

# SENATE BILL 118

M4, L1

01r0027

(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request  
– Departmental – Agriculture)**

Requested: September 16, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Alcohol Production and Agricultural Alcohol Production**

3 FOR the purpose of defining the terms “alcohol production” and “agricultural alcohol  
4 production”; authorizing a local jurisdiction to adopt the definitions of “alcohol  
5 production” and “agricultural alcohol production” by local ordinance, resolution, law,  
6 or rule; providing for the application of this Act to charter counties; and generally  
7 relating to alcohol production and agricultural alcohol production.

8 BY repealing and reenacting, with amendments,

9 Article – Land Use

10 Section 1–401(b)

11 Annotated Code of Maryland

12 (2012 Volume and 2019 Supplement)

13 BY adding to

14 Article – Land Use

15 Section 4–213 and 4–214

16 Annotated Code of Maryland

17 (2012 Volume and 2019 Supplement)

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

20 **Article – Land Use**

21 1–401.

22 (b) The following provisions of this division apply to a charter county:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) this subtitle, including Parts II and III (Charter county –  
2 Comprehensive plans);
- 3 (2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,  
4 and “Sensitive area”);
- 5 (3) § 1–201 (Visions);
- 6 (4) § 1–206 (Required education);
- 7 (5) § 1–207 (Annual report – In general);
- 8 (6) § 1–208 (Annual report – Measures and indicators);
- 9 (7) Title 1, Subtitle 3 (Consistency);
- 10 (8) Title 1, Subtitle 5 (Growth Tiers);
- 11 (9) § 4–104(b) (Limitations – Bicycle parking);
- 12 (10) § 4–208 (Exceptions – Maryland Accessibility Code);
- 13 (11) § 4–210 (Permits and variances – Solar panels);
- 14 (12) § 4–211 (Change in zoning classification – Energy generating systems);
- 15 (13) § 4–212 (Agritourism);
- 16 **(14) § 4–213 (ALCOHOL PRODUCTION);**
- 17 **(15) § 4–214 (AGRICULTURAL ALCOHOL PRODUCTION);**
- 18 [(14)] **(16)** § 5–102(d) (Subdivision regulations – Burial sites);
- 19 [(15)] **(17)** § 5–104 (Major subdivision – Review);
- 20 [(16)] **(18)** Title 7, Subtitle 1 (Development Mechanisms);
- 21 [(17)] **(19)** Title 7, Subtitle 2 (Transfer of Development Rights);
- 22 [(18)] **(20)** except in Montgomery County or Prince George’s County, Title  
23 7, Subtitle 3 (Development Rights and Responsibilities Agreements);
- 24 [(19)] **(21)** Title 7, Subtitle 4 (Inclusionary Zoning);
- 25 [(20)] **(22)** § 8–401 (Conversion of overhead facilities);

1            [(21)] **(23)** for Baltimore County only, Title 9, Subtitle 3 (Single-County  
2 Provisions – Baltimore County);

3            [(22)] **(24)** for Frederick County only, Title 9, Subtitle 10 (Single-County  
4 Provisions – Frederick County);

5            [(23)] **(25)** for Howard County only, Title 9, Subtitle 13 (Single-County  
6 Provisions – Howard County);

7            [(24)] **(26)** for Talbot County only, Title 9, Subtitle 18 (Single-County  
8 Provisions – Talbot County); and

9            [(25)] **(27)** Title 11, Subtitle 2 (Civil Penalty).

10 **4-213.**

11            **(A) (1) IN THIS SECTION, “ALCOHOL PRODUCTION” MEANS AN ACTIVITY**  
12 **THAT IS:**

13                            **(I) CARRIED OUT BY A LICENSE HOLDER, AS DEFINED IN §**  
14 **1-101 OF THE ALCOHOLIC BEVERAGES ARTICLE; AND**

15                            **(II) RELATED TO THE MANUFACTURE, PACKAGING, STORAGE,**  
16 **PROMOTION, OR SALE OF ALCOHOLIC BEVERAGES.**

17            **(2) “ALCOHOL PRODUCTION” INCLUDES THE USE OF AN AREA TO:**

18                            **(I) PROVIDE TASTINGS OF ALCOHOLIC BEVERAGES; OR**

19                            **(II) ACCOMMODATE THE LICENSE HOLDER’S CUSTOMERS.**

20            **(B) A LOCAL JURISDICTION MAY ADOPT THE DEFINITION OF “ALCOHOL**  
21 **PRODUCTION” AS DEFINED IN THIS SECTION BY LOCAL ORDINANCE, RESOLUTION,**  
22 **LAW, OR RULE.**

23 **4-214.**

24            **(A) (1) IN THIS SECTION, “AGRICULTURAL ALCOHOL PRODUCTION”**  
25 **MEANS AN ACTIVITY THAT:**

26                            **(I) IS CARRIED OUT BY A LICENSE HOLDER, AS DEFINED IN §**  
27 **1-101 OF THE ALCOHOLIC BEVERAGES ARTICLE;**

1                   **(II) OCCURS ON AGRICULTURAL LAND; AND**

2                   **(III) IS RELATED TO THE MANUFACTURE, PACKAGING, STORAGE,**  
3 **PROMOTION, OR SALE OF ALCOHOLIC BEVERAGES THAT USE INGREDIENTS**  
4 **PRODUCED ON THE AGRICULTURAL LAND OR ANY ASSOCIATED AGRICULTURAL**  
5 **LAND.**

6                   **(2) “AGRICULTURAL ALCOHOL PRODUCTION” INCLUDES THE USE OF**  
7 **AN AREA TO:**

8                   **(I) PROVIDE TASTINGS OF ALCOHOLIC BEVERAGES; OR**

9                   **(II) ACCOMMODATE THE LICENSE HOLDER’S CUSTOMERS.**

10                   **(B) A LOCAL JURISDICTION MAY ADOPT THE DEFINITION OF**  
11 **“AGRICULTURAL ALCOHOL PRODUCTION” AS DEFINED IN THIS SECTION BY LOCAL**  
12 **ORDINANCE, RESOLUTION, LAW, OR RULE.**

13                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2020.