

HOUSE BILL 1100

A2

11r1924
CF SB 390

By: **Harford County Delegation**

Introduced and read first time: February 5, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Gift Basket Permit**

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

18 BY repealing and reenacting, without amendments,

19 Article – Alcoholic Beverages
20 Section 22–102
21 Annotated Code of Maryland
22 (2016 Volume and 2020 Supplement)

23 BY adding to

24 Article – Alcoholic Beverages
25 Section 22–1002.1
26 Annotated Code of Maryland
27 (2016 Volume and 2020 Supplement)

28 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Alcoholic Beverages
2 Section 22–1602
3 Annotated Code of Maryland
4 (2016 Volume and 2020 Supplement)

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

7 **Article – Alcoholic Beverages**

8 22–102.

9 This title applies only in Harford County.

10 **22–1002.1.**

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

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

13 **(I) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF**
14 **FLOWERS;**

15 **(II) WHOSE BUSINESS INCLUDES THE SALE AND DELIVERY OF**
16 **GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS; AND**

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

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

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

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

25 **(I) NOT MORE THAN 72 OUNCES OF BEER;**

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

27 **(III) NOT MORE THAN 2.25 LITERS OF LIQUOR; AND**

28 **(2) SHALL MAINTAIN RECORDS AND SUBMIT REPORTS AS REQUIRED**

1 BY THE BOARD.

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

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

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

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

11 (E) THE HOLDER'S ANNUAL SALES FROM ALCOHOLIC BEVERAGES MAY NOT
12 EXCEED 10% OF THE HOLDER'S ANNUAL GROSS SALES.

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

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

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

17 22-1602.

18 (a) This section does not apply to:

19 (1) a license in effect on July 1, 1975, or the issuance or transfer of a Class
20 B (on-sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

21 (2) a license in effect on July 1, 1977;

22 (3) the renewal, transfer, or upgrading of a license, unless the license is
23 transferred to a new location; and

24 (4) the issuance of:

25 (i) a 1-day license that is to be used on the premises of a place of
26 worship or school;

27 (ii) a Class GC (golf course) license; [and]

28 (iii) a Class CCFA (continuing care facility) license; AND

1 (IV) A GIFT BASKET PERMIT.

2 (b) (1) (i) Except as provided in paragraph (2) of this subsection and
3 subsection (c) of this section, the Board may not issue a license for an establishment that
4 is within 300 feet of a place of worship.

5 (ii) The distance from the establishment to the place of worship is to
6 be measured from the nearest point of the building of the establishment to the nearest point
7 of the building of the place of worship.

8 (2) Paragraph (1) of this subsection does not apply to the issuance of:

9 (i) a 1–day license for use in a building;

10 (ii) a license issued to a hotel, motel, restaurant, club, caterer,
11 brewery, or distillery in a municipality; and

12 (iii) a Class H beer, wine, and liquor license issued to a caterer for
13 use in a banquet facility in an establishment if:

14 1. the construction of the establishment was completed after
15 July 1, 1991; and

16 2. the establishment is used for emergency operations by a
17 volunteer fire company.

18 (c) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may
19 waive the distance restrictions from a place of worship and issue a license on a
20 case–by–case basis.

21 (2) Before the Board decides whether to waive the distance restrictions
22 from a place of worship under paragraph (1) of this subsection:

23 (i) a public hearing shall be held by the governing body of:

24 1. if the establishment is located in a municipality, the
25 municipality where the establishment is located; or

26 2. if the establishment is located outside the boundaries of a
27 municipality, the county;

28 (ii) the governing body shall make a recommendation to the Board
29 regarding whether the distance restrictions should be waived; and

30 (iii) after receiving a recommendation:

1 (iii) after receiving the recommendation, the Board shall hold a
2 public hearing.

3 (3) In making a decision whether to waive the distance restrictions from a
4 public or private school building, the Board shall take into consideration:

5 (i) the recommendation from the governing body;

6 (ii) comments received from parents whose children attend the
7 public or private school; and

8 (iii) comments made at the public hearing held by the Board.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2021.