age and an active duty member of the military].

24–307.

(a) (1) This section does not apply to the distribution of a coupon that is redeemable for a tobacco product if the coupon is:

## Chapter 765

**(House Bill 42)**

AN ACT concerning

**Public Health – Public Health Services and Protections – Revisions**

FOR the purpose of repealing the exceptions that allow the sale, distribution, or purchase of tobacco products, tobacco paraphernalia, and electronic smoking devices to or for certain individuals who are active duty members of the military; authorizing the Maryland Department of Health to reallocate from one county to another county certain projected unspent grant funding relating to cancer to address certain funding needs; altering the duties of the State Council on Child Abuse and Neglect; repealing the requirement that the Secretary of Health appoint and convene an expert panel on child abuse and neglect relating to research and data collection on a yearly basis; transferring responsibility for the payment of certain emergency medical treatment charges in cases of child abuse and neglect from the Department to the Governor's Office of Crime Prevention, ~~Youth, and Victim Services~~ *and Policy*; and generally relating to public health services and protections.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 16–209(c), 16.5–214.1, and 16.7–204.1

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–107(b), (c), and (d)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–712(e), 5–7A–06, and 5–7A–09

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 5–7A–01(a)

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing

Article – Health – General

## Chapter 765

**(House Bill 42)**

AN ACT concerning

**Public Health – Public Health Services and Protections – Revisions**

FOR the purpose of repealing the exceptions that allow the sale, distribution, or purchase of tobacco products, tobacco paraphernalia, and electronic smoking devices to or for certain individuals who are active duty members of the military; authorizing the Maryland Department of Health to reallocate from one county to another county certain projected unspent grant funding relating to cancer to address certain funding needs; altering the duties of the State Council on Child Abuse and Neglect; repealing the requirement that the Secretary of Health appoint and convene an expert panel on child abuse and neglect relating to research and data collection on a yearly basis; transferring responsibility for the payment of certain emergency medical treatment charges in cases of child abuse and neglect from the Department to the Governor's Office of Crime Prevention, ~~Youth, and Victim Services~~ *and Policy*; and generally relating to public health services and protections.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 16–209(c), 16.5–214.1, and 16.7–204.1

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–107(b), (c), and (d)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–712(e), 5–7A–06, and 5–7A–09

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 5–7A–01(a)

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing

Article – Health – General

- (i) is at least 18 years of age;
- (ii) is an active duty member of the military; and
- (iii) presents a valid military identification].

(d) A person has not violated this section if:

(1) the person examined the driver's license or other valid government-issued identification presented by the recipient of a tobacco product, cigarette rolling paper, or coupon redeemable for a tobacco product; and

(2) the license or other identification positively identified the recipient as being at least 21 years old [or as being at least 18 years of age and an active duty member of the military].

(e) (1) In Carroll County and St. Mary's County, a person who violates this section commits a civil infraction and is subject to a civil penalty of:

- (i) \$300 for the first violation; and
- (ii) \$500 for any subsequent violation within 24 months after the previous citation.

(2) In Cecil County, a person who violates this section commits a civil infraction and is subject to a civil penalty of:

- (i) \$300 for the first violation;
- (ii) \$500 for a second violation; and
- (iii) \$750 for any subsequent violation.

(3) In Garrett County, a person who violates this section commits a civil infraction and is subject to a civil penalty not exceeding \$300.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 766

**(Senate Bill 220)**

AN ACT concerning

**Public Health – Public Health Services and Protections – Revisions**

FOR the purpose of repealing the exceptions that allow the sale, distribution, or purchase of tobacco products, tobacco paraphernalia, and electronic smoking devices to or for certain individuals who are active duty members of the military; authorizing the Maryland Department of Health to reallocate from one county to another county certain projected unspent grant funding relating to cancer to address certain funding needs; altering the duties of the State Council on Child Abuse and Neglect; repealing the requirement that the Secretary of Health appoint and convene an expert panel on child abuse and neglect relating to research and data collection on a yearly basis; transferring responsibility for the payment of certain emergency medical treatment charges in cases of child abuse and neglect from the Department to the Governor's Office of Crime Prevention, ~~Youth, and Victim Services~~ *and Policy*; and generally relating to public health services and protections.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 16–209(c), 16.5–214.1, and 16.7–204.1

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–107(b), (c), and (d)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–712(e), 5–7A–06, and 5–7A–09

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 5–7A–01(a)

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing

Article – Health – General

Section 13–1013(d) and 13–2205  
Annotated Code of Maryland  
(2023 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 13–1013(e), (f), and (g), 24–305(b) and (d), and 24–307(a), (d), and (f)  
Annotated Code of Maryland  
(2023 Replacement Volume)

BY adding to  
Article – Health – General  
Section 13–1108(f)  
Annotated Code of Maryland  
(2023 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 1–1203  
Annotated Code of Maryland  
(2013 Volume and 2023 Supplement)

#### Preamble

WHEREAS, The minimum age in all states for the sale of tobacco products was raised from 18 to 21 years effective December 20, 2019, under 21 U.S.C. § 387f(d)(5); and

WHEREAS, State statutory provisions maintain exceptions for active duty military personnel between the ages of 18 and 21 years of age to purchase tobacco products, which has caused confusion among Maryland tobacco product sellers; and

WHEREAS, Distribution of funds for the Local Public Health Cancer Grant for cancer prevention, education, screening, and treatment are made in accordance with the formula established in § 13–1108(b) of the Health – General Article, and funds cannot be redistributed between eligible counties during the fiscal year if distribution does not align with the fiscal needs of counties; and

WHEREAS, Reporting on Enforcement Strategies for Distribution of Tobacco Products to Minors under § 24–307(f) of the Health – General Article contains references to sections of the Criminal Law Article repealed by the enactment of Chapter 396 of the Acts of the General Assembly of 2019; and

WHEREAS, Reporting requirements of the Cigarette Restitution Fund’s Counter–Marketing Component under § 13–1013(d) of the Health – General Article are duplicative of reporting requirements of the Cigarette Restitution Fund’s Annual

Accomplishments and Outcomes Report under § 7–317 of the State Finance and Procurement Article; and

WHEREAS, Section 13–2205 of the Health – General Article, establishing an expert panel on child abuse and neglect, can be repealed without reducing the amount or quality of information provided to the General Assembly as the expert panel has completed its work and the efforts and reporting requirements of the expert panel can be assumed by the State Council on Child Abuse and Neglect established under § 5–7A–01 of the Family Law Article; and

WHEREAS, The Maryland Department of Health currently is named as the payor of last resort and given authority to adopt regulations for payments for emergency medical treatment to children in cases of child abuse and neglect under § 5–712(e) of the Family Law Article; and

WHEREAS, The Governor’s Office of Crime Prevention, ~~Youth, and Victim Services~~ *and Policy* has taken over the responsibility as the payor of last resort for the payments for emergency medical treatment; now, therefore,

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

### **Article – Business Regulation**

16–209.

(c) (1) A licensee shall post a sign in a location that is clearly visible to the consumer that states:

“No person under the age of 21 may be sold tobacco [products without military identification”] **PRODUCTS”**.

(2) The sign required under this subsection shall be written in letters at least one–half inch high.

16.5–214.1.

(a) A licensed other tobacco products retailer shall post a sign in a location that is clearly visible to the consumer that states:

“No person under the age of 21 may be sold tobacco [products without military identification”] **PRODUCTS”**.

(b) The sign required under this section shall be written in letters at least one–half inch high.



16.7–204.1.

(a) A retail licensee shall post a sign in a location that is clearly visible to the consumer that states:

“No person under the age of 21 may be sold tobacco [products without military identification”] **PRODUCTS**”.

(b) The sign required under this section shall be written in letters at least one-half inch high.

### Article – Criminal Law

10–107.

(b) (1) This subsection does not apply to the distribution of a tobacco product or tobacco paraphernalia to[:

(i)] an individual under the age of 21 years who is acting solely as the agent of the individual’s employer if the employer distributes tobacco products or tobacco paraphernalia for commercial purposes[; or

(ii) a purchaser or recipient who:

1. is at least 18 years of age;
2. is an active duty member of the military; and
3. presents a valid military identification].

(2) A person who distributes tobacco products for commercial purposes, including a person licensed under Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article, may not distribute to an individual under the age of 21 years:

- (i) a tobacco product;
- (ii) tobacco paraphernalia; or
- (iii) a coupon redeemable for a tobacco product.

(c) A person not described in subsection (b)(2) of this section may not:

(1) purchase for or sell a tobacco product to an individual under the age of 21 years[,unless the individual:

- (i) is at least 18 years of age;
- (ii) is an active duty member of the military; and
- (iii) presents a valid military identification]; or

(2) distribute tobacco paraphernalia to an individual under the age of 21 years[, unless the individual:

- (i) is at least 18 years of age;
- (ii) is an active duty member of the military; and
- (iii) presents a valid military identification].

(d) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by a government unit that positively identified the purchaser or recipient as at least 21 years of age [or as at least 18 years of age and an active duty member of the military].

### Article – Family Law

5-712.

(e) (1) In accordance with regulations adopted by the [Secretary of Health] **EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES AND POLICY**, the [Maryland Department of Health] **GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES AND POLICY** shall pay for emergency medical treatment charges that are incurred on behalf of a child who is examined or treated under this section.

(2) The child's parent or guardian is liable to the [Maryland Department of Health] **GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES AND POLICY** for the payments and shall take any steps necessary to secure health benefits available for the child from a public or private benefit program.

(3) The local department shall:

- (i) immediately determine whether a child treated or examined under this section is eligible for medical assistance payments; and
- (ii) secure medical assistance benefits for any eligible child examined or treated under this section.

5-7A-01.

- (a) There is a State Council on Child Abuse and Neglect.

5-7A-06.

(a) In addition to any duties set forth elsewhere, the Council shall, by examining the policies and procedures of State and local agencies and specific cases that the Council considers necessary to perform its duties under this section, evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities in accordance with:

- (1) the State plan under 42 U.S.C. § 5106a(b);
- (2) the child protection standards set forth in 42 U.S.C. § 5106a(b); and

(3) any other criteria that the Council considers important to ensure the protection of children, including:

(i) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption program established under Part E of Title IV of the Social Security Act; and

(ii) a review of child fatalities and near fatalities.

(b) The Council may request that a local citizens review panel established under § 5-539.2 of this title conduct a review under this section and report its findings to the Council.

(c) The Council shall coordinate its activities under this section with the State Citizens Review Board for Children, local citizens review panels, [and] the child fatality review teams, **AND THE CHILD ABUSE MEDICAL PROVIDERS (MARYLAND CHAMP) INITIATIVE** in order to avoid unnecessary duplication of effort.

(d) The chairperson of the Council may designate members of the Children's Justice Act Committee as special members of the Council for the purpose of carrying out the duties set forth in this section.

5-7A-09.

(a) The Council shall report and make recommendations annually to the Governor and the General Assembly on:

**(1) ACTIVITIES OF THE MARYLAND CHAMP INITIATIVE ESTABLISHED UNDER TITLE 13, SUBTITLE 22 OF THE HEALTH – GENERAL ARTICLE,**

**INCLUDING DATA COLLECTED ON CHILD ABUSE AND NEGLECT DIAGNOSES AND TREATMENT; AND**

**(2)** matters relating to the prevention, detection, prosecution, and treatment of child abuse and neglect, including policy and training needs that require the attention and action of the Governor or the General Assembly.

(b) The Council shall annually prepare and make available to the public a report containing a summary of its activities under § 5–7A–05 of this subtitle.

**Article – Health – General**

13–1013.

[(d) Subject to subsection (c)(2) of this section, before spending any funds allocated in the State budget to the Counter–Marketing and Media Component and no later than January 1, 2001, the Department shall submit a report to the Governor and, subject to § 2–1257 of the State Government Article, the General Assembly that:

(1) Identifies the goals of the Counter–Marketing and Media Component and the target dates for meeting these goals;

(2) Describes the various elements of the Counter–Marketing and Media Component and how the Department plans to implement the Component; and

(3) Identifies the different target audiences of the Counter–Marketing and Media Component.]

[(e)] **(D)** (1) The Department may contract with a higher education institution or private entity to implement any part of the Counter–Marketing and Media Component.

(2) If the Department determines that any part of the Counter–Marketing and Media Component should be implemented by a higher education institution or private entity, the Department shall issue a request for proposal to select the entity that will implement that part of the Component.

(3) At a minimum, the request for proposal shall:

(i) State with specificity the goals of the Counter–Marketing and Media Component;

(ii) State with specificity the objectives and performance criteria that will be used to measure the success of the program to which the request for proposal relates; and

(iii) Require that the response to the request for proposal include a plan to reach the targeted audiences identified by the Department.

(4) If the Department issues a request for proposal to select an entity to implement any part of the Counter-Marketing and Media Component, the Department shall use the criteria established in § 13-1003(e)(5) of this subtitle as a guide in administering the request for proposal process.

**[(f)] (E)** To the extent practicable, the Department shall take steps to maximize the cost effectiveness of the Counter-Marketing and Media Component, including:

(1) Using advertisements and other communications and public relations products and services that have been developed by and shown to be effective in other states;

(2) Subject to subsection **[(g)] (F)** of this section, using money that is allocated to the Counter-Marketing and Media Component to obtain money from the federal government, the National Public Education Fund, or any other entity; and

(3) Coordinating the purchase of broadcast time with other states.

**[(g)] (F)** The Department may not accept money from the federal government, the National Public Education Fund, or any other entity if the Department is required to accept, as a condition of receiving the money, restrictions on the content of advertisements, communications, or other public relations products or services that are funded with money from the Cigarette Restitution Fund if the restrictions are inconsistent with the purposes of this subtitle.

13-1108.

**(F) THE DEPARTMENT MAY REALLOCATE PROJECTED UNSPENT FUNDS AWARDED TO A COUNTY TO ANOTHER COUNTY AS NEEDED DURING THE FISCAL YEAR IN ORDER TO ADDRESS ANY UNMET COUNTY FUNDING NEEDS AS DETERMINED UNDER § 13-1107 OF THIS SUBTITLE.**

[13-2205.

(a) The Secretary shall appoint and convene an expert panel on child abuse and neglect relating to research and data collection at least one time each year.

(b) The panel shall assist the Secretary in:

(1) Reviewing the appropriateness of current procedural terminology (CPT) codes and billing protocols for services provided regarding child abuse and neglect; and

(2) Determining how diagnosis and treatment data may be preserved to provide statistics on the extent of child abuse and neglect in the State, including through the creation of a special billing code.

(c) The panel shall meet at least one time each year with representatives from each emergency room, child advocacy center, and any other facility that provides expert child abuse and neglect care, as defined in § 5–712 of the Family Law Article, to provide training in current procedural terminology (CPT) codes and billing protocols.

(d) On or before December 1 of each year, the panel shall submit a report, in accordance with § 2–1257 of the State Government Article, to the General Assembly on the data collected on child abuse and neglect diagnosis and treatment and the activities of the Initiative.]

24–305.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not sell, distribute, or offer for sale to an individual under the age of 21 years an electronic smoking device, as defined in § 16.7–101(c) of the Business Regulation Article.

(2) This subsection does not apply to[:

(i) An] AN electronic smoking device that contains or delivers nicotine intended for human consumption if the device has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for this purpose[; or

(ii) A purchaser or recipient who:

1. Is at least 18 years of age;
2. Is an active duty member of the military; and
3. Presents a valid military identification].

(d) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser’s or recipient’s driver’s license or other valid identification issued by a government unit that positively identified the purchaser or recipient as at least 21 years of age [or as at least 18 years of age and an active duty member of the military].

24–307.

(a) (1) This section does not apply to the distribution of a coupon that is redeemable for a tobacco product if the coupon is:

(i) Contained in a newspaper, a magazine, or any other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(ii) Sent through the mail.

(2) This section does not apply to the distribution of a tobacco product or tobacco paraphernalia to[

(i) An] AN individual under the age of 21 years who is acting solely as the agent of the individual's employer if the employer distributes tobacco products or tobacco paraphernalia for commercial purposes[; or

(ii) A purchaser or recipient who:

1. Is at least 18 years of age;
2. Is an active duty member of the military; and
3. Presents a valid military identification].

(d) In a prosecution for a violation of subsection (b) of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by a governmental unit that positively identified the purchaser or recipient as at least 21 years old [or as at least 18 years of age and an active duty member of the military].

(f) (1) The Maryland Department of Health, in collaboration and consultation with the Office of the Comptroller, the Executive Director of the Alcohol [and], Tobacco, AND CANNABIS Commission, local health departments, and local law enforcement agencies, shall develop ongoing strategies for enforcement of [§§ 10–107 and 10–108] § **10–107** of the Criminal Law Article.

(2) On or before October 1 each year, the Department shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on:

(i) The development of enforcement strategies required under paragraph (1) of this subsection; and

(ii) Training and assistance to tobacco retailers to improve compliance with § 10–107 of the Criminal Law Article.

### Article – Local Government

1–1203.

(a) This section applies only in:

- (1) Carroll County;
- (2) Cecil County;
- (3) Garrett County; and
- (4) St. Mary's County.

(b) Subsection (c)(3) of this section does not apply to the distribution of a coupon that is redeemable for a tobacco product if the coupon:

- (1) is contained in a newspaper, magazine, or other type of publication and the coupon is incidental to the primary purpose of the publication; or
- (2) is sent through the mail.

(c) A person may not:

(1) distribute a tobacco product to an individual under the age of 21 years, unless[:

(i) the individual is acting solely as the agent of the individual's employer who is engaged in the business of distributing tobacco products; [or

(ii) the individual:

1. is at least 18 years of age;
2. is an active duty member of the military; and
3. presents a valid military identification;]

(2) distribute cigarette rolling papers to an individual under the age of 21 years[, unless the individual:

- (i) is at least 18 years of age;
- (ii) is an active duty member of the military; and
- (iii) presents a valid military identification]; or

(3) distribute to an individual under the age of 21 years a coupon redeemable for a tobacco product[, unless the individual:



- (i) is at least 18 years of age;
- (ii) is an active duty member of the military; and
- (iii) presents a valid military identification].

(d) A person has not violated this section if:

(1) the person examined the driver's license or other valid government-issued identification presented by the recipient of a tobacco product, cigarette rolling paper, or coupon redeemable for a tobacco product; and

(2) the license or other identification positively identified the recipient as being at least 21 years old [or as being at least 18 years of age and an active duty member of the military].

(e) (1) In Carroll County and St. Mary's County, a person who violates this section commits a civil infraction and is subject to a civil penalty of:

- (i) \$300 for the first violation; and
- (ii) \$500 for any subsequent violation within 24 months after the previous citation.

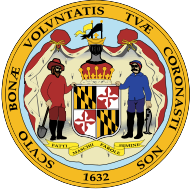
(2) In Cecil County, a person who violates this section commits a civil infraction and is subject to a civil penalty of:

- (i) \$300 for the first violation;
- (ii) \$500 for a second violation; and
- (iii) \$750 for any subsequent violation.

(3) In Garrett County, a person who violates this section commits a civil infraction and is subject to a civil penalty not exceeding \$300.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

**Approved by the Governor, May 16, 2024.**



# HB0147/SB0072

## Tobacco Tax Stamp Refunds

### Jurisdiction

Statewide

### Statutes Affected

Annotated Code of Maryland, Article Tax General  
§ 13-901(h)

### Summary

- The bill permits a claimant who purchases tobacco tax stamps to file a refund claim if the stamps are lost due to theft.
- The claimant must provide the Comptroller with:
  - ▶ Copy of police report with detailed inventory of the stolen property.
  - ▶ Notarized affidavit signed by the claimant.
- Claimants must notify the Comptroller and return a refund if stolen property is recovered.
- Claimants may be subject to a fine of double the amount of refund for making a false claim.

**Effective Date(s): June 1, 2024**

## Chapter 895

## (House Bill 147)

AN ACT concerning

**Tobacco Tax Stamp Refunds – Loss Due to Theft**

FOR the purpose of authorizing a ~~taxpayer~~ claimant who buys tobacco tax stamps to receive a refund for tobacco tax stamps affixed to stolen property; requiring the ~~taxpayer~~ claimant to provide the Comptroller with certain documentation when making a claim for a refund; providing for a certain fine for making a false claim; and generally relating to refunds for tobacco tax stamps.

BY repealing and reenacting, with amendments,  
 Article – Tax – General  
 Section 13–901(h)  
 Annotated Code of Maryland  
 (2022 Replacement Volume and 2023 Supplement)

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

**Article – Tax – General**

13–901.

(h) **(1)** A claim for refund of tobacco tax may be filed by a claimant who buys tobacco tax stamps that:

[(1)] **(I)** are affixed erroneously to anything other than a package of cigarettes;

[(2)] **(II)** are affixed to a package of unsalable cigarettes;

[(3)] **(III)** are canceled by the Comptroller;

[(4)] **(IV)** if the claim is \$250 or more, are lost or destroyed in the State due to fire, flood, or other disaster, vandalism, or malicious mischief[, except loss due to theft];  
 [or]

[(5)] **(V)** mutilated or damaged, whether or not affixed to a package of cigarettes; OR

**(VI) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ARE LOST DUE TO THEFT.**

**(2) (I) A ~~TAXPAYER~~ CLAIMANT MAY RECEIVE A REFUND FOR TOBACCO TAX STAMPS LOST DUE TO THEFT BY PROVIDING TO THE COMPTROLLER:**

**1. A COPY OF THE POLICE REPORT WITH A DETAILED INVENTORY OF THE STOLEN PROPERTY, INCLUDING WHEN THE PROPERTY WAS ORDERED, LOADED ONTO THE TRUCK, AND STAMPED; AND**

**2. A NOTARIZED AFFIDAVIT SIGNED BY THE ~~TAXPAYER~~ CLAIMANT UNDER PENALTY OF PERJURY ATTESTING TO THE TRUTH OF THE INFORMATION PROVIDED IN THE CLAIM FOR A REFUND.**

**(II) IF THE STOLEN PROPERTY IS RECOVERED, THE ~~TAXPAYER~~ CLAIMANT SHALL NOTIFY THE COMPTROLLER AND RETURN ANY REFUND RECEIVED UNDER THIS PARAGRAPH.**

**(III) IN ADDITION TO OTHER PENALTIES AUTHORIZED BY LAW, A ~~TAXPAYER~~ CLAIMANT IS SUBJECT TO A FINE OF DOUBLE THE AMOUNT OF ANY TAX REFUND RECEIVED UNDER THIS PARAGRAPH FOR MAKING A FALSE CLAIM.**

**(IV) THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY OUT THIS PARAGRAPH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 896

**(Senate Bill 72)**

AN ACT concerning

**Tobacco Tax Stamp Refunds – Loss Due to Theft**

FOR the purpose of authorizing a ~~taxpayer~~ claimant who buys tobacco tax stamps to receive a refund for tobacco tax stamps affixed to stolen property; requiring the ~~taxpayer~~ claimant to provide the Comptroller with certain documentation when making a claim for a refund; providing for a certain fine for making a false claim; and generally relating to refunds for tobacco tax stamps.

BY repealing and reenacting, with amendments,  
 Article – Tax – General  
 Section 13–901(h)  
 Annotated Code of Maryland  
 (2022 Replacement Volume and 2023 Supplement)

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

**Article – Tax – General**

13–901.

(h) **(1)** A claim for refund of tobacco tax may be filed by a claimant who buys tobacco tax stamps that:

[(1)] **(I)** are affixed erroneously to anything other than a package of cigarettes;

[(2)] **(II)** are affixed to a package of unsalable cigarettes;

[(3)] **(III)** are canceled by the Comptroller;

[(4)] **(IV)** if the claim is \$250 or more, are lost or destroyed in the State due to fire, flood, or other disaster, vandalism, or malicious mischief[, except loss due to theft];  
 [or]

[(5)] **(V)** mutilated or damaged, whether or not affixed to a package of cigarettes; OR

**(VI) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ARE LOST DUE TO THEFT.**

## Chapter 896

**(Senate Bill 72)**

AN ACT concerning

**Tobacco Tax Stamp Refunds – Loss Due to Theft**

FOR the purpose of authorizing a ~~taxpayer~~ claimant who buys tobacco tax stamps to receive a refund for tobacco tax stamps affixed to stolen property; requiring the ~~taxpayer~~ claimant to provide the Comptroller with certain documentation when making a claim for a refund; providing for a certain fine for making a false claim; and generally relating to refunds for tobacco tax stamps.

BY repealing and reenacting, with amendments,  
 Article – Tax – General  
 Section 13–901(h)  
 Annotated Code of Maryland  
 (2022 Replacement Volume and 2023 Supplement)

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

**Article – Tax – General**

13–901.

(h) **(1)** A claim for refund of tobacco tax may be filed by a claimant who buys tobacco tax stamps that:

[(1)] **(I)** are affixed erroneously to anything other than a package of cigarettes;

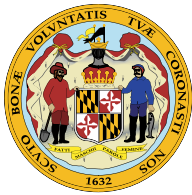
[(2)] **(II)** are affixed to a package of unsalable cigarettes;

[(3)] **(III)** are canceled by the Comptroller;

[(4)] **(IV)** if the claim is \$250 or more, are lost or destroyed in the State due to fire, flood, or other disaster, vandalism, or malicious mischief[, except loss due to theft];  
 [or]

[(5)] **(V)** mutilated or damaged, whether or not affixed to a package of cigarettes; **OR**

**(VI) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ARE LOST DUE TO THEFT.**



## HB0238/SB0244

Public Health - Clean indoor Act - Revisions

### Jurisdiction Statewide

### Statutes Affected

Annotated Code of Maryland, Article - Health - General, § 24-501, 24-504, 24-505, 24-506, 24-508(c)(2), 24-509, 24-510, 24-511.

Article - Labor and Employment § 4-608(b)(1)

### Summary

- The bill extends the restrictions of the Clean Indoor Air Act to vaping, by defining the term “environmental smoke” to include the vapor from electronic smoking devices.
- This bill defines “vaping” as the use of:
  - ▶ An electronic smoking device.
  - ▶ Any device through which the user inhales aerosol containing tobacco, cannabis, or hemp.
- This bill requires “No smoking or vaping”: signs must be clearly posted and maintained in all indoor public areas and entrances of all facilities covered by the Clean Indoor Air Act.
- If a business is accused of not complying with the act, they can present a defense by showing they took specific actions such as posting the required signs, removing smoking paraphernalia, and ejecting or refusing to serve people who smoke or vape.
- The Maryland Department of Health shall convene a workgroup to study the issuance of alcoholic beverages licenses to tobacconists and issue a report on or before July 1, 2025
- Local alcoholic beverages licenses may not be issued to a tobacconist from July 1, 2024 to July 1, 2026.

**Effective Date(s): July 1, 2024**

## Chapter 754

**(House Bill 238)**

AN ACT concerning

**Public Health – Clean Indoor Air Act – Revisions**

FOR the purpose of prohibiting vaping in certain indoor areas *and places of employment* and certain mass transportation; requiring that certain signs be posted and maintained in a certain manner in each indoor area open to the public and each public entrance to an indoor area where smoking or vaping is prohibited under the Clean Indoor Air Act; *requiring the Maryland Department of Health to convene a workgroup to study the issuance of alcoholic beverages licenses to tobaccoists; prohibiting a local alcoholic beverages license from being issued to a tobaccoist during a certain period of time;* and generally relating to the Clean Indoor Air Act.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 24–501, 24–504, 24–505, 24–506, and 24–508(c)(2)

Annotated Code of Maryland

(2023 Replacement Volume)

BY repealing

Article – Health – General

Section 24–509

Annotated Code of Maryland

(2023 Replacement Volume)

*BY repealing and reenacting, with amendments,**Article – Labor and Employment**Section 5–608(b)(1)**Annotated Code of Maryland**(2016 Replacement Volume and 2023 Supplement)*

BY renumbering

Article – Health – General

Section 24–510 and 24–511

to be Section 24–509 and 24–510, respectively

Annotated Code of Maryland

(2023 Replacement Volume)

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

**Article – Health – General**



24–501.

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

(b) “Cannabis” has the meaning stated in [§ 5–101 of the Criminal Law Article] **§ 1–101 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE.**

(c) **“ELECTRONIC SMOKING DEVICE” HAS THE MEANING STATED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.**

[(c)] (D) “Employee” has the meaning stated in § 5–101 of the Labor and Employment Article.

[(d)] (E) “Employer” has the meaning stated in § 5–101 of the Labor and Employment Article.

[(e)] (F) “Environmental smoke” means [the]:

(1) **THE** complex mixture formed from the escaping smoke of a burning tobacco, cannabis, or hemp product or smoke exhaled by the smoker; **OR**

(2) **THE COMPLEX MIXTURE FORMED FROM THE ESCAPING AEROSOL OF AN ELECTRONIC SMOKING DEVICE OR EXHALED AS ELECTRONIC SMOKING DEVICE AEROSOL.**

(G) **“HEMP” HAS THE MEANING STATED IN § 14–101 OF THE AGRICULTURE ARTICLE.**

[(f)] (H) “Indoor area open to the public” means:

(1) An indoor area or a portion of an indoor area accessible to the public by either invitation or permission; or

(2) An indoor area of any establishment licensed or permitted under the Alcoholic Beverages and Cannabis Article for the sale or possession of alcoholic beverages.

[(g)] (I) “Place of employment” has the meaning stated in § 5–101 of the Labor and Employment Article.

[(h)] (J) “Smoking” means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance containing, wholly or in part, tobacco, cannabis, or hemp.

(K) **“TOBACCO PRODUCT” HAS THE MEANING STATED IN § 13–1001 OF THIS ARTICLE.**

**(L) “VAPING” MEANS THE USE OF:****(1) AN ELECTRONIC SMOKING DEVICE; OR****(2) ANY DEVICE THROUGH WHICH THE USER INHALES AEROSOL CONTAINING ~~HEMP OR CANNABIS~~ TOBACCO, CANNABIS, OR HEMP.**

24-504.

Except as provided in § 24-505 of this subtitle, beginning on February 1, 2008, a person may not smoke **OR VAPE** in:

(1) An indoor area open to the public;

(2) An indoor place in which meetings are open to the public in accordance with Title 3 of the General Provisions Article;

(3) A government-owned or government-operated means of mass transportation including buses, vans, trains, taxicabs, and limousines; or

(4) An indoor place of employment.

24-505.

This subtitle does not apply to:

(1) Private homes, residences, including residences used as a business or place of employment, unless being used by a person who is licensed or registered under Title 5, Subtitle 5 of the Family Law Article to provide child care, and private vehicles, unless being used for the public transportation of children, or as part of health care or child care transportation;

(2) A hotel or motel room rented to one or more guests as long as the total percent of hotel or motel rooms being so used does not exceed 25%;

(3) A retail tobacco business that is a sole proprietorship, limited liability company, corporation, partnership, or other enterprise, in which:

(i) The primary activity is the retail sale of tobacco products and accessories; and

(ii) The sale of other products is incidental;

(4) Any facility of a manufacturer, importer, wholesaler, or distributor of tobacco products or of any tobacco leaf dealer or processor in which employees of the manufacturer, importer, wholesaler, distributor, or processor work or congregate; or

(5) A research or educational laboratory for the purpose of conducting scientific research into the health effects of [tobacco] ENVIRONMENTAL smoke.

24-506.

(a) Signs that state “Smoking **OR VAPING** Permitted in This Room” shall be prominently posted and properly maintained where smoking **OR VAPING** is allowed under § 24-505(2) of this subtitle.

**(B) SIGNS THAT STATE “NO SMOKING OR VAPING” SHALL BE CONSPICUOUSLY POSTED AND PROPERLY MAINTAINED IN EACH INDOOR AREA OPEN TO THE PUBLIC AND EACH PUBLIC ENTRANCE TO AN INDOOR AREA WHERE SMOKING OR VAPING IS PROHIBITED UNDER THIS SUBTITLE.**

[(b)] (C) The signs shall be posted and maintained by the owner, operator, manager, or other person having control of the area.

[(c)] (D) The letters on the signs shall be at least 1 inch in height.

24-508.

(c) (2) It is an affirmative defense to a complaint brought against a person for a violation of a provision of this subtitle or a regulation adopted under this subtitle that the person or an employee of the person:

(i) Posted a “No [Smoking] **SMOKING OR VAPING**” sign as required under § 24-506 of this subtitle;

(ii) Removed all ashtrays and other smoking **OR VAPING** paraphernalia from all areas where smoking is prohibited; and

(iii) If the violation occurred in a bar, tavern, or restaurant:

1. Refused to seat or serve any individual who was smoking **OR VAPING** in a prohibited area; and

2. If the individual continued to smoke **OR VAPE** after an initial warning, asked the individual to leave the establishment.

[24-509.

(a) Within 90 days from the receipt of an application for a waiver and the date that all conditions for the application for a waiver required in the regulations adopted by the Secretary have been satisfied, the health officer of a county may grant a waiver from the application of a specific provision of this subtitle, if prior to the granting of the waiver, the applicant for a waiver establishes in writing:

(1) Compliance with a specific provision of this subtitle would cause undue financial hardship; or

(2) The existence of other factors that would render compliance unreasonable.

(b) The Secretary may impose conditions or restrictions on a waiver granted under subsection (a) of this section to:

(1) Minimize the adverse effects of the waiver on individuals involuntarily exposed to secondhand smoke; and

(2) Ensure that the waiver is consistent with the purposes of this subtitle.

(c) The Secretary shall adopt regulations necessary to implement this section.

(d) (1) A waiver may not be granted under subsection (a) of this section on or after January 31, 2011.

(2) A waiver granted under subsection (a) of this section terminates on January 31, 2011.]

### **Article – Labor and Employment**

5-608.

(b) (1) The Department shall adopt regulations that prohibit environmental [tobacco] smoke, as defined in § 24-501 of the Health – General Article, in indoor places of employment not normally open to the general public.

#### **SECTION 2. AND BE IT FURTHER ENACTED, That:**

(a) The Maryland Department of Health shall convene a workgroup to study the issuance of alcoholic beverages licenses to tobacconists.

(b) The workgroup shall include:

(1) two Senators designated by the President of the Senate;

(2) two Delegates designated by the Speaker of the House;

(3) one representative from the Alcohol, Tobacco, and Cannabis Commission;

(4) one representative from the Maryland Department of Health; and

(5) one representative from a cigar retailers trade association.

(c) On or before July 1, 2025, the workgroup shall report its findings and recommendations to the General Assembly in accordance with § 2-1257 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That a local alcoholic beverages license may not be issued to a tobacconist from July 1, 2024, to July 1, 2026, both inclusive.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That Section(s) 24-510 and 24-511 of Article – Health – General of the Annotated Code of Maryland be renumbered to be Section(s) 24-509 and 24-510, respectively.

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**

## Chapter 755

## (Senate Bill 244)

AN ACT concerning

**Public Health – Clean Indoor Air Act – Revisions**

FOR the purpose of prohibiting vaping in certain indoor areas and places of employment and certain mass transportation; requiring that certain signs be posted and maintained in a certain manner in each indoor area open to the public and each public entrance to an indoor area where smoking or vaping is prohibited under the Clean Indoor Air Act; ~~altering the exemption from the Clean Indoor Air Act for certain retail tobacco businesses;~~ requiring the Maryland Department of Health to convene a workgroup to study the issuance of alcoholic beverages licenses to tobacconists; prohibiting a local alcoholic beverages license from being issued to a tobacconist during a certain period of time; and generally relating to the Clean Indoor Air Act.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 24–501, 24–504, 24–505, 24–506, and 24–508(c)(2)  
 Annotated Code of Maryland  
 (2023 Replacement Volume)

BY repealing  
 Article – Health – General  
 Section 24–509  
 Annotated Code of Maryland  
 (2023 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 5–608(b)(1)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2023 Supplement)

BY renumbering  
 Article – Health – General  
 Section 24–510 and 24–511  
 to be Section 24–509 and 24–510, respectively  
 Annotated Code of Maryland  
 (2023 Replacement Volume)

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

**Article – Health – General**

24–501.

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

(b) “Cannabis” has the meaning stated in [§ 5–101 of the Criminal Law Article] **§ 1–101 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE.**

(c) **“ELECTRONIC SMOKING DEVICE” HAS THE MEANING STATED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.**

[(c)] (D) “Employee” has the meaning stated in § 5–101 of the Labor and Employment Article.

[(d)] (E) “Employer” has the meaning stated in § 5–101 of the Labor and Employment Article.

[(e)] (F) “Environmental smoke” means [the]:

(1) **THE** complex mixture formed from the escaping smoke of a burning tobacco, cannabis, or hemp product or smoke exhaled by the smoker; **OR**

(2) **THE COMPLEX MIXTURE FORMED FROM THE ESCAPING AEROSOL OF AN ELECTRONIC SMOKING DEVICE OR EXHALED AS ELECTRONIC SMOKING DEVICE AEROSOL.**

(G) **“HEMP” HAS THE MEANING STATED IN § 14–101 OF THE AGRICULTURE ARTICLE.**

[(f)] (H) “Indoor area open to the public” means:

(1) An indoor area or a portion of an indoor area accessible to the public by either invitation or permission; or

(2) An indoor area of any establishment licensed or permitted under the Alcoholic Beverages and Cannabis Article for the sale or possession of alcoholic beverages.

[(g)] (I) “Place of employment” has the meaning stated in § 5–101 of the Labor and Employment Article.

[(h)] (J) “Smoking” means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance containing, wholly or in part, tobacco, cannabis, or hemp.

(K) **“TOBACCO PRODUCT” HAS THE MEANING STATED IN § 13–1001 OF THIS ARTICLE.**

(L) **“VAPING” MEANS THE USE OF:**

(1) **AN ELECTRONIC SMOKING DEVICE; OR**

(2) **ANY DEVICE THROUGH WHICH THE USER INHALES AEROSOL CONTAINING ~~HEMP OR CANNABIS~~ TOBACCO, CANNABIS, OR HEMP.**

24–504.

Except as provided in § 24–505 of this subtitle, beginning on February 1, 2008, a person may not smoke **OR VAPE** in:

(1) An indoor area open to the public;

(2) An indoor place in which meetings are open to the public in accordance with Title 3 of the General Provisions Article;

(3) A government–owned or government–operated means of mass transportation including buses, vans, trains, taxicabs, and limousines; or

(4) An indoor place of employment.

24–505.

This subtitle does not apply to:

(1) Private homes, residences, including residences used as a business or place of employment, unless being used by a person who is licensed or registered under Title 5, Subtitle 5 of the Family Law Article to provide child care, and private vehicles, unless being used for the public transportation of children, or as part of health care or child care transportation;

(2) A hotel or motel room rented to one or more guests as long as the total percent of hotel or motel rooms being so used does not exceed 25%;

(3) A retail tobacco business that is a sole proprietorship, limited liability company, corporation, partnership, or other enterprise, in which:

(i) The primary activity is the retail sale of tobacco products and accessories; and

(ii) The sale of other products is incidental;



(4) Any facility of a manufacturer, importer, wholesaler, or distributor of tobacco products or of any tobacco leaf dealer or processor in which employees of the manufacturer, importer, wholesaler, distributor, or processor work or congregate; or

(5) A research or educational laboratory for the purpose of conducting scientific research into the health effects of [tobacco] ENVIRONMENTAL smoke.

24-506.

(a) Signs that state “Smoking **OR VAPING** Permitted in This Room” shall be prominently posted and properly maintained where smoking **OR VAPING** is allowed under § 24-505(2) of this subtitle.

**(B) SIGNS THAT STATE “NO SMOKING OR VAPING” SHALL BE CONSPICUOUSLY POSTED AND PROPERLY MAINTAINED IN EACH INDOOR AREA OPEN TO THE PUBLIC AND EACH PUBLIC ENTRANCE TO AN INDOOR AREA WHERE SMOKING OR VAPING IS PROHIBITED UNDER THIS SUBTITLE.**

[(b)] (C) The signs shall be posted and maintained by the owner, operator, manager, or other person having control of the area.

[(c)] (D) The letters on the signs shall be at least 1 inch in height.

24-508.

(c) (2) It is an affirmative defense to a complaint brought against a person for a violation of a provision of this subtitle or a regulation adopted under this subtitle that the person or an employee of the person:

(i) Posted a “No [Smoking] **SMOKING OR VAPING**” sign as required under § 24-506 of this subtitle;

(ii) Removed all ashtrays and other smoking **OR VAPING** paraphernalia from all areas where smoking is prohibited; and

(iii) If the violation occurred in a bar, tavern, or restaurant:

1. Refused to seat or serve any individual who was smoking **OR VAPING** in a prohibited area; and

2. If the individual continued to smoke **OR VAPE** after an initial warning, asked the individual to leave the establishment.

[24-509.

(a) Within 90 days from the receipt of an application for a waiver and the date that all conditions for the application for a waiver required in the regulations adopted by the Secretary have been satisfied, the health officer of a county may grant a waiver from the application of a specific provision of this subtitle, if prior to the granting of the waiver, the applicant for a waiver establishes in writing:

(1) Compliance with a specific provision of this subtitle would cause undue financial hardship; or

(2) The existence of other factors that would render compliance unreasonable.

(b) The Secretary may impose conditions or restrictions on a waiver granted under subsection (a) of this section to:

(1) Minimize the adverse effects of the waiver on individuals involuntarily exposed to secondhand smoke; and

(2) Ensure that the waiver is consistent with the purposes of this subtitle.

(c) The Secretary shall adopt regulations necessary to implement this section.

(d) (1) A waiver may not be granted under subsection (a) of this section on or after January 31, 2011.

(2) A waiver granted under subsection (a) of this section terminates on January 31, 2011.]

### **Article – Labor and Employment**

5–608.

(b) (1) The Department shall adopt regulations that prohibit environmental [tobacco] smoke, as defined in § 24–501 of the Health – General Article, in indoor places of employment not normally open to the general public.

#### SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall convene a workgroup to study the issuance of alcoholic beverages licenses to tobacconists.

(b) The workgroup shall include:

(1) two Senators designated by the President of the Senate;

(2) two Delegates designated by the Speaker of the House;

(3) one representative from the Alcohol, Tobacco, and Cannabis Commission;

(4) one representative from the Maryland Department of Health; and

(5) one representative from a cigar retailers trade association.

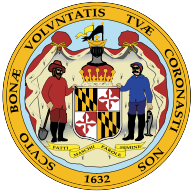
(c) On or before July 1, 2025, the workgroup shall report its findings and recommendations to the General Assembly in accordance with § 2–1257 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That a local alcoholic beverages license may not be issued to a tobacconist from July 1, 2024, to July 1, 2026, both inclusive.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That Section(s) 24–510 and 24–511 of Article – Health – General of the Annotated Code of Maryland be renumbered to be Section(s) 24–509 and 24–510, respectively.

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**



## SB1056

### Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024)

## Jurisdiction Statewide

## Statutes Affected

Annotated Code of Maryland, Business Regulation 16-201(a), (d), and (k), 16.5-101(a), (f), (j), and (l), 16.7-203, 16.7-206, 18 and 16.7-211

Business Regulation § 16-209.1, 16.5-214.2, and 16.7-204.2

Business Regulation 16-302, 16-308.3, 16.5-217.1, 16.7-101, 16.7-204, 16.7-204.1, and 16.7-213.1.

Criminal Law 34 § 10-107 35 36 (2021 Replacement Volume and 2023 Supplement)

## Summary

- This bill alters the operations of cigarette, other tobacco products, and ESD retailers related to product placement and age-verification that include the following:
  - ▶ Cigarettes, electronic smoking devices, and other tobacco products (other than premium cigars/pipe tobacco) have to be behind a counter in an area accessible only to store employees (however, premium cigars and tobacconist retailers are exempted).
  - ▶ They must verify a purchaser's age by conducting a direct face-to-face exchange and viewing a government issued photo identification containing the individual's date of birth.
    - However, a license retailer is not required to verify the age of an individual at least 30 years old.
- Tobacco Products Fees Increased
  - ▶ The bill raises to cost of all cigarette, other tobacco products, and ESD devices to \$300 each, and allow for MDH to receive the extra funding and distribute it to the counties for tobacco enforcement initiatives (except in Montgomery County, which directly receives the increased fees).
- Inspection Requirements
  - ▶ The bill requires MDH, or designee agencies in each county, to conduct compliance inspections at least once a year at each retailer, and to conduct a second inspection within 180 days if the retailer commits a violation.
  - ▶ The bill establishes that the master list of retailers subject to inspection is based on the list of licensed entities as of December 31 of the previous year.
- Increased Authorization for MDH and Penalties
  - ▶ The Secretary of the Maryland Health Department is now able to empower designees to charge violations of 24-304, and 24-307.
  - ▶ The bill imposes mandatory license suspension consequences on license holders convicted of offenses related to selling tobacco product to individuals under 21 (CR 10-107, HG 24-304, HG 24-307).

- For a 2<sup>nd</sup> conviction, the Court must order the Executive Director of the ATCC to suspend the license for up to 90 days, and
  - For each violation beyond the 2<sup>nd</sup>, the Court must order the Executive Director of the ATCC to suspend the license for up to 180 days.
  - Clerks of the Court and/or the Maryland Health Department will be responsible for conveying these findings to the ATCC.
- The bill directs that the ATCC, in conjunction with the Maryland Department of Health, the Comptroller, and the State Department of Education submit a report to the General assembly by October 1, 2025 which addresses various topics related to the density and location of tobacco licenses in Maryland, among other issues.

**Effective Date(s): October 1, 2024**

## Chapter 462

**(Senate Bill 1056)**

AN ACT concerning

**Cigarettes, Other Tobacco Products, and Electronic Smoking Devices –  
Revisions  
(Tobacco Retail Modernization Act of 2024)**

FOR the purpose of prohibiting licensees that sell cigarettes, other tobacco products, or electronic smoking devices at retail from displaying cigarettes, other tobacco products, or electronic smoking devices for sale unless located behind a counter; requiring certain licensed retailers to verify an individual's date of birth before selling cigarettes, other tobacco products, or electronic smoking devices in a certain manner; altering the application fee for a county license to sell cigarettes or tobacco products at retail; repealing certain exceptions that authorize the sale, distribution, or purchase of tobacco products, tobacco paraphernalia, and electronic smoking devices to or for individuals under a certain age who are active duty military members; requiring the Maryland Department of Health to conduct ~~at least two~~ certain unannounced inspections of certain licensed retailers each year; ~~repealing the electronic smoking device retail license~~; altering the definition of "vape shop vendor" to require that the vendor ~~exclusively~~ sell electronic smoking devices and related accessories to consumers on the premises of its place of business; ~~requiring certain licensees to obtain an additional license in order to manufacture, distribute, or sell electronic smoking devices~~; altering the penalty for distributing tobacco products or tobacco paraphernalia to an individual under a certain age; authorizing the court to make certain recommendations to the Executive Director of the Alcohol, Tobacco, and Cannabis Commission regarding the suspension of certain licenses; ~~prohibiting a pharmacy from selling tobacco products, other tobacco products, and electronic smoking devices~~; requiring the Alcohol, Tobacco, and Cannabis Commission, in conjunction with the Maryland Department of Health, the Comptroller, and the State Department of Education, to submit a certain report on or before a certain date; and generally relating to the sale of cigarettes, other tobacco products, and electronic smoking devices.

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 16–201(a), (d), and (k) ~~and~~, 16.5–101(a), (f), (j), and (l), 16.7–203, 16.7–206, and 16.7–211

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY adding to

Article – Business Regulation

Section 16–209.1, 16.5–214.2, and 16.7–204.2

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 16–302, 16–308.3, 16.5–217.1, 16.7–101, ~~16.7–102~~, ~~16.7–201~~, 16.7–202,  
~~16.7–203~~, 16.7–204, 16.7–204.1, ~~16.7–206~~, ~~16.7–211~~, and 16.7–213.1

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–107

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 24–305 and 24–307

Annotated Code of Maryland

(2023 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~

~~Article – Health Occupations~~

~~Section 12–403(e)(22) and (23)~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2023 Supplement)~~

~~BY adding to~~

~~Article – Health Occupations~~

~~Section 12–403(e)(24)~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2023 Supplement)~~

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

### Article – Business Regulation

16–201.

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

(d) “Licensed retailer” means a person licensed by the clerk under § 16–205(b) of this subtitle to act as a retailer.

(k) “Retailer” means a person who:

- (1) sells cigarettes to consumers through vending machines on fewer than 40 premises;
- (2) otherwise sells cigarettes to consumers; or
- (3) holds cigarettes for sale to consumers.

**16-209.1.**

**(A) A LICENSED RETAILER MAY NOT DISPLAY CIGARETTES FOR SALE UNLESS THE CIGARETTES ARE LOCATED BEHIND A COUNTER IN AN AREA ACCESSIBLE ONLY TO THE LICENSED RETAILER AND EMPLOYEES OF THE LICENSED RETAILER.**

**(B) (1) A LICENSED RETAILER MAY NOT SELL CIGARETTES TO AN INDIVIDUAL UNLESS THE LICENSED RETAILER VERIFIES, IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THAT THE INDIVIDUAL IS:**

~~(H) AT LEAST 21 YEARS OLD; OR~~

~~(H) 1. AT LEAST 18 YEARS OLD; AND~~

~~2. AN ACTIVE DUTY MEMBER OF THE MILITARY IN POSSESSION OF A VALID MILITARY IDENTIFICATION.~~

**(2) A SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A LICENSED RETAILER MAY VERIFY AN INDIVIDUAL'S AGE ONLY:**

**(I) BY MEANS OF A GOVERNMENT-ISSUED PHOTO IDENTIFICATION CONTAINING THE INDIVIDUAL'S DATE OF BIRTH; AND**

**(II) IN A DIRECT FACE-TO-FACE EXCHANGE WITHOUT THE ASSISTANCE OF ANY ELECTRONIC OR MECHANICAL DEVICE.**

**(3) A LICENSED RETAILER IS NOT REQUIRED TO VERIFY THE AGE OF AN INDIVIDUAL AT LEAST 30 YEARS OLD.**

**16-302.**

- (a) For each county license, an applicant shall:
  - (1) submit an application to the clerk; and
  - (2) pay to the clerk a license fee of[



- (i) \$25 in a county other than Cecil County or Montgomery County;
- (ii) \$50 in Cecil County; or
- (iii) \$125 in Montgomery County] **\$300.**

(b) (1) From each license fee collected under subsection (a) of this section, the [Clerk of the Circuit Court for Montgomery County] **CLERK** shall distribute:

(i) \$25 to the Executive Director; ~~and~~

(ii) ~~\$100~~ **IN MONTGOMERY COUNTY, \$275** to [Montgomery County] **THE COUNTY** to be used to enforce existing laws banning the sale or distribution of tobacco ~~or~~, tobacco products, **OR ELECTRONIC SMOKING DEVICES, AS DEFINED IN § 16.7–101 OF THIS ARTICLE,** to individuals under the age of 21 years; **AND**

**(III) IN ALL OTHER COUNTIES, \$275 TO THE MARYLAND DEPARTMENT OF HEALTH TO BE USED BY THE DEPARTMENT OR ITS DESIGNEE TO ENFORCE EXISTING LAWS PROHIBITING THE SALE OR DISTRIBUTION OF TOBACCO, TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES, AS DEFINED IN § 16.7–101 OF THIS ARTICLE, TO INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

(2) Funds distributed under paragraph (1)(ii) of this subsection may not be used to supplant existing funding for the enforcement of laws banning the sale or distribution of tobacco or tobacco products to individuals under the age of 21 years.

16–308.3.

(a) **(1) The SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE** Maryland Department of Health **OR ITS DESIGNEE** [may] **SHALL** conduct **AT LEAST ~~TWO~~ ONE** unannounced ~~inspections~~ **INSPECTION** of a licensed retailer to ensure the licensee's compliance with the provisions of this title and § 10–107 of the Criminal Law Article **EACH YEAR.**

**(2) IF A LICENSED RETAILER VIOLATES ANY PROVISION OF THIS TITLE OR § 10–107 OF THE CRIMINAL LAW ARTICLE, THE MARYLAND DEPARTMENT OF HEALTH SHALL CONDUCT AN ADDITIONAL UNANNOUNCED INSPECTION WITHIN 180 DAYS AFTER THE INITIAL INSPECTION.**

(b) The Maryland Department of Health **OR ITS DESIGNEE** may use an individual under the age of 21 years to assist in conducting an inspection under this section.

**(C) TO DETERMINE THE LOCATION OF A LICENSED RETAILER SUBJECT TO AN UNANNOUNCED INSPECTION, THE MARYLAND DEPARTMENT OF HEALTH OR ITS DESIGNEE SHALL USE THE LIST OF LICENSED RETAILERS AS OF DECEMBER 31 OF THE PREVIOUS CALENDAR YEAR.**

16.5–101.

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

(f) “Licensed other tobacco products retailer” means a person licensed by the clerk under § 16.5–204(b) of this title to act as an other tobacco products retailer.

(j) (1) “Other tobacco products” means, except as provided in paragraph (3) of this subsection, a product that is:

(i) intended for human consumption or likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested in any other manner, and that is made of or derived from, or that contains:

1. tobacco; or

2. nicotine; or

(ii) a component or part used in a consumable product described under item (i) of this paragraph.

(2) “Other tobacco products” includes:

(i) cigars, premium cigars, pipe tobacco, chewing tobacco, snuff, and snus; and

(ii) filters, rolling papers, pipes, and hookahs.

(3) “Other tobacco products” does not include:

(i) cigarettes;

(ii) electronic smoking devices;

(iii) drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act; or

(iv) tobacco pipes, as defined under § 11–104 of the Tax – General Article.

- (l) “Other tobacco products retailer” means a person who:
- (1) sells other tobacco products to consumers; or
  - (2) holds other tobacco products for sale to consumers.

## 16.5-214.2.

(A) (1) THIS SUBSECTION DOES NOT APPLY TO:(I) A LICENSED TOBACCONIST; OR(II) THE SALE OF PREMIUM CIGARS.

(2) A LICENSED OTHER TOBACCO PRODUCTS RETAILER MAY NOT DISPLAY OTHER TOBACCO PRODUCTS FOR SALE UNLESS THE OTHER TOBACCO PRODUCTS ARE LOCATED BEHIND A COUNTER IN AN AREA ACCESSIBLE ONLY TO THE LICENSED OTHER TOBACCO PRODUCTS RETAILER AND EMPLOYEES OF THE LICENSED OTHER TOBACCO PRODUCTS RETAILER.

(B) (1) A LICENSED OTHER TOBACCO PRODUCTS RETAILER MAY NOT SELL ~~CIGARETTES~~ OTHER TOBACCO PRODUCTS TO AN INDIVIDUAL UNLESS THE LICENSED OTHER TOBACCO PRODUCTS RETAILER VERIFIES, IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THAT THE INDIVIDUAL IS:

~~(I) AT LEAST 21 YEARS OLD; OR~~~~(II) 1. AT LEAST 18 YEARS OLD; AND~~~~2. AN ACTIVE DUTY MEMBER OF THE MILITARY IN POSSESSION OF A VALID MILITARY IDENTIFICATION.~~

(2) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A LICENSED OTHER TOBACCO PRODUCTS RETAILER MAY VERIFY AN INDIVIDUAL’S AGE ONLY:

(I) BY MEANS OF A GOVERNMENT-ISSUED PHOTO IDENTIFICATION CONTAINING THE INDIVIDUAL’S DATE OF BIRTH; AND

(II) IN A DIRECT FACE-TO-FACE EXCHANGE WITHOUT THE ASSISTANCE OF ANY ELECTRONIC OR MECHANICAL DEVICE.

(3) A LICENSED OTHER TOBACCO PRODUCTS RETAILER IS NOT REQUIRED TO VERIFY THE AGE OF AN INDIVIDUAL AT LEAST 30 YEARS OLD.

16.5–217.1.

(a) **(1) ~~The~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE Maryland Department of Health OR ITS DESIGNEE [may] SHALL conduct AT LEAST ~~TWO~~ ONE unannounced inspections INSPECTION of a licensed retailer to ensure the licensee’s compliance with the provisions of this title and § 10–107 of the Criminal Law Article EACH YEAR.**

**(2) IF A LICENSED RETAILER VIOLATES ANY PROVISION OF THIS TITLE OR § 10–107 OF THE CRIMINAL LAW ARTICLE, THE MARYLAND DEPARTMENT OF HEALTH SHALL CONDUCT AN ADDITIONAL UNANNOUNCED INSPECTION WITHIN 180 DAYS AFTER THE INITIAL INSPECTION.**

(b) The Maryland Department of Health **OR ITS DESIGNEE** may use an individual under the age of 21 years to assist in conducting an inspection under this section.

**(C) TO DETERMINE THE LOCATION OF A LICENSED RETAILER SUBJECT TO AN UNANNOUNCED INSPECTION, THE MARYLAND DEPARTMENT OF HEALTH OR ITS DESIGNEE SHALL USE THE LIST OF LICENSED RETAILERS AS OF DECEMBER 31 OF THE PREVIOUS CALENDAR YEAR.**

16.7–101.

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

(b) “County license” means a license issued by the clerk to sell electronic smoking devices to consumers in a county.

(c) (1) “Electronic smoking device” means a device that can be used to deliver aerosolized or vaporized nicotine to an individual inhaling from the device.

(2) “Electronic smoking device” includes:

(i) an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vape pen, and vaping liquid; and

(ii) except as provided in paragraph (3) of this subsection, any component, part, or accessory of such a device regardless of whether or not it is sold separately, including any substance intended to be aerosolized or vaporized during use of the device.

(3) “Electronic smoking device” does not include:

(i) a drug, device, or combination product authorized for sale by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act; or

(ii) a battery or battery charger when sold separately.

(d) “Electronic smoking devices manufacturer” means a person that:

(1) manufactures, mixes, or otherwise produces electronic smoking devices intended for sale in the State, including electronic smoking devices intended for sale in the United States through an importer; and

(2) (i) ~~¶~~sells electronic smoking devices to a consumer, if the consumer purchases or orders the devices through the mail, a computer network, a telephonic network, or another electronic network, a licensed electronic smoking devices wholesaler distributor, or a licensed electronic smoking devices wholesaler importer in the State;

(ii) ~~¶~~ if the electronic smoking devices manufacturer also holds a license to act as ~~¶~~an electronic smoking devices retailer or ~~¶~~ a vape shop vendor, sells electronic smoking devices **IN THE SAME MANNER AS A VAPE SHOP VENDOR** to consumers located in the State; or

~~¶(iii) ¶ (H)~~ unless otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distributes sample electronic smoking devices to a licensed ~~¶~~electronic smoking devices retailer or ~~¶~~ vape shop vendor.

~~¶~~(e) “Electronic smoking devices retailer” means a person that:

(1) sells electronic smoking devices to consumers;

(2) holds electronic smoking devices for sale to consumers; or

(3) unless otherwise prohibited or restricted under local law, this article, the Criminal Law Article, or § 24–305 of the Health – General Article, distributes sample electronic smoking devices to consumers in the State. ~~¶~~

~~¶(f) ¶ (E)~~ “Electronic smoking devices wholesaler distributor” means a person that:

(1) obtains at least 70% of its electronic smoking devices from a holder of an electronic smoking devices manufacturer license under this subtitle or a business entity located in the United States; and

(2) (i) holds electronic smoking devices for sale to another person for resale; or

(ii) sells electronic smoking devices to another person for resale.

~~[(g)] (F)~~ “Electronic smoking devices wholesaler importer” means a person that:

(1) obtains at least 70% of its electronic smoking devices from a business entity located in a foreign country; and

(2) (i) holds electronic smoking devices for sale to another person for resale; or

(ii) sells electronic smoking devices to another person for resale.

~~[(h)] (G)~~ “Executive Director” means the Executive Director of the Alcohol [and], Tobacco, **AND CANNABIS** Commission.

~~[(i)] (H)~~ “License” means:

(1) a license issued by the Executive Director under § 16.7–203(a) of this title to:

(i) act as a licensed electronic smoking devices manufacturer;

(ii) act as a licensed electronic smoking devices wholesaler distributor; or

(iii) act as a licensed electronic smoking devices wholesaler importer; or

(2) a license issued by the clerk under § 16.7–203(b) of this title to~~l~~:

(i) act as a licensed electronic smoking devices retailer; or

(ii)~~l~~ act as a licensed vape shop vendor.

~~[(j)] (I)~~ “Sell” means to exchange or transfer, or to agree to exchange or transfer, title or possession of property, in any manner or by any means, for consideration.

~~[(k)] (J)~~ “Vape shop vendor” means an electronic smoking devices business that [derives at least 70% of its revenues, measured by average daily receipts, from the sale of] ~~EXCLUSIVELY SELLS~~ electronic smoking devices and related accessories **TO CONSUMERS ON THE PREMISES OF ITS PLACE OF BUSINESS.**

~~[(l)] (K)~~ “Vaping liquid” means a liquid that:

- (1) consists of propylene glycol, vegetable glycerin, or other similar substance;
- (2) may or may not contain natural or artificial flavors;
- (3) may or may not contain nicotine; and
- (4) converts to vapor intended for inhalation when heated in an electronic device.

~~16.7-102.~~

~~(a) The Executive Director may delegate any power or duty of the Executive Director under this title.~~

~~(b) Any person licensed under Title 16 or Title 16.5 of this article, or an affiliate, as defined under § 16-402(e) of this article, of a person licensed under Title 16 of this article:~~

~~(1) is authorized to manufacture, distribute, or sell electronic smoking devices pursuant to this title in the same capacity as the person is licensed under Title 16 or Title 16.5 of this article; and~~

~~(2) may not be required to] MUST obtain an additional license under this title IN ORDER TO MANUFACTURE, DISTRIBUTE, OR SELL ELECTRONIC SMOKING DEVICES PURSUANT TO THIS TITLE.~~

~~16.7-201.~~

~~[(a)] A person must hold an appropriate license before the person may act as:~~

~~(1) an electronic smoking devices manufacturer;~~

~~(2) [an electronic smoking devices retailer;~~

~~(3)] an electronic smoking devices wholesaler distributor;~~

~~[(4)] (3) an electronic smoking devices wholesaler importer; or~~

~~[(5)] (4) a vape shop vendor.~~

~~[(b) A place of business in which a person acts as an electronic smoking devices retailer or a vape shop vendor must hold an appropriate license.]~~

## 16.7-202.

(a) (1) An applicant for a license to act as an electronic smoking devices manufacturer, electronic smoking devices wholesaler distributor, or electronic smoking devices wholesaler importer shall:

(i) obtain an appropriate county license by submitting an application to the Executive Director on the form and containing the information that the Executive Director requires;

(ii) indicate the licenses for which the applicant is applying; and

(iii) except as provided in paragraph (2) of this subsection, pay to the Executive Director a fee of \$25 for each license for which the applicant applies.

(2) An applicant for a license to act as an electronic smoking devices wholesaler distributor or electronic smoking devices wholesaler importer shall pay to the Executive Director a fee of \$150.

(b) (1) An applicant for a license to act as ~~an~~ an electronic smoking devices retailer or ~~a~~ a vape shop vendor:

(i) shall obtain a county license by submitting to the clerk an application for each permanent or temporary place of business located in the same enclosure and operated by the same applicant; and

(ii) except as provided in paragraph (2) of this subsection, shall pay to the clerk a fee of ~~\$25~~ \$300.

(2) The application shall:

(i) be made on the form that the clerk requires; and

(ii) contain the information that the Executive Director requires.

**(3) (I) FROM EACH LICENSE FEE COLLECTED UNDER THIS SUBSECTION, THE CLERK SHALL DISTRIBUTE:**

**1. \$25 TO THE EXECUTIVE DIRECTOR; AND**

**2. \$275 TO THE MARYLAND DEPARTMENT OF HEALTH TO BE USED BY THE DEPARTMENT OR ITS DESIGNEE TO ENFORCE EXISTING LAWS PROHIBITING THE SALE OR DISTRIBUTION OF TOBACCO, TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES, AS DEFINED IN § 16.7-101 OF THIS TITLE, TO INDIVIDUALS UNDER THE AGE OF 21 YEARS.**



**(II) FUNDS DISTRIBUTED UNDER THIS SUBSECTION MAY NOT BE USED TO SUPPLANT EXISTING FUNDING FOR THE ENFORCEMENT OF LAWS BANNING THE SALE OR DISTRIBUTION OF TOBACCO, TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES TO INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

(c) A licensee shall display a license in the way that the Executive Director requires by regulation.

(d) If a person has had a license revoked under § 16.7–207 of this subtitle, the person may not reapply for a license within 1 year after the date when the prior license was revoked.

16.7–203.

(a) The Executive Director shall issue an appropriate license to each applicant that meets the requirements of this subtitle for a license to act as an electronic smoking devices manufacturer, electronic smoking devices wholesaler distributor, or electronic smoking devices wholesaler importer.

(b) The clerk shall issue to each applicant that meets the requirements of this subtitle a license to act as ~~an~~ an electronic smoking devices retailer or ~~a~~ a vape shop vendor.

(c) The clerk shall forward a copy of an application received for each license issued under subsection (b) of this section to the Executive Director within 30 days after issuance of the license.

16.7–204.

(a) An electronic smoking devices manufacturer license authorizes the licensee to:

(1) sell electronic smoking devices to:

(i) a licensed electronic smoking devices wholesaler located in the State;

(ii) an electronic smoking devices wholesaler or retailer located outside the State if the electronic smoking devices may be sold lawfully in Maryland;

(iii) a licensed vape shop vendor~~;~~; and

(iv) a consumer if:

1. the licensee manufactured the devices; and

2. the consumer purchases or orders the devices through the mail, a computer network, a telephonic network, or another electronic network~~;~~;

(2) if the electronic smoking devices manufacturer licensee also holds a license to act as ~~an electronic smoking devices retailer or~~ a vape shop vendor, transfer electronic smoking devices to inventory for sale under the ~~retail license or~~ vape shop license; and

(3) except as otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distribute electronic smoking devices products to a licensed ~~electronic smoking devices retailer or~~ vape shop vendor.

~~(b)~~ An electronic smoking devices retailer license authorizes the licensee to:

(1) sell electronic smoking devices to consumers;

(2) buy electronic smoking devices from an electronic smoking devices wholesaler distributor or electronic smoking devices wholesaler importer;

(3) if the electronic smoking devices retailer licensee also holds a license to act as an electronic smoking devices manufacturer, sell at retail electronic smoking devices manufactured under the manufacturer license; and

(4) except as otherwise prohibited or restricted under local law, this article, the Criminal Law Article, or § 24–305 of the Health – General Article, distribute sample electronic smoking devices products to consumers in the State.~~;~~

~~(c)~~ ~~(B)~~ An electronic smoking devices wholesaler distributor license or electronic smoking devices wholesaler importer license authorizes the licensee to:

(1) sell electronic smoking devices to ~~electronic smoking devices retailers and~~ vape shop vendors;

(2) buy electronic smoking devices directly from an electronic smoking devices manufacturer and an electronic smoking devices wholesaler distributor or electronic smoking devices wholesaler importer;

(3) hold electronic smoking devices; and

(4) sell electronic smoking devices to another licensed electronic smoking devices wholesaler distributor or electronic smoking devices wholesaler importer.

~~(d)~~ ~~(C)~~ A vape shop vendor license authorizes the licensee to:

(1) sell electronic smoking devices as a vape shop vendor **TO CONSUMERS ON THE PREMISES OF THE LICENSEE'S PLACE OF BUSINESS;**

(2) if the vape shop vendor licensee also holds a license to act as an electronic smoking devices manufacturer, sell at retail **ON THE VAPE SHOP VENDOR PREMISES** electronic smoking devices manufactured under the manufacturer license; and

(3) buy electronic smoking devices from an electronic smoking devices manufacturer, an electronic smoking devices wholesaler distributor, or an electronic smoking devices wholesaler importer.

16.7-204.1.

(a) **(1)** A ~~retail licensee~~ **OR** **VAPE SHOP VENDOR** shall post a sign in a location that is clearly visible to the consumer that states:

“No person under the age of 21 may be sold tobacco products ~~without military identification~~”.

**[(b)] (2)** The sign required under **PARAGRAPH (1) OF** this **[section]** **SUBSECTION** shall be written in letters at least one-half inch high.

**(B) (1) A RETAIL LICENSEE OR VAPE SHOP VENDOR MAY NOT SELL CIGARETTES ELECTRONIC SMOKING DEVICES TO AN INDIVIDUAL UNLESS THE RETAIL LICENSEE OR VAPE SHOP VENDOR VERIFIES, IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THAT THE INDIVIDUAL IS:**

~~(I) AT LEAST 21 YEARS OLD; OR~~

~~(II) 1. AT LEAST 18 YEARS OLD; AND~~

~~2. AN ACTIVE DUTY MEMBER OF THE MILITARY IN POSSESSION OF A VALID MILITARY IDENTIFICATION.~~

**(2) A EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A RETAIL LICENSEE OR VAPE SHOP VENDOR MAY VERIFY AN INDIVIDUAL'S AGE ONLY:**

**(I) BY MEANS OF A GOVERNMENT-ISSUED PHOTO IDENTIFICATION CONTAINING THE INDIVIDUAL'S DATE OF BIRTH; AND**

**(II) IN A DIRECT FACE-TO-FACE EXCHANGE WITHOUT THE ASSISTANCE OF ANY ELECTRONIC OR MECHANICAL DEVICE.**

**(3) A LICENSED *RETAILER OR VAPE SHOP VENDOR* IS NOT REQUIRED TO VERIFY THE AGE OF AN INDIVIDUAL AT LEAST 30 YEARS OLD.**

**16.7–204.2.**

**A *RETAILER OR VAPE SHOP VENDOR* MAY NOT DISPLAY ELECTRONIC SMOKING DEVICES FOR SALE UNLESS THE ELECTRONIC SMOKING DEVICES ARE LOCATED BEHIND A COUNTER IN AN AREA ACCESSIBLE ONLY TO THE *RETAILER OR VAPE SHOP VENDOR* AND EMPLOYEES OF THE *RETAILER OR VAPE SHOP VENDOR*.**

16.7–206.

(a) (1) A ~~f~~licensed electronic smoking devices retailer or a ~~f~~licensed vape shop vendor may not assign the license.

(2) If a licensed electronic smoking devices wholesaler distributor or electronic smoking devices wholesaler importer sells the licensee's electronic smoking devices business and pays to the Executive Director a license assignment fee of \$10, the licensee may assign the license to the buyer of the business if the buyer otherwise qualifies under this title for an electronic smoking devices wholesaler's distributor or importer license.

(b) If the electronic smoking devices business of a licensee is transferred because of bankruptcy, death, incompetency, receivership, or otherwise by operation of law, the Executive Director shall transfer the license without charge to the new owner of the licensee's business if the transferee otherwise qualifies under this title for the license being transferred.

(c) (1) If a licensed electronic smoking devices wholesaler distributor or electronic smoking devices wholesaler importer surrenders the license to the Executive Director and if no disciplinary proceedings are pending against the licensee, the Executive Director shall refund a pro rata portion of the license fee for the unexpired term of the license.

(2) A ~~f~~licensed electronic smoking devices retailer or a ~~f~~licensed vape shop vendor is not allowed a refund for the unexpired term of the license.

16.7–211.

(a) A person may not act, attempt to act, or offer to act as an electronic smoking devices manufacturer, ~~f~~an electronic smoking devices retailer,~~f~~ an electronic smoking devices wholesaler distributor, an electronic smoking devices wholesaler importer, or a vape shop vendor in the State unless the person has an appropriate license.

(b) (1) A person that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 30 days or both.

(2) Each day that a violation of this section continues is a separate offense.

16.7–213.1.

(a) **(1) ~~The~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE Maryland Department of Health OR ITS DESIGNEE [may] **SHALL** conduct **AT LEAST ~~TWO~~ ONE** unannounced ~~inspections~~ **INSPECTION** of licensed ~~[retailers]~~ **OR VAPE SHOP VENDORS** to ensure the licensee’s compliance with the provisions of this title and § 10–107 of the Criminal Law Article **EACH YEAR**.**

**(2) IF A LICENSED *RETAILER OR VAPE SHOP* VENDOR VIOLATES ANY PROVISION OF THIS TITLE OR § 10–107 OF THE CRIMINAL LAW ARTICLE, THE MARYLAND DEPARTMENT OF HEALTH SHALL CONDUCT AN ADDITIONAL UNANNOUNCED INSPECTION WITHIN 180 DAYS AFTER THE INITIAL INSPECTION.**

(b) The Maryland Department of Health **OR ITS DESIGNEE** may use an individual under the age of 21 years to assist in conducting an inspection under this section.

**(C) TO DETERMINE THE LOCATION OF A LICENSED *RETAILER OR VAPE SHOP* VENDOR SUBJECT TO AN UNANNOUNCED INSPECTION, THE MARYLAND DEPARTMENT OF HEALTH OR ITS DESIGNEE SHALL USE THE LIST OF LICENSED *RETAILERS OR VAPE SHOP* VENDORS AS OF DECEMBER 31 OF THE PREVIOUS CALENDAR YEAR.**

### Article – Criminal Law

10–107.

(a) This section does not apply to the distribution of a coupon that is redeemable for a tobacco product, if the coupon is:

(1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(2) sent through the mail.

(b) (1) This subsection does not apply to the distribution of a tobacco product or tobacco paraphernalia to:

~~(i)~~ an individual under the age of 21 years who is acting solely as the agent of the individual's employer if the employer distributes tobacco products or tobacco paraphernalia for commercial purposes; ~~or~~

~~(ii) a purchaser or recipient who:~~

~~1. is at least 18 years of age;~~

~~2. is an active duty member of the military; and~~

~~3. presents a valid military identification.~~

(2) A person who distributes tobacco products for commercial purposes, including a person licensed under Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article, **PERSONALLY OR THROUGH AN EMPLOYEE**, may not distribute to an individual under the age of 21 years:

(i) a tobacco product;

(ii) tobacco paraphernalia; or

(iii) a coupon redeemable for a tobacco product.

(c) A person not described in subsection (b)(2) of this section may not:

(1) purchase for or sell a tobacco product to an individual under the age of 21 years, ~~unless the individual:~~

~~(i) is at least 18 years of age;~~

~~(ii) is an active duty member of the military; and~~

~~(iii) presents a valid military identification; or~~

(2) distribute tobacco paraphernalia to an individual under the age of 21 years, ~~unless the individual:~~

~~(i) is at least 18 years of age;~~

~~(ii) is an active duty member of the military; and~~

~~(iii) presents a valid military identification.~~

(d) In a prosecution for a violation of this section, it is a defense that the defendant examined, **IN A DIRECT, FACE-TO-FACE EXCHANGE**, the purchaser's or recipient's driver's license or other valid identification issued by a government unit that positively

identified the purchaser or recipient as at least 21 years of age ~~or as at least 18 years of age and an active duty member of the military.~~

(e) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(i) ~~[\$300]~~ **\$500** for a first violation;

(ii) \$1,000 for a second violation occurring within 2 years after the first violation; and

(iii) \$3,000 for each subsequent violation occurring within 2 years after the preceding violation.

**(2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF A PERSON HOLDS A LICENSE UNDER TITLE 16, TITLE 16.5, TITLE 16.7, OR TITLE 16.9 OF THE BUSINESS REGULATION ARTICLE, THE COURT SHALL ORDER THE EXECUTIVE DIRECTOR OF THE ALCOHOL, TOBACCO, AND CANNABIS COMMISSION TO:**

**(I) SUSPEND THE LICENSE FOR:**

**1. A SECOND VIOLATION, NOT MORE THAN 90 DAYS; AND**

**2. EACH SUBSEQUENT VIOLATION, NOT MORE THAN 180**

**DAYS; AND**

**(II) FOR EACH SUBSEQUENT VIOLATION, REVOKE THE LICENSE.**

**(3) FOR A DETERMINATION MADE BY A COURT UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE CLERK OF THE COURT SHALL SEND A COPY OF THE FINAL ORDER ISSUED BY THE COURT TO THE EXECUTIVE DIRECTOR OF THE ALCOHOL, TOBACCO, AND CANNABIS COMMISSION.**

~~[(2)]~~ ~~(3)~~ **(4)** Issuance of a civil citation for the sale of a tobacco product to an individual under the age of 21 years precludes a prosecution for a violation of § 24-307 of the Health – General Article arising out of the same violation.

(f) For purposes of this section, each separate incident at a different time and occasion is a violation.

**Article – Health – General**

24-305.

(a) This section does not apply to a tobacco product that is regulated under Title 16 of the Business Regulation Article.

(b) (1) [Except] SUBJECT TO PARAGRAPH (3) AND EXCEPT as provided in paragraph (2) of this subsection, a person may not [sell]:

(I) SELL, distribute, or offer for sale to an individual under the age of 21 years an electronic smoking device, as defined in § 16.7–101(c) of the Business Regulation Article;

(II) DISPLAY ELECTRONIC SMOKING DEVICES, AS DEFINED IN § 16.7–101(C) OF THE BUSINESS REGULATION ARTICLE, FOR SALE UNLESS THE ELECTRONIC SMOKING DEVICES ARE LOCATED BEHIND A COUNTER IN AN AREA ACCESSIBLE ONLY TO THE PERSON AND EMPLOYEES OF THE PERSON; OR

(III) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, SELL ELECTRONIC SMOKING DEVICES, AS DEFINED IN § 16.7–101(C) OF THE BUSINESS REGULATION ARTICLE, UNLESS THE PERSON VERIFIES THAT THE INDIVIDUAL IS AT LEAST 21 YEARS OLD.

(2) This subsection does not apply to[:

(i) An] AN electronic smoking device that contains or delivers nicotine intended for human consumption if the device has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for this purpose[; or

(ii) A purchaser or recipient who:

1. Is at least 18 years of age;
2. Is an active duty member of the military; and
3. Presents a valid military identification].

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PERSON MAY VERIFY AN INDIVIDUAL’S AGE ONLY:

(I) BY MEANS OF A GOVERNMENT–ISSUED PHOTO IDENTIFICATION CONTAINING THE INDIVIDUAL’S DATE OF BIRTH; AND

(II) IN A DIRECT FACE–TO–FACE EXCHANGE INCLUDING THE ASSISTANCE OF ANY ELECTRONIC OR MECHANICAL DEVICE.



**(4) A PERSON IS NOT REQUIRED TO VERIFY THE AGE OF AN INDIVIDUAL AT LEAST 30 YEARS OLD.**

(c) (1) A person that violates this section is subject to a civil penalty not exceeding:

(i) \$300 for a first violation;

(ii) \$1,000 for a second violation occurring within 24 months after the first violation; and

(iii) \$3,000 for each subsequent violation occurring within 24 months after the preceding violation.

(2) Issuance of a civil citation for a violation of this section precludes prosecution under § 10–107 of the Criminal Law Article arising out of the same violation.

(3) If a violation is committed by a person acting on behalf of a retailer, the civil penalty imposed under paragraph (1) of this subsection shall be paid by the retailer.

(d) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by a government unit that positively identified the purchaser or recipient as at least 21 years of age [or as at least 18 years of age and an active duty member of the military].

(e) (1) In this subsection, "designee" means a retired sworn law enforcement officer employed by THE DEPARTMENT OR a county health officer or an employee of THE DEPARTMENT OR a local health department trained in civil enforcement.

(2) [A] THE SECRETARY, THE SECRETARY'S DESIGNEE, A sworn law enforcement officer, a county health officer, or a designee of a county health officer may issue a civil citation for a violation of this section.

(3) A citation issued under this section shall include:

(i) The name and address of the person charged;

(ii) The nature of the violation;

(iii) The location and time of the violation;

(iv) The amount of the civil penalty;

(v) The manner, location, and time in which the civil penalty may be paid;

(vi) A notice stating the person's right to elect to stand trial for the violation; and

(vii) A warning that failure to pay the civil penalty or to contest liability in a timely manner in accordance with the citation:

1. Is an admission of liability; and

2. May result in entry of a default judgment that may include the civil penalty, court costs, and administrative expenses.

(4) The [sworn law enforcement officer] SECRETARY, SECRETARY'S DESIGNEE, county health officer, or COUNTY HEALTH OFFICER'S designee shall retain a copy of the citation issued under this section.

(5) (i) 1. A person who receives a citation from THE SECRETARY, THE SECRETARY'S DESIGNEE, a county health officer, or A COUNTY HEALTH OFFICER'S designee under this section may elect to stand trial for the violation by filing a notice of intention to stand trial with the county health officer or designee at least 5 days before the date set in the citation for the payment of the civil penalty.

2. After receiving a notice of intention to stand trial under subparagraph 1 of this subparagraph, the SECRETARY, SECRETARY'S DESIGNEE, county health officer, or COUNTY HEALTH OFFICER'S designee shall forward the notice and a copy of the citation to the District Court.

(ii) A person who receives a citation from a sworn law enforcement officer under this section may elect to stand trial for the violation by filing a notice of intention to stand trial and a copy of the citation with the District Court at least 5 days before the date set in the citation for payment of the civil penalty.

(6) (i) After receiving a citation and notice under this section, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(ii) In a proceeding before the District Court, a violation of this section shall be prosecuted in the same manner and to the same extent as a municipal infraction under §§ 6-108 through 6-115 of the Local Government Article.

(7) The District Court shall remit any penalties collected for a violation of this section to the county in which the violation occurred.

(8) Adjudication of a violation of this section is not a criminal conviction for any purpose.

24-307.

(a) (1) This section does not apply to the distribution of a coupon that is redeemable for a tobacco product if the coupon is:

(i) Contained in a newspaper, a magazine, or any other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(ii) Sent through the mail.

(2) This section does not apply to the distribution of a tobacco product or tobacco paraphernalia to[:

(i) An] AN individual under the age of 21 years who is acting solely as the agent of the individual's employer if the employer distributes tobacco products or tobacco paraphernalia for commercial purposes[; or

(ii) A purchaser or recipient who:

1. Is at least 18 years of age;

2. Is an active duty member of the military; and

3. Presents a valid military identification].

(b) (1) A person who distributes tobacco products for commercial purposes, including a person licensed under Title 16, Title 16.5, Title 16.7, or Title 16.9 of the Business Regulation Article, may not [distribute]:

(I) DISTRIBUTE to an individual under the age of 21 years:

[1] 1. A tobacco product;

[2] 2. Tobacco paraphernalia; or

[3] 3. A coupon redeemable for a tobacco product;

(II) DISPLAY TOBACCO PRODUCTS FOR SALE UNLESS THE TOBACCO PRODUCTS ARE LOCATED BEHIND A COUNTER IN AN AREA ACCESSIBLE ONLY TO THE PERSON AND EMPLOYEES OF THE PERSON; OR

(III) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, SELL TOBACCO PRODUCTS UNLESS THE PERSON VERIFIES THAT THE INDIVIDUAL IS AT LEAST 21 YEARS OLD.

(2) A PERSON WHO DISTRIBUTES TOBACCO PRODUCTS MAY VERIFY AN INDIVIDUAL'S AGE ONLY:

(I) BY MEANS OF A GOVERNMENT-ISSUED PHOTO IDENTIFICATION CONTAINING THE INDIVIDUAL'S DATE OF BIRTH; AND

(II) IN A DIRECT FACE-TO-FACE EXCHANGE INCLUDING THE ASSISTANCE OF ANY ELECTRONIC OR MECHANICAL DEVICE.

(3) A PERSON WHO DISTRIBUTES TOBACCO PRODUCTS IS NOT REQUIRED TO VERIFY THE AGE OF AN INDIVIDUAL AT LEAST 30 YEARS OLD.

(c) (1) A person who violates subsection (b) of this section is subject to a civil penalty not exceeding:

(i) \$300 for a first violation;

(ii) \$1,000 for a second violation occurring within 24 months after the first violation; and

(iii) \$3,000 for each subsequent violation occurring within 24 months after the preceding violation.

(2) The local health departments shall report violations of subsection (b) of this section to the Executive Director of the Alcohol [and], Tobacco, AND CANNABIS Commission.

(3) Issuance of a civil citation for a violation of this section precludes prosecution under § 10–107 of the Criminal Law Article arising out of the same violation.

(4) If a violation is committed by a person acting on behalf of a retailer, the civil penalty imposed under paragraph (1) of this subsection shall be paid by the retailer.

(d) In a prosecution for a violation of subsection (b) of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by a governmental unit that positively identified the purchaser or recipient as at least 21 years old [or as at least 18 years of age and an active duty member of the military].

(e) (1) In this subsection, "designee" means a retired sworn law enforcement officer employed by THE SECRETARY OR a county health officer or an employee of a local health department trained in civil enforcement.

(2) [A] THE SECRETARY, THE SECRETARY'S DESIGNEE, A sworn law enforcement officer, a county health officer, or a designee of a county health officer may issue a civil citation for a violation of subsection (b) of this section.

(3) A citation issued under this subsection shall include:

- (i) The name and address of the person charged;
  - (ii) The nature of the violation;
  - (iii) The location and time of the violation;
  - (iv) The amount of the civil penalty;
  - (v) The manner, location, and time in which the civil penalty may be paid;
  - (vi) A notice stating the person's right to elect to stand trial for the violation; and
  - (vii) A warning that failure to pay the civil penalty or to contest liability in a timely manner in accordance with the citation:
    - 1. Is an admission of liability; and
    - 2. May result in entry of a default judgment that may include the civil penalty, court costs, and administrative expenses.
- (4) The **SECRETARY, SECRETARY'S DESIGNEE**, county health officer, or designee shall retain a copy of the citation issued under this subsection.
- (5) (i) A person who receives a citation from **THE SECRETARY, THE SECRETARY'S DESIGNEE**, a county health officer, or designee under this subsection may elect to stand trial for the violation by filing a notice of intention to stand trial with the county health officer or designee at least 5 days before the date set in the citation for the payment of the civil penalty.
- (ii) After receiving a notice of intention to stand trial under subparagraph (i) of this paragraph, the county health officer or designee shall forward the notice and a copy of the citation to the District Court.
- (6) (i) After receiving a citation and notice under this subsection, the District Court shall schedule the case for trial and notify the defendant of the trial date.
- (ii) In a proceeding before the District Court, a violation of subsection (b) of this section shall be handled in the same manner as a municipal infraction under §§ 6–108 through 6–115 of the Local Government Article.
- (7) The District Court shall remit any penalties collected for a violation of subsection (b) of this section to the county in which the violation occurred.

(8) Adjudication of a violation of subsection (b) of this section is not a criminal conviction for any purpose.

(f) (1) The Maryland Department of Health, in collaboration and consultation with [the Office of the Comptroller,] the Executive Director of the Alcohol [and], Tobacco, AND CANNABIS Commission, local health departments, and local law enforcement agencies, shall develop ongoing strategies for enforcement of §§ 10–107 and 10–108 of the Criminal Law Article.

(2) On or before October 1 each year, the Department shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on:

(i) The development of enforcement strategies required under paragraph (1) of this subsection; and

(ii) Training and assistance to tobacco retailers to improve compliance with § 10–107 of the Criminal Law Article.

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

### ~~Article — Health Occupations~~

~~12–403.~~

~~(e) Except as otherwise provided in this section, a pharmacy for which a pharmacy permit has been issued under this title:~~

~~(22) (i) May provide to an ophthalmologist for office use, without a patient specific prescription:~~

~~1. Compound antibiotics for the emergency treatment of bacterial endophthalmitis or viral retinitis; and~~

~~2. Compound antivascular endothelial growth factor agents for the emergency treatment of neovascular glaucoma, wet macular degeneration, or macular edema; and~~

~~(ii) Shall require the ophthalmologist to inform the pharmacy of the identity of any patient to whom the drugs are administered; [and]~~

~~(23) Subject to § 12–510 of this title, may provide compounded nonsterile preparations or compounded sterile preparations without a patient specific prescription to a licensed veterinarian who intends to dispense the compounded nonsterile preparations or compounded sterile preparations in accordance with § 2–313(e) of the Agriculture Article; AND~~

~~(24) MAY NOT SELL TOBACCO PRODUCTS, OTHER TOBACCO PRODUCTS, AS DEFINED IN § 16.5-101 OF THE BUSINESS REGULATION ARTICLE, OR ELECTRONIC SMOKING DEVICES, AS DEFINED IN § 16.7-101 OF THE BUSINESS REGULATION ARTICLE.~~

SECTION ~~2. 2.~~ 2. AND BE IT FURTHER ENACTED, That, on or before ~~December 31, 2024~~ October 1, 2025, the Alcohol, Tobacco, and Cannabis Commission, in conjunction with the Maryland Department of Health, the Comptroller, and the State Department of Education, shall report to the Senate Finance Committee, the House Economic Matters Committee, and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, on:

(1) the number of retailers of cigarettes, other tobacco products, and electronic smoking devices licensed under Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article, including information regarding the proximity of retailers to schools and health care facilities;

(2) the processes and procedures currently used by the Alcohol, Tobacco, and Cannabis Commission to maintain a list of all operating businesses that hold a license under Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article;

(3) the geographic density of businesses currently holding a license under Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article;

(4) the feasibility and resulting impact of limiting or establishing a maximum number of licenses that could be issued under Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article; and

(5) with regard to the use of tobacco, other tobacco products, and electric smoking devices, including the use of flavored tobacco products, by individuals under the age of 21 years in the State, an analysis of:

- (i) its prevalence in the described population;
- (ii) the public health impacts; and
- (iii) the economic impacts.

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2025.~~

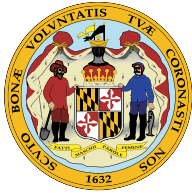
SECTION ~~3. 5.~~ 3. AND BE IT FURTHER ENACTED, That, ~~except as provided in Section 4 of this Act,~~ this Act shall take effect October 1, 2024.

Approved by the Governor, May 9, 2024.



# ***STATE CANNABIS LAWS***





## HB0253

### Cannabis Reform – Alterations

## Jurisdiction

Statewide

## Statutes Affected

Annotated Code of Maryland, Alcoholic Beverages and Cannabis, § 1-101(a) and (d), § 1-202, § 1-303(a) (1) and (3), § 1-308(8) and (9), 1-308(10) and (11), § 1-309.1(d)(5), (e), and (f), § 1-309.2, § 1-322(a)(1), (7), and (8), 1-322(b)(2), § 36-101(a), (h), and (h-1), 36-101(j), (aa), and (dd), § 36-202, § 36-206(b), (d), and (j)(1), § 36-302(g), § 36-401(c)(1) and (2), (e), and (g), § 36-402(b)(2)(i) and (d)(1)(vi), § 36-404(i)(3), § 36-407(a)(3) and (b), § 36-409(a), § 36-501(a) and (d), § 36-505, § 36-1102(e) and (f)

Economic Development, § 5-1901(b) and (g)(1)

Tax-General, § 10-208(bb), 10-308(b)(6), 13-203(c)(10), (14), (15), and (16)

Chapter 254 Section 10 and Chapter 255 Section 10 of the Acts of the General Assembly of 2023

## Summary

- This bill makes clarifying changes to language of the Cannabis Reform Act of 2023 which are summarized below.
- The Alcohol, Tobacco, and Cannabis Commission (ATCC) reverts to a body of five commission members.
- The bill removes references to certain cannabis responsibilities from the commission like regulating the cannabis industry and implementing public health measures related to cannabis.
- The Office of Social Equity (OSE) shall provide to the MCA, its recommendations related to the following:
  - ▶ Regulations related to diversity and social equity applications.
  - ▶ Reports concerning allocations made from the Community Reinvestment and Repair Fund.
- The Advisory Board on Medical and Adult-Use Cannabis (ABMAC) shall study and make recommendations on the following:
  - ▶ Exploring the potential rescheduling of cannabis from Schedule 1 to 3.
  - ▶ Measures to help small and micro cannabis businesses compete in interstate commerce.
  - ▶ Ensure that there is a good supply of affordable cannabis and cannabis products.
  - ▶ Methods to assist social equity applicants or licensees to access funds.
- The bill establishes Cannabis Nurseries as a category of business which can be registered with the MCA
  - ▶ The bill defines “cannabis nursery” as a business that provides cannabis seeds, seedlings, immature plants, or clones to a cannabis business.
  - ▶ Requires the nursery to register with the MCA before providing services to consumers.
- Maryland Cannabis Administration (MCA) has additional authority:
  - ▶ After a hearing, can fine, suspend, restrict or revoke a cannabis license or registration for a violation.
  - ▶ Disqualify an individual from registering as a cannabis agent if they

have been convicted of or pleaded nolo contendere to a crime involving moral turpitude.

- ▶ Issue a temporary cannabis agent registration that may not exceed 90 calendar days if a pre-employment background check is approved.
- Cannabis possession limits for patients are changed to state that patients may not possess more than the amount of Cannabis or Cannabis infused products that is authorized on their certification.
- Cannabis processor production capacity increase:
  - ▶ The bill modifies the standard and micro license, allowing processors to handle over 2,000 pounds of cannabis annually.
- Ownership and control limitations:
  - ▶ A person may control 1 grower and processor license, up to four dispensary licenses for standard and micro, up to two licensees for incubator space licenses and on-site consumption licenses.
- The bill extends the deadline for an operational business with a grower license to expand their canopy size to on or before January 1, 2027.
- Cannabis licensees can place exterior signage on their premises to help identify/locate the business.
- 36-1102 now states that these misdemeanor violations may be charged via Citation:

- ▶ Selling or distributing a cannabis product exceeding 0.5mg of THC per serving or 2.5mg of THC per package may result in a fine of up to \$5,000.
- ▶ Selling or distributing synthetic cannabinoid product may result in a fine of up to \$10,000.

- The bill authorizes Tax information to be disclosed to the Maryland Cannabis Administration, and also corrects the name of Alcohol, Tobacco, and Cannabis Commission.
- The bill extends certain procurement rights to the MCA until December 31, 2024.

Effective Date(s): April 25, 2024  
(as Emergency Legislation).

## Chapter 241

**(House Bill 253)**

AN ACT concerning

**Cannabis Reform – Alterations**

FOR the purpose of altering the best practices that the Alcohol, Tobacco, and Cannabis Commission is required to develop; altering the membership of the Commission; making alterations and clarifications related to the duties of the Commission, the Office of Social Equity, the Advisory Board on Medical and Adult–Use Cannabis, and the Maryland Cannabis Administration; altering the composition of the Advisory Board; requiring the ~~Governor to appoint the chair of the~~ Advisory Board to elect a chair and removing the Director of the Administration as chair; authorizing processors to provide cannabis to cannabis licensees; requiring the Administration to register and regulate cannabis nurseries; authorizing the Administration to impose certain penalties on a cannabis license or registration for the violation of certain laws and regulations; requiring the Administration rather than the Comptroller to administer the Cannabis Regulation and Enforcement Fund; altering the amount of cannabis that a qualifying patient may possess; altering the amount of cannabis that processors may process; altering certain provisions of law related to the registration of cannabis agents; providing for the temporary registration of cannabis agents; altering certain provisions of law related to advertising and cannabis; providing that certain violations may be charged by a citation; authorizing the use of the Cannabis Business Assistance Fund for the administrative costs of the Fund; authorizing the sharing of certain tax information with the Administration; extending the period of time that the Administration is exempt from procurement requirements under certain circumstances; and generally relating to medical and adult–use cannabis.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages and Cannabis

Section 1–101(a), 1–322(a)(1) and (8), 36–101(a) and (h), and 36–206(b)

Annotated Code of Maryland

(2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages and Cannabis

Section 1–101(d), 1–202, 1–303(a)(1) and (3), 1–308(8) and (9), 1–309.1(d)(5) and ~~(f)(2)~~, (e), and (f), 1–309.2, 1–322(a)(7) and (b)(2), 36–101(j), (aa), and (dd), 36–202, 36–206(d) and (j)(1), 36–302(g), 36–401(c)(1) and (2), (e), and (g), ~~36–402(d)(1)(vi)~~ 36–402(b)(2)(i) and (d)(1)(vi), 36–404(i)(3), 36–407(a)(3) and (b), 36–409(a), 36–501(a) and (d), 36–505, ~~and~~ 36–903(a), and 36–1102(e) and (f)

Annotated Code of Maryland

(2016 Volume and 2023 Supplement)

## BY repealing

Article – Alcoholic Beverages and Cannabis  
Section 1–308(10) and (11)  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

## BY adding to

Article – Alcoholic Beverages and Cannabis  
Section 36–101(h–1)  
Annotated Code of Maryland  
(2016 Volume and 2023 Supplement)

## BY repealing and reenacting, without amendments,

Article – Economic Development  
Section 5–1901(b)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2023 Supplement)

## BY repealing and reenacting, with amendments,

Article – Economic Development  
Section 5–1901(g)(1)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General  
Section 10–208(bb)(1), 10–308(b)(6), and 13–203(c)(10), (14), and (15)  
Annotated Code of Maryland  
(2022 Replacement Volume and 2023 Supplement)

BY adding to

Article – Tax – General  
Section 13–203(c)(16)  
Annotated Code of Maryland  
(2022 Replacement Volume and 2023 Supplement)

## BY repealing and reenacting, with amendments,

Chapter 254 of the Acts of the General Assembly of 2023  
Section 10

## BY repealing and reenacting, with amendments,

Chapter 255 of the Acts of the General Assembly of 2023  
Section 10

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

**Article – Alcoholic Beverages and Cannabis**

1–101.

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

(d) (1) “Cannabis” means the plant *Cannabis sativa* L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta–9–tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.

(2) “Cannabis” includes cannabis products, **SEEDS, SEEDLINGS, IMMATURE PLANTS, AND CLONES.**

(3) “Cannabis” does not include hemp or hemp products, as defined in § 14–101 of the Agriculture Article.

1–202.

(a) To the extent that a statement of a general rule of law conflicts or is inconsistent with an exception or a qualification applicable to a special area, particular person, or set of circumstances, the exception or qualification prevails.

(b) A provision in Division II of this article prevails over a conflicting or inconsistent provision in Division I of this article or a provision in the Tax – General Article relating to alcoholic beverages.

(c) A provision in Division III of this article prevails over a conflicting or inconsistent provision in Division I OR DIVISION II of this article or a provision in the Tax – General Article relating to cannabis.

1–303.

(a) (1) The Commission consists of [seven] FIVE members to be appointed by the Governor with the advice and consent of the Senate.

(3) Of the Commission members:

(i) one shall be knowledgeable and experienced in public health matters;

(ii) one shall be knowledgeable and experienced in law enforcement matters;

(iii) one shall be knowledgeable and experienced in the alcoholic beverages industry; AND

(iv) [one shall have expertise in cannabis research and policy;

(v) one shall have expertise in alcohol and tobacco policy; and

(vi)] two shall be members of the public who are knowledgeable and experienced in fiscal matters and shall have substantial experience:

1. as an executive with fiduciary responsibilities in charge of a large organization or foundation;

2. in an academic field relating to finance or economics; or

3. as an accountant, an economist, or a financial analyst.

1–308.

The Commission shall develop best practices for:

(8) the development of a public health impact statement for all changes to the State alcoholic beverages laws; AND

(9) ensuring that:

(i) all license holders, managers, and servers receive certification from an approved alcohol awareness program; and

(ii) at least one employee who is certified in an alcohol awareness program be on the licensed premises at all times when alcoholic beverages are served[;

(10) regulating the cannabis industry and implementing public health measures relating to cannabis; and

(11) regulating, to the extent possible, medical and adult–use cannabis in a similar manner].

1–309.1.

(d) The Office of Social Equity shall:

(5) provide recommendations to the [Commission] MARYLAND CANNABIS ADMINISTRATION on regulations related to:

- (i) diversity; and
- (ii) social equity applications;

(e) (1) On or before March 1 each year, the Office of Social Equity shall produce and make publicly available a report on how the funds in the Community Reinvestment and Repair Fund under § 1–322 of this subtitle were allocated during the immediately preceding calendar year.

(2) The report shall also be submitted to the General Assembly in accordance with § 2–1257 of the State Government Article.

**(3) THE OFFICE MAY REQUEST INFORMATION FROM POLITICAL SUBDIVISIONS AND ENTITIES RECEIVING DISTRIBUTIONS FROM THE FUND TO ASSIST WITH THE COMPLETION OF THE REPORT.**

(f) (1) On or before November 1 [each year] EVERY 2 YEARS, BEGINNING IN 2024, the Office of Social Equity shall solicit public input on the uses of the funds in the Community Reinvestment and Repair Fund under § 1–322 of this subtitle.

~~(f)~~ (2) On or before December 15 ~~each year~~ EVERY 2 YEARS, BEGINNING IN 2024, the Office of Social Equity shall publish a review of the input received under paragraph (1) of this subsection on a publicly accessible part of the [Commission’s] OFFICE’S website.

**(3) THE OFFICE SHALL INCLUDE IN THE REVIEW INFORMATION ON HOW THE FUNDS RECEIVED FROM THE FUND WERE SPENT DURING THE IMMEDIATELY PRECEDING 2 CALENDAR YEARS.**

1–309.2.

(a) In this section, “Advisory Board” means the Advisory Board on Medical and Adult–Use Cannabis.

(b) There is an Advisory Board on Medical and Adult–Use Cannabis.

(c) The Advisory Board shall:

(1) consider all matters submitted to it by the [Commission] **OFFICE OF SOCIAL EQUITY**, the Governor, the Maryland Cannabis Administration, or the General Assembly; and

(2) ~~on its own initiative, provide recommendations to the [Commission] OFFICE OF SOCIAL EQUITY or the Maryland Cannabis Administration established under~~

~~§ 36-201 of this article regarding guidelines, rules, and regulations that the Advisory Board considers important or necessary for review and consideration by the [Commission] OFFICE OF SOCIAL EQUITY or the Maryland Cannabis Administration. STUDY AND MAKE RECOMMENDATIONS ON:~~

(I) THE IMPACT ON THE LEGAL MEDICAL AND ADULT-USE CANNABIS INDUSTRY IN THE STATE IF THE FEDERAL GOVERNMENT:

1. RESCHEDULES CANNABIS FROM SCHEDULE I TO SCHEDULE III UNDER THE FEDERAL CONTROLLED SUBSTANCES ACT; OR

2. REMOVES CANNABIS FROM THE LIST OF CONTROLLED SUBSTANCES UNDER THE FEDERAL CONTROLLED SUBSTANCES ACT;

(II) MEASURES TO PROTECT AND PROMOTE THE LEGAL MEDICAL AND ADULT-USE CANNABIS INDUSTRY IN THE STATE IF CANNABIS IS:

1. RESCHEDULED FROM SCHEDULE I TO SCHEDULE III;  
OR

2. REMOVED FROM THE FEDERAL CONTROLLED SUBSTANCES ACT;

(III) MEASURES TO ENABLE STANDARD AND MICRO CANNABIS LICENSEES AND SMALL BUSINESSES TO COMPETE IN INTERSTATE COMMERCE RELATED TO THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND TESTING OF CANNABIS AND CANNABIS PRODUCTS;

(IV) METHODS TO ENSURE THAT THERE IS AN ADEQUATE SUPPLY OF AFFORDABLE CANNABIS AND CANNABIS PRODUCTS FOR QUALIFYING PATIENTS, INCLUDING CANNABIS AND CANNABIS PRODUCTS CONTAINING VARYING LEVELS OF POTENCY; AND

(V) METHODS TO ASSIST SOCIAL EQUITY APPLICANTS, SOCIAL EQUITY LICENSEES, AND SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES TO:

1. ACCESS FUNDS FOR OPERATING OR CAPITAL EXPENSES ASSOCIATED WITH A BUSINESS PARTICIPATING IN THE MEDICAL AND ADULT-USE CANNABIS INDUSTRY;

2. OBTAIN FINANCING FROM A LENDER, AS DEFINED IN § 36-1401 OF THIS ARTICLE; AND



**3. PARTNER WITH OPERATIONAL CANNABIS LICENSEES IN WAYS THAT THE SOCIAL EQUITY APPLICANTS OR LICENSEES OR SMALL, MINORITY, OR WOMEN-OWNED BUSINESSES RETAIN OWNERSHIP AND CONTROL OF THE LICENSES AND BUSINESSES.**

(d) (1) The Advisory Board consists of[:

(1) the Director of the Maryland Cannabis Administration, who shall serve as Chair of the Advisory Board; and

(2)] the following members, appointed by the Governor with the advice and consent of the Senate:

(i) three members that have substantial experience in one or more of the following:

1. cannabis law, science, or policy;
2. public health or health care;
3. agriculture;
4. finance; or
5. addiction treatment;

(ii) one academic researcher with at least 5 years of experience in social or health equity;

(iii) one representative of an independent testing laboratory registered under § 36-408 of this article;

(iv) two representatives who hold a standard grower license under § 36-401 of this article;

(v) two representatives who hold a standard processor license under § 36-401 of this article;

(vi) two representatives who hold a standard dispensary license under § 36-401 of this article;

(vii) two representatives who hold a micro grower license under § 36-401 of this article;

(viii) two representatives who hold a micro processor license under § 36-401 of this article;

- (ix) two representatives who hold a micro dispensary license under § 36–401 of this article;
- (x) one representative who holds an incubator space license under § 36–401 of this article;
- (xi) one representative who holds an on–site consumption license under § 36–401 of this article;
- (xii) one representative of an organization that advocates on behalf of patients who engage in the medical use of cannabis;
- (xiii) one representative of an organization that advocates on behalf of consumers who engage in the adult use of cannabis; and
- (xiv) one health care provider who is registered to certify patients to obtain medical cannabis under § 36–301 of this article.

**(2) ~~FROM AMONG THE MEMBERS OF THE~~ THE ADVISORY BOARD, THE GOVERNOR SHALL APPOINT ELECT A CHAIR FROM AMONG ITS MEMBERS.**

(e) The President of the Senate and the Speaker of the House may recommend to the Governor a list of individuals for appointment to the Advisory Board.

(f) (1) The term of a member of the Advisory Board is 4 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) An appointed member may not serve more than two full terms.

(4) The positions for members appointed under subsection [(d)(2)(vii) through (xi)] **(D)(1)(VII) THROUGH (XI)** of this section become effective when the first licenses are issued under those respective license types.

(g) An appointed member of the Advisory Board must be:

(1) at least 25 years old;

(2) a resident of the State who has resided in the State for at least the immediately preceding 5 years before the appointment; and

(3) a registered voter of the State.

(h) The Advisory Board shall establish at least two subcommittees to focus on medical and adult-use cannabis.

(i) To the extent practicable and consistent with federal and State law, the membership of the Advisory Board shall reflect the racial, ethnic, and gender diversity of the State.

**(J) THE MARYLAND CANNABIS ADMINISTRATION SHALL PROVIDE STAFF FOR THE ADVISORY BOARD.**

1-322.

(a) (1) There is a Community Reinvestment and Repair Fund.

(7) **(I)** The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

**(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.**

(8) No part of the Fund may revert or be credited to:

(i) the General Fund of the State; or

(ii) any other special fund of the State.

(b) (2) **[(i)]** Subject to the limitations under subsection (a)(6) of this section, each county shall adopt a law establishing the purpose for which money received from the Fund may be used.

**[(ii)]** On or before December 1 every 2 years, beginning in 2024, each political subdivision that receives funds from the Fund under paragraph (1) of this subsection shall submit a report to the Governor and, in accordance with § 2-1257 of the State Government Article, the Senate Budget and Taxation Committee and the House Appropriations Committee on how funds received from the Fund were spent during the immediately preceding 2 fiscal years.]

36-101.

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

(h) “Cannabis licensee” means a business licensed by the Administration to operate in the cannabis industry.

**(H-1) “CANNABIS NURSERY” MEANS A BUSINESS THAT PROVIDES CANNABIS SEEDS, SEEDLINGS, IMMATURE PLANTS, OR CLONES TO A CANNABIS BUSINESS.**

(j) “Cannabis registrant” means an independent testing laboratory, a transporter, a security guard company, a waste disposal company, **A CANNABIS NURSERY**, and any other type of cannabis business registered under this title and authorized by the Administration.

(aa) “Ownership interest” means a direct or indirect equity interest in a cannabis licensee, including in its **PROFITS, REVENUES**, shares, or stock.

(dd) “Processor” means an entity licensed under this title that:

(1) transforms cannabis into another product or an extract and packages and labels the cannabis product; and

(2) is authorized by the Administration to provide cannabis to [licensed dispensaries] **CANNABIS LICENSEES** and registered independent testing laboratories.

36–202.

(a) The Administration shall:

(1) develop and maintain a seed-to-sale tracking system that tracks cannabis from either the seed or immature plant stage until the cannabis is sold to a patient, caregiver, or consumer;

(2) conduct financial and criminal background investigations of any person who submits an application for a cannabis license or a cannabis licensee, as required under this title;

(3) develop a process for consumers and qualifying patients to purchase clones and seeds, seedlings, stalks, roots, and stems of the cannabis plant for cultivation in accordance with § 5–601.2 of the Criminal Law Article;

(4) solicit, evaluate, and issue or deny applications for cannabis licenses and cannabis registrations, including:

(i) licenses to operate a cannabis business in accordance with this title; and

(ii) registration for independent testing laboratories, transporters, security guard companies, [and] waste disposal companies, **AND CANNABIS NURSERIES**;

(5) award or deny:

(i) a license to operate a cannabis business in accordance with this title; and

(ii) registration to independent testing laboratories, transporters, security guard companies, waste disposal companies, **CANNABIS NURSERIES**, and any other type of cannabis business authorized by the Administration;

(6) conduct announced and unannounced inspections of any business licensed or registered under this title to ensure compliance with this title;

(7) after a determination that a violation of this title or a regulation adopted under this title has occurred, suspend, fine, restrict, or revoke cannabis licenses and cannabis registrations, whether active, expired, or surrendered, or impose any other penalty authorized by this title or any regulation adopted under this title;

(8) (i) give notice and hold a hearing in accordance with Title 10, Subtitle 2 of the State Government Article, for any:

1. contested cannabis license or registration denial; or

2. violation of this title or any regulation adopted under this title;

(ii) administer oaths in a proceeding under this section; and

(iii) subject to subsection (b)(3) of this section, allow the person against whom the action is contemplated to be represented at the hearing by counsel;

(9) adopt regulations necessary to carry out its duties under this title; and

(10) perform any other power authorized or duty required under this title or any other provision of State law.

(b) The Administration may:

(1) issue a subpoena for the attendance of a witness to testify or the production of evidence in connection with:

(i) any disciplinary action under this title; or

(ii) any investigation or proceeding initiated for an alleged violation of this title;

(2) delegate the hearing authority authorized under subsection (a)(8) of this section to an employee within the Administration; [and]

(3) if, after due notice, the person against whom a disciplinary action is contemplated does not appear at a hearing, hear and determine the matter; **AND**

**(4) AFTER A HEARING UNDER THIS SUBSECTION, FINE A CANNABIS LICENSEE OR SUSPEND, RESTRICT, OR REVOKE A CANNABIS LICENSE OR A CANNABIS REGISTRATION FOR A VIOLATION OF:**

**(I) THIS TITLE OR A REGULATION ADOPTED UNDER THIS TITLE;**  
OR

**(II) ANY OTHER STATE LAW OR REGULATION RELATED TO CANNABIS OR THE OPERATIONS OF A CANNABIS BUSINESS OR REGISTRANT.**

36–206.

(b) There is a Cannabis Regulation and Enforcement Fund.

(d) The [Comptroller] **ADMINISTRATION** shall administer the Fund [at the direction of the Administration].

(j) (1) On or before March 15 each year, the [Comptroller] **ADMINISTRATION** shall publish on its website a detailed report on revenue distributed to and expenditures from the Fund.

36–302.

(g) A qualifying patient may **NOT** possess [up to:

(1) 120 grams of usable cannabis; or

(2) 36 grams of delta–9–tetrahydrocannabinol (THC) in the case of a cannabis–infused product] **MORE THAN THE AMOUNT OF CANNABIS OR CANNABIS–INFUSED PRODUCT THAT IS AUTHORIZED IN THE WRITTEN CERTIFICATION OF THE PATIENT.**

36–401.

(c) (1) A standard license authorizes the holder of the license:

(i) for growers, to operate more than 10,000 square feet, but not more than 300,000 square feet, of indoor canopy or its equivalent, as calculated by the Administration;

(ii) for processors, to process more than [1,000] **2,000** pounds of cannabis per year, as calculated by the Administration; and

(iii) for dispensaries, to operate a store at a physical location that sells cannabis or cannabis products.

(2) A micro license authorizes the holder of the license:

(i) for growers, to operate not more than 10,000 square feet of indoor canopy or its equivalent, as calculated by the Administration;

(ii) for processors, to process not more than [1,000] **2,000** pounds of cannabis per year, as calculated by the Administration; and

(iii) for dispensaries, to operate a delivery service that sells cannabis or cannabis products without a physical storefront, provided that the licensee employs not more than 10 employees.

(e) (1) This subsection applies to all licenses, including licenses converted under subsection (b)(1)(ii) of this section.

(2) Subject to paragraph (3) of this subsection, a person may have an ownership interest in or control of, including the power to manage and operate:

(i) for standard licenses and micro licenses:

1. one grower licensee;

2. one processor licensee; and

3. not more than four dispensary licensees;

(ii) for incubator space licenses, not more than two licensees; and

(iii) for on-site consumption licenses, not more than two licensees.

(3) (i) A person who owns or controls an incubator space licensee or an on-site consumption licensee may not own or control any [other] cannabis licensee LISTED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION.

(ii) The Administration shall adopt regulations limiting a person or fund from acquiring a nonmajority ownership interest in multiple cannabis businesses beyond the limitations established under this subsection.

(4) The restrictions in paragraph (2) of this subsection do not apply to a person or an entity who holds an ownership interest only as a passive investor.

(g) Notwithstanding any provisions of this title, the holder of a dispensary license issued by the Natalie M. LaPrade Medical Cannabis Commission who converts the license

or a registrant with the Natalie M. LaPrade Medical Cannabis Commission may continue to deliver medical cannabis until July 1, [2024] 2025.

36–402.

(b) (2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to subparagraph (iii) of this paragraph, on or before January 1, [2026] 2027, an operational business that holds a grower license issued before December 31, 2022, may expand the canopy of its operations as it existed on December 31, 2022, and based on facility square footage of indoor canopy space or its equivalent, as calculated by the Administration in accordance with subsection (d) of this section, only as follows:

1. if the canopy is under 25,000 square feet, to 25,000 square feet or by 20%, whichever is greater;
2. if the canopy is at or above 25,000 square feet, by 20%; or
3. if the cannabis licensee has a square footage expansion that was preapproved before December 31, 2022, the preapproved expansion or 20%, whichever is greater.

(d) (1) (vi) If the amount of square feet of production for a licensed grower exceeds the canopy authorized under this section and § 36–401 of this subtitle, the [Commission] **ADMINISTRATION** may:

1. reduce the canopy of the licensed grower by the same percentage as it exceeds the authorized canopy; and
2. seize, destroy, confiscate, or place an administrative hold on any flowering cannabis plants produced in excess of the canopy.

36–404.

(i) (3) On or before 6 months after the issuance of a cannabis license under § 36–401 of this subtitle, the Governor’s Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General and the Office of Social Equity within the [Alcohol, Tobacco, and Cannabis Commission] **ADMINISTRATION** and the cannabis licensee, shall establish a clear plan for setting reasonable and appropriate minority business enterprise participation goals and procedures for the procurement of goods and services related to cannabis, including the cultivation, manufacturing, and dispensing of cannabis.

36–407.

(a) (3) An on–site consumption establishment may operate only if the [county and, if applicable, the municipality,] **POLITICAL SUBDIVISION** where the business is



located [have] HAS issued a permit or license that expressly allows the operation of the on-site consumption establishment.

(b) Subject to the limitations in § 36-405 of this subtitle, a [county and, if applicable, a municipality] **POLITICAL SUBDIVISION** may:

(1) prohibit the operation of on-site consumption establishments;

(2) prohibit or restrict the smoking or vaping of cannabis at on-site consumption establishments; or

(3) adopt zoning and planning requirements for on-site consumption establishments.

36-409.

(a) The following businesses shall register with the Administration in order to provide services to a cannabis licensee:

(1) a transporter;

(2) a security guard agency;

(3) a waste disposal company; [and]

(4) **A CANNABIS NURSERY; AND**

**(5)** any other type of cannabis business that is authorized by the Administration to provide plant or product-touching services to cannabis licensees.

36-501.

(a) A cannabis agent [shall] **MUST** be registered with the Administration before the agent may volunteer or work for a cannabis licensee or cannabis registrant.

(d) **(1)** The Administration may not register as a cannabis agent an individual who[:

(1)] does not meet the criteria established under subsection (c) of this section[; or].

**(2) THE ADMINISTRATION MAY DISQUALIFY AN INDIVIDUAL FROM REGISTERING AS A CANNABIS AGENT IF THE INDIVIDUAL** has been convicted of or pleaded nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

36–505.

(a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository in the Department of Public Safety and Correctional Services.

(b) As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

(1) two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(3) the processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) In accordance with §§ 10–201 through 10–228 of the Criminal Procedure Article, the Central Repository shall forward to the Administration and to the applicant the applicant’s criminal history record information.

(d) If an applicant has made two or more unsuccessful attempts at securing legible fingerprints, the Administration may accept an alternate method of a criminal history records check as permitted by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(e) Information obtained from the Central Repository under this section shall be:

(1) confidential and may not be disseminated; and

(2) used only for the purpose of registration under this title.

(f) **(1) THE ADMINISTRATION MAY ISSUE A TEMPORARY CANNABIS AGENT REGISTRATION IF:**

**(I) ~~AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK, AS AUTHORIZED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION, IS USED A PRE-EMPLOYMENT BACKGROUND CHECK COMPLETED BY A THIRD-PARTY VENDOR IS SUBMITTED TO AND APPROVED BY THE ADMINISTRATION;~~ AND**

**(II) THE APPLICANT HAS SUBMITTED AN APPLICATION TO THE CENTRAL REPOSITORY, AS REQUIRED IN SUBSECTION (B) OF THIS SECTION.**

**(2) THE PERIOD OF A TEMPORARY CANNABIS AGENT REGISTRATION ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED ~~60~~ 90 CALENDAR DAYS.**

**(G)** The subject of a criminal history records check under this section may contest the criminal history record information disseminated by the Central Repository, as provided in § 10–223 of the Criminal Procedure Article.

36–903.

(a) (1) [This subsection does not apply to an advertisement placed on property owned or leased by a dispensary, grower, or processor.

(2)] An advertisement for a cannabis licensee, cannabis product, or cannabis–related service may not:

- (i) violate Title 13, Subtitle 3 of the Commercial Law Article;
- (ii) directly or indirectly target individuals under the age of 21 years;
- (iii) contain a design, an illustration, a picture, or a representation

that:

1. targets or is attractive to minors, including a cartoon character, a mascot, or any other depiction that is commonly used to market products to minors;

2. displays the use of cannabis, including the consumption, smoking, or vaping of cannabis;

3. encourages or promotes cannabis for use as an intoxicant;

or

4. is obscene;

(iv) engage in advertising by means of television, radio, Internet, mobile application, social media, or other electronic communication, **EVENT SPONSORSHIP**, or print publication, unless at least 85% of the audience is reasonably expected to be at least 21 years old as determined by reliable and current audience composition data; or

(v) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, engage in advertising by means of placing an advertisement on the side of a building or another publicly visible location of any form, including a sign, a poster, a placard, a device, a graphic display, an outdoor billboard, or a freestanding signboard.

**(2) A CANNABIS BUSINESS MAY PLACE EXTERIOR SIGNAGE ON THE PREMISES OF THE BUSINESS FOR THE LIMITED PURPOSE OF IDENTIFYING THE BUSINESS TO THE PUBLIC.**

36-1102.

(e) A person who violates subsection (b) of this section:

**(1) MAY BE CHARGED BY A CITATION; AND**

**(2) is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000.**

(f) A person who violates subsection (c) of this section:

**(1) MAY BE CHARGED BY A CITATION; AND**

**(2) is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000.**

### **Article – Economic Development**

5-1901.

(b) There is a Cannabis Business Assistance Fund.

(g) (1) Subject to paragraph (2) of this subsection, the Fund may be used only for:

(i) grants or loans to small, minority-owned, or women-owned businesses for:

1. license application assistance for participation in the adult-use cannabis industry;

2. assistance with the operating or capital expenses of a business participating in the adult-use cannabis industry; or

3. targeted training to support participation in the adult-use cannabis industry; [and]

(ii) grants to historically black colleges and universities for cannabis-related programs and business development organizations, including incubators, to train and assist small, minority, and women business owners and entrepreneurs seeking to become licensed to participate in the adult-use cannabis industry; **AND**

**(III) THE ADMINISTRATIVE COSTS OF THE FUND.****Article – Tax – General**10–208.

(bb) (1) The subtraction under subsection (a) of this section includes the amount of ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or a business as a [medical] cannabis grower, processor, dispensary, or any other cannabis establishment licensed OR REGISTERED by the State, if the deduction for ordinary and necessary expenses is disallowed under § 280E of the Internal Revenue Code.

10–308.

(b) The subtraction under subsection (a) of this section includes the amounts allowed to be subtracted for an individual under:

(6) § 10–208(bb) of this title (Trade or business expenses of [medical] A LICENSED OR REGISTERED cannabis grower, processor, dispensary, or any other cannabis establishment).

13–203.

(c) Tax information may be disclosed to:

(10) the Alcohol [and], Tobacco, AND CANNABIS Commission;

(14) a hospital, the Health Services Cost Review Commission, the Department of Human Services, the Maryland Department of Health, and the State Department of Education, to the extent necessary to administer § 19–214.4 of the Health – General Article; [and]

(15) subject to subsection (e) of this section, the Maryland Small Business Retirement Savings Board and its authorized contractors for the purpose of administering the Maryland Small Business Retirement Savings Program and Trust as authorized under Title 12 of the Labor and Employment Article; AND

**(16) THE MARYLAND CANNABIS ADMINISTRATION.**

**Chapter 254 of the Acts of 2023**

SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, from the date this Act takes effect to December 31, [2023] 2024, both inclusive, the Maryland Cannabis Administration is exempt from procurement requirements under the State Finance and Procurement Article if the procurement is for:

- (1) banking services for the Administration to collect fees and tax revenue;
- (2) banking services to help support cannabis businesses to transition from an all cash system;
- (3) a consultant to support the Administration in the process for cannabis licensure, including services related to investigations and the financial or criminal history review of applicants;
- (4) a consultant to provide technical assistance to social equity applicants;
- (5) communication services for public and consumer education campaigns on cannabis laws and regulations and potential health and safety risks associated with cannabis use; and
- (6) establishing a State cannabis testing laboratory at a preexisting site.

### **Chapter 255 of the Acts of 2023**

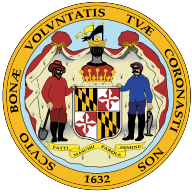
SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, from the date this Act takes effect to December 31, [2023] **2024**, both inclusive, the Maryland Cannabis Administration is exempt from procurement requirements under the State Finance and Procurement Article if the procurement is for:

- (1) banking services for the Administration to collect fees and tax revenue;
- (2) banking services to help support cannabis businesses to transition from an all cash system;
- (3) a consultant to support the Administration in the process for cannabis licensure, including services related to investigations and the financial or criminal history review of applicants;
- (4) a consultant to provide technical assistance to social equity applicants;
- (5) communication services for public and consumer education campaigns on cannabis laws and regulations and potential health and safety risks associated with cannabis use; and
- (6) establishing a State cannabis testing laboratory at a preexisting site.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to

each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, April 25, 2024.**



## HB0272

### Cannabis Licensing and Registration – Use of Straw Ownership – Prohibition

#### Jurisdiction

Statewide

#### Statutes Affected

Annotated Code of Maryland, Alcoholic Beverages and Cannabis § 36-101(a) and (o), § 36-1103

#### Summary

- This bill attempts to ensure that the applicants for cannabis licenses are genuine owners of the business and qualify for the requirements of a license.
- Ownership is defined as genuine when it includes the typical incidents of ownership, such as participating in profits and losses proportionate to the owner's stake.
- Prohibits individuals from applying for or holding a cannabis license or registration if:
  - ▶ Ownership interest is merely nominal, and
  - ▶ Primarily intended to satisfy specific licensing requirements, such as those for social equity licensees.
- Violating these provisions is a misdemeanor, with a penalty of imprisonment for up to one year, fines up to \$2,500, or both.
- The Maryland Cannabis Administration can deny applications or revoke licenses if an applicant or licensee violates the prohibition on straw ownership or is convicted of such a violation.

**Effective Date: June 1, 2024**



## Chapter 242

**(House Bill 272)**

AN ACT concerning

**Cannabis Licensing and Registration – Use of Straw Ownership – Prohibition**

FOR the purpose of prohibiting a person from applying for or holding a cannabis license or registration under certain circumstances if an ownership interest in the license or registration is for the limited purpose of satisfying certain requirements of registration or licensure; requiring the Maryland Cannabis Administration to deny a certain application or revoke a cannabis license or registration if the applicant, licensee, or registrant is determined by the Administration to be in violation of this Act or convicted of a violation of this Act; and generally relating to straw ownership and cannabis licensing and registration.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages and Cannabis

Section 36–101(a) and (o)

Annotated Code of Maryland

(2016 Volume and 2023 Supplement)

BY adding to

Article – Alcoholic Beverages and Cannabis

Section 36–1103

Annotated Code of Maryland

(2016 Volume and 2023 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**

36–101.

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

(o) (1) “Control” means:

(i) the decision–making authority over the management, operations, or policies that guide a business; or

(ii) authority over the operation of the technical aspects of a business.

(2) “Control” includes:

- (i) holding a right to veto significant events;
- (ii) the right or authority to make or veto decisions regarding operations and strategic planning, capital allocations, acquisitions, and divestments;
- (iii) the right or authority to appoint or remove directors, corporate-level officers, or their equivalent;
- (iv) the right or authority to make major marketing, production, and financial decisions; and
- (v) the right or authority to execute exclusive contracts or significant contracts in the aggregate of \$10,000 or greater on behalf of the licensee.

**36-1103.**

**(A) IN THIS SECTION, “GENUINE OWNERSHIP” MEANS AN OWNERSHIP INTEREST IN AN APPLICANT, A CANNABIS LICENSEE, OR A REGISTRANT THAT IS EVIDENCED BY RECORD OWNERSHIP IN WHICH THE OWNER, REGARDLESS OF THE AMOUNT OF CAPITAL OR ASSETS THAT THE OWNER CONTRIBUTES TO THE APPLICANT, LICENSEE, OR REGISTRANT, ENJOYS THE CUSTOMARY INCIDENTS OF OWNERSHIP AND SHARES IN THE PROFITS AND LOSSES OF THE CANNABIS LICENSE OR REGISTRATION PROPORTIONATE TO THE PERCENTAGE OF THE OWNER’S INTEREST IN THE CANNABIS LICENSE OR REGISTRATION.**

**(B) A PERSON MAY NOT APPLY FOR OR HOLD A CANNABIS LICENSE OR REGISTRATION UNDER THIS TITLE IF AN OWNERSHIP INTEREST IN THE LICENSE OR REGISTRATION IS:**

**(1) NOMINAL OR WITHOUT THE BENEFITS AND RISKS OF GENUINE OWNERSHIP OR CONTROL; AND**

**(2) FOR THE LIMITED PURPOSE OF SATISFYING THE REQUIREMENTS UNDER THIS TITLE FOR CANNABIS LICENSEES OR REGISTRANTS, INCLUDING REQUIREMENTS FOR SOCIAL EQUITY LICENSEES OR REGISTRANTS.**

**~~(B)~~ (C) A PERSON WHO VIOLATES SUBSECTION ~~(A)~~ (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.**

**~~(C)~~ (D) SUBJECT TO THE HEARING PROVISIONS OF § 36-202 OF THIS TITLE, THE ADMINISTRATION SHALL DENY AN APPLICATION FOR A CANNABIS**

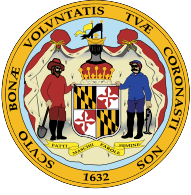
LICENSE OR REGISTRATION OR REVOKE A CANNABIS LICENSE OR REGISTRATION UNDER THIS TITLE IF THE APPLICANT, CANNABIS LICENSEE, OR REGISTRANT IS:

**(1) DETERMINED BY THE ADMINISTRATION TO BE IN VIOLATION OF SUBSECTION (B) OF THIS SECTION; OR**

**(2) CONVICTED OF VIOLATING SUBSECTION ~~(A)~~ (B) OF THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2024.

**Approved by the Governor, April 25, 2024.**



# HB0805 – Cannabis

## Licensee Locations – Restrictions

### Jurisdiction

#### Statewide

### Statutes Affected

Annotated Code of Maryland, Alcoholic Beverages and Cannabis, §§ 1-101(a) and (dd), 36-405 and 36-410, 35-411.

### Summary

- This bill makes changes to limitations imposed on cannabis license holders through zoning rules.
- It clarifies the definition of “unduly burden” in the context of new zoning requirements.
  - ▶ Imposing a zoning requirement or restriction on the use of property by a cannabis licensee that is more restrictive than requirements established under §34-410.
- Clarifies an exemption that allows a licensee to operate without applying for a new zoning approval if:
  - ▶ A facility was properly zoned and operating on or before January 1, 2023, or
  - ▶ The cannabis licensee held a Stage One Pre Approval for a license before October 1, 2022 and was not actively engaged in growing, processing, or dispensing cannabis before October 1, 2022.
- States that a dispensary cannot be located within 500 feet of “a **pre-existing** playground, recreation center, library, public park, or place of worship”.
- Distance limits between dispensaries are increased to not more than one-half mile.
- Political subdivisions may:
  - ▶ Establish a distance limitation of up to 100 feet from an area zoned for residential use for dispensaries.
  - ▶ Apply the distance limitation for licensed alcoholic beverage retailers to dispensaries in areas zoned for residential use.
- Political subdivisions may not:
  - ▶ Establish zoning requirements for licensed dispensaries that are more restrictive than those for retail dealers of alcohol.
  - ▶ Establish a zoning requirement for a licensed grower cultivating cannabis exclusively outdoors in an area zoned only for agricultural use that is more restrictive than any zoning requirements governing a hemp farm.
  - ▶ Prohibit outdoor cannabis cultivation on premises that were properly zoned for such cultivation on or before June 30, 2023.

**Effective Date(s): June 1, 2024**

## Chapter 244

## (House Bill 805)

AN ACT concerning

**Cannabis – Licensee Locations – Restrictions**

FOR the purpose of altering the distance restrictions applicable to a licensed cannabis dispensary; prohibiting a political subdivision from establishing certain zoning requirements for licensed cannabis dispensaries and certain licensed cannabis growers that are more restrictive than certain zoning restrictions applicable to certain other entities; clarifying the authority of a political subdivision to alter certain distance requirements; authorizing certain individuals to file a protest with the Maryland Cannabis Administration against the renewal of a cannabis license; establishing standards and requirements for the Administration's consideration of a protest; authorizing certain individuals to file a protest with the Maryland Cannabis Administration against the renewal of a cannabis license; establishing standards and requirements for the Administration's consideration of a protest; requiring a political subdivision to grant a waiver to certain zoning requirements to a licensed cannabis dispensary that was operating before a certain date; and generally relating to cannabis licensees and zoning restrictions.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 1–101(a) and (dd)  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages and Cannabis  
 Section 36–405 and 36–410  
 Annotated Code of Maryland  
 (2016 Volume and 2023 Supplement)

BY adding to  
Article – Alcoholic Beverages and Cannabis  
Section 36–411  
Annotated Code of Maryland  
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SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages and Cannabis**

1–101.

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

(dd) (1) “Retail dealer” means a person that sells an alcoholic beverage to any person other than a license holder.

(2) “Retail dealer” includes a county dispensary.

36–405.

(a) **IN THIS SECTION, “UNDULY BURDEN” INCLUDES IMPOSING A ZONING REQUIREMENT OR RESTRICTION ON THE USE OF PROPERTY BY A CANNABIS LICENSEE THAT IS MORE RESTRICTIVE THAN THE REQUIREMENTS ESTABLISHED UNDER § 36–410 OF THIS SUBTITLE.**

(B) A political subdivision may:

(1) establish reasonable zoning requirements for cannabis businesses; and

(2) decide how to distribute its allocation of revenue under § 2–1302.2 of the Tax – General Article.

**[(b)] (C)** A political subdivision may not:

(1) establish zoning or other requirements that unduly burden a cannabis licensee;

(2) impose licensing, operating, or other fees or requirements on a cannabis licensee that are disproportionately greater or more burdensome than those imposed on other businesses with a similar impact on the area where the cannabis licensee is located;

(3) prohibit transportation through or deliveries within the political subdivision by cannabis businesses located in other political subdivisions;

(4) prevent an entity whose license may be converted under § 36–401(b)(1)(ii) of this subtitle and that is in compliance with all relevant medical cannabis regulations from being granted the license conversion; or

(5) negotiate or enter into an agreement with a cannabis licensee or an applicant for a cannabis license requiring that the cannabis licensee or applicant provide

money, donations, in-kind contributions, services, or anything of value to the political subdivision.

[(c)] (D) The use of a facility by a cannabis licensee is not required to be submitted to, or approved by, a county or municipal zoning board, authority, or unit if ~~the facility~~ facility:

(1) THE FACILITY was properly zoned and operating on or before January 1, 2023; or

(2) ~~is used by a grower, processor, or dispensary that~~ THE CANNABIS LICENSEE:

(i) held a Stage One Preapproval for a license before October 1, 2022; and

(ii) was not ~~operational~~ ACTIVELY ENGAGED IN THE GROWING, PROCESSING, OR DISPENSING OF CANNABIS before October 1, 2022.

[(d)] (E) A political subdivision or special taxing district may not impose a tax on cannabis.

36-410.

(a) Beginning July 1, 2023, a cannabis licensee that is operating a dispensary shall:

(1) ensure that it has adequate supply for qualifying patients and caregivers;

(2) set aside operating hours or dedicated service lines to serve only qualifying patients and caregivers; and

(3) ensure that at least 25% of cannabis and cannabis products in the dispensary are from social equity licensees and growers and processors that do not share common ownership with the dispensary.

(b) Except as provided in subsection (d) of this section, a licensed dispensary may not locate within:

(1) 500 feet of:

(i) a pre-existing primary or secondary school in the State, or a licensed child care center or registered family child care home under Title 9.5 of the Education Article; or

(ii) a PRE-EXISTING playground, recreation center, library, [or] public park, OR PLACE OF WORSHIP; or

(2) 1,000 feet of another dispensary under this title.

(c) **(1) ~~A EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~** A political subdivision may adopt an ordinance reducing, BUT NOT INCREASING, the distance requirements under subsection (b) of this section.

**(2) A POLITICAL SUBDIVISION MAY BY ORDINANCE INCREASE THE DISTANCE LIMITATION FOR DISPENSARIES UNDER SUBSECTION (B)(2) OF THIS SECTION TO NOT MORE THAN ~~2,000 FEET~~ ONE-HALF MILE.**

(d) The distance requirements under subsection (b) of this section do not apply to a dispensary license that was:

(1) converted under § 36-401(b)(1)(ii) of this subtitle; and

(2) properly zoned and operating before July 1, 2023.

**(E) A POLITICAL SUBDIVISION MAY NOT ADOPT AN ORDINANCE ESTABLISHING ZONING REQUIREMENTS FOR LICENSED DISPENSARIES THAT ARE MORE RESTRICTIVE THAN ZONING REQUIREMENTS FOR A RETAIL DEALER LICENSED UNDER THIS ARTICLE.**

**(F) A POLITICAL SUBDIVISION MAY NOT ADOPT AN ORDINANCE:**

**(1) ESTABLISHING A ZONING REQUIREMENT FOR A LICENSED GROWER CULTIVATING CANNABIS EXCLUSIVELY OUTDOORS IN AN AREA ZONED ONLY FOR AGRICULTURAL USE THAT IS MORE RESTRICTIVE THAN ANY ZONING REQUIREMENTS THAT EXISTED ON JUNE 30, 2023, GOVERNING A HEMP FARM REGISTERED UNDER TITLE 14 OF THE AGRICULTURE ARTICLE IN THE POLITICAL SUBDIVISION; OR**

**(2) PROHIBITING OUTDOOR CANNABIS CULTIVATION ON A PREMISES THAT WAS PROPERLY ZONED FOR OUTDOOR CANNABIS CULTIVATION ON OR BEFORE JUNE 30, 2023.**

**(G) A POLITICAL SUBDIVISION MAY:**

**(1) BY ORDINANCE, ESTABLISH A DISTANCE LIMITATION FOR DISPENSARIES OF UP TO 100 FEET FROM AN AREA ZONED FOR RESIDENTIAL USE; OR**



(2) APPLY TO DISPENSARIES THE DISTANCE LIMITATION FOR LICENSED ALCOHOLIC BEVERAGE RETAILERS FROM AN AREA ZONED FOR RESIDENTIAL USE.

(H) A POLITICAL SUBDIVISION SHALL GRANT A WAIVER TO AN ORDINANCE THAT PROVIDES A DISTANCE REQUIREMENT FOR DISPENSARIES UNDER THIS SECTION FOR A LICENSED DISPENSARY THAT WAS IN OPERATION BEFORE APRIL 1, 2024.

36-411.

(A) (1) A PROTEST AGAINST A LICENSE RENEWAL MAY BE FILED WITH THE ADMINISTRATION BY AT LEAST 10 INDIVIDUALS WHO ARE:

(I) RESIDENTS, COMMERCIAL TENANTS WHO ARE NOT HOLDERS OF OR APPLICANTS FOR A LICENSE, OR REAL ESTATE OWNERS; AND

(II) LOCATED WITHIN 1,000 FEET OF THE LICENSED PREMISES.

(2) A PROTEST AGAINST A LICENSE RENEWAL SHALL:

(I) BE ON THE BASIS OF:

1. A VIOLATION OF THIS TITLE;

2. A VIOLATION OF CIVIL OR CRIMINAL LAW;

3. CONDUCT BY A LICENSEE THAT CREATES OR MAINTAINS CONDITIONS THAT ALLOW OTHER INDIVIDUALS TO ACT IN A MANNER THAT DISTURBS THE PUBLIC PEACE, INCLUDING:

A. OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY BY UNRULY CROWDS;

B. ASSAULT, BATTERY, OR OTHER DISORDERLY CONDUCT THAT DISTURBS THE PUBLIC PEACE;

C. VANDALISM; OR

D. LITTERING; OR

4. ANY OTHER VIOLATION ESTABLISHED BY THE ADMINISTRATION BY REGULATION; AND

(II) BE SIGNED UNDER OATH.

(B) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF A PROTEST AGAINST A LICENSE RENEWAL IS FILED AT LEAST 30 DAYS BEFORE THE LICENSE EXPIRES, THE ADMINISTRATION MAY NOT APPROVE THE RENEWAL WITHOUT HOLDING A HEARING.

(2) THE ADMINISTRATION MAY APPROVE A LICENSE RENEWAL WITHOUT A HEARING IF THE ADMINISTRATION FINDS THAT THE BASIS OF THE PROTEST FILED AGAINST THE RENEWAL IS WITHOUT ANY REASONABLE GROUND.

(C) IN HEARING AND MAKING A DETERMINATION ON A PROTEST FILED AGAINST A LICENSE RENEWAL, THE ADMINISTRATION:

(1) MAY CONSIDER ONLY:

(I) ISSUES ARISING OUT OF SPECIFIC COMPLAINTS ABOUT THE OPERATION OF THE LICENSED PREMISES; AND

(II) THE PERFORMANCE OF THE LICENSE HOLDER FOR THE 4-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF THE RENEWAL APPLICATION; AND

(2) MAY NOT CONSIDER ZONING ISSUES.

(D) THE ADMINISTRATION MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

~~36-411.~~

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~~(I) RESIDENTS, COMMERCIAL TENANTS WHO ARE NOT HOLDERS OF OR APPLICANTS FOR A LICENSE, OR REAL ESTATE OWNERS; AND~~

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~~3. CONDUCT BY A LICENSEE THAT CREATES OR MAINTAINS CONDITIONS THAT ALLOW OTHER INDIVIDUALS TO ACT IN A MANNER THAT DISTURBS THE PUBLIC PEACE, INCLUDING:~~

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~~(1) MAY CONSIDER ONLY:~~

~~(i) ISSUES ARISING OUT OF SPECIFIC COMPLAINTS ABOUT THE OPERATION OF THE LICENSED PREMISES; AND~~

~~(ii) THE PERFORMANCE OF THE LICENSE HOLDER FOR THE 4-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF THE RENEWAL APPLICATION; AND~~

~~(2) MAY NOT CONSIDER ZONING ISSUES.~~

~~(D) THE ADMINISTRATION MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2024.

**Approved by the Governor, April 25, 2024.**

# **ATCC**

***Alcohol, Tobacco, and Cannabis Commission***

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1215 East Fort Avenue, Suite 300, Baltimore, Maryland 21230  
(443) 300-6990 / [atcc.info@maryland.gov](mailto:atcc.info@maryland.gov)

***[atcc.maryland.gov](http://atcc.maryland.gov)***