

SENATE BILL 731

A2

11r2549
CF HB 1059

By: **Senator Edwards**

Introduced and read first time: February 5, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 26, 2021

CHAPTER _____

1 AN ACT concerning

2 **Allegany and Garrett Counties – Alcoholic Beverages – Gift Basket Permits**

3 FOR the purpose of establishing, in Allegany and Garrett counties, gift basket permits;
4 authorizing the Board of License Commissioners for Allegany County to issue a gift
5 basket permit to certain persons; authorizing the Board of License Commissioners
6 for Garrett County to issue a gift basket permit to certain persons; prohibiting each
7 of the Boards from issuing the permit for certain uses; providing that the permit
8 authorizes a permit holder to sell and deliver gift baskets containing beer, wine, or
9 liquor to certain individuals under certain circumstances; requiring a permit holder
10 to maintain certain records and submit certain reports; requiring a permit holder or
11 certain employee to deliver a certain gift basket and require the person receiving a
12 delivery of a certain gift basket to display proof of a certain age; requiring an
13 individual who delivers a certain gift basket to be at least a certain age; limiting the
14 total annual sales from alcoholic beverages to a certain percentage of the annual
15 gross sales of the permit holder; requiring the alcoholic beverages contained in a gift
16 basket to be purchased from a retail license holder; requiring each of the Boards to
17 adopt certain regulations; establishing fees in each county for the permit; and
18 generally relating to alcoholic beverages in Allegany and Garrett counties.

19 BY repealing and reenacting, without amendments,
20 Article – Alcoholic Beverages
21 Section 9–102 and 21–102
22 Annotated Code of Maryland
23 (2016 Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Alcoholic Beverages
3 Section 9–1001.2 and 21–1001.2
4 Annotated Code of Maryland
5 (2016 Volume and 2020 Supplement)

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

8 **Article – Alcoholic Beverages**

9 9–102.

10 This title applies only in Allegany County.

11 **9–1001.2.**

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

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

14 **(I) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF:**

15 **1. FLOWERS; OR**

16 **2. GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS;**

17 **AND**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 21-102.

20 This title applies only in Garrett County.

21 21-1001.2.

22 (A) THERE IS A GIFT BASKET PERMIT.

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

24 (I) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF:

25 1. FLOWERS; OR

26 2. GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS;

27 AND

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **(H) (1) THE FEE FOR A GIFT BASKET PERMIT IS \$100.**

2 **(2) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW**
3 **PERMIT IN AN AMOUNT EQUAL TO THE ANNUAL PERMIT FEE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.