

Chapter 306

(House Bill 714)

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Gift Basket Permit

FOR the purpose of establishing, in Anne Arundel County, a gift basket permit; authorizing the Board of License Commissioners for Anne Arundel County to issue the permit to certain persons; prohibiting the Board from issuing the permit for certain uses; providing that the permit authorizes a permit holder to sell and deliver gift baskets containing beer, wine, or liquor to certain individuals under certain circumstances; requiring a permit holder to maintain certain records and submit certain reports; requiring a permit holder or certain employee to deliver a certain gift basket and require the person receiving a delivery of a certain gift basket to display proof of a certain age; requiring an individual who delivers a certain gift basket to be at least a certain age; limiting the total annual sales from alcoholic beverages to a certain percentage of the annual gross sales of the permit holder; requiring the alcoholic beverages contained in a gift basket to be purchased from a retail license holder; requiring the Board to adopt certain regulations; establishing a fee for the permit; providing that certain distance requirements do not apply to the issuance of the permit; and generally relating to alcoholic beverages in Anne Arundel County.

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 11-102 and 11-1603(a)
 Annotated Code of Maryland
 (2016 Volume and 2019 Supplement)

BY adding to
 Article – Alcoholic Beverages
 Section 11-1006.1
 Annotated Code of Maryland
 (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 11-1603(b)
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

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

Article – Alcoholic Beverages

11-102.

This title applies only in Anne Arundel County.

11-1006.1.

(A) **THERE IS A GIFT BASKET PERMIT.**

(B) **(1) THE BOARD MAY ISSUE THE PERMIT TO A PERSON:**

~~(1)~~ **(I) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF FLOWERS;**

(II) WHOSE BUSINESS INCLUDES THE SALE AND DELIVERY OF GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS TO INDIVIDUALS IN THE STATE ON BEHALF OF CUSTOMERS; AND

~~(2)~~ **(III) WHO DOES NOT HOLD ANY OTHER ALCOHOLIC BEVERAGES LICENSE OR PERMIT UNDER THIS ARTICLE.**

(2) THE BOARD MAY NOT ISSUE THE PERMIT FOR USE IN CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.

(C) **A HOLDER OF THE PERMIT:**

(1) MAY SELL AND DELIVER, TO CONSUMERS OF A LEGAL DRINKING AGE LOCATED IN THE COUNTY, GIFT BASKETS CONTAINING:

(I) NOT MORE THAN 72 OUNCES OF BEER;

(II) NOT MORE THAN 2.25 LITERS OF WINE; OR

(III) NOT MORE THAN 2.25 LITERS OF LIQUOR ~~BEER, WINE, OR LIQUOR TO CONSUMERS OF A LEGAL DRINKING AGE LOCATED IN THE STATE;~~ AND

(2) SHALL MAINTAIN RECORDS AND SUBMIT REPORTS AS REQUIRED BY THE BOARD.

(D) **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:**

(I) DELIVER THE GIFT BASKET CONTAINING ALCOHOLIC BEVERAGES; AND

(II) REQUIRE THE PERSON RECEIVING A DELIVERY OF A GIFT BASKET CONTAINING ALCOHOLIC BEVERAGES TO DISPLAY PROOF THAT THE PERSON IS AT LEAST 21 YEARS OLD.

(2) AN INDIVIDUAL WHO DELIVERS A GIFT BASKET CONTAINING ALCOHOLIC BEVERAGES SHALL BE AT LEAST 21 YEARS OLD.

(E) THE HOLDER’S ANNUAL SALES FROM ALCOHOLIC BEVERAGES MAY NOT EXCEED ~~25%~~ 10% OF THE HOLDER’S ANNUAL GROSS SALES.

~~(F)~~ (F) THE ALCOHOLIC BEVERAGES CONTAINED IN A GIFT BASKET SHALL BE PURCHASED FROM A RETAIL LICENSE HOLDER.

~~(G)~~ (G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

~~(H)~~ (H) THE FEE FOR A GIFT BASKET PERMIT IS \$100.

11-1603.

(a) Except as provided in subsection (b) of this section, the Board may not issue a new license for an establishment whose entry is within 1,000 feet in a straight line from the entry of a place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) the transfer of a license from the current license holder to a new license holder, unless the transfer would allow the sale of alcoholic beverages by another establishment within the 1,000-foot restriction;

(2) a nonprofit club or nonprofit organization;

(3) a restaurant that held a license at the time the restaurant was destroyed by fire, flood, windstorm, or other act of God, if a new place of worship or school has not been constructed within the 1,000-foot restriction;

(4) the issuance of a Class H beer and wine (on-sale) license or beer, wine, and liquor (on-sale) license;

(5) the issuance of a motel-restaurant complex or hotel-restaurant complex beer, wine, and liquor (on-sale) license; [or]

(6) the issuance of a Class BLX (deluxe restaurant) (on-sale) beer, wine, and liquor license; OR

(7) THE ISSUANCE OF A GIFT BASKET PERMIT.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.