

SENATE BILL 731

A2

11r2549
CF 11r2548

By: **Senator Edwards**

Introduced and read first time: February 5, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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)

24 BY adding to

25 Article – Alcoholic Beverages
26 Section 9–1001.2 and 21–1001.2
27 Annotated Code of Maryland
28 (2016 Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Alcoholic Beverages**

4 9–102.

5 This title applies only in Allegany County.

6 **9–1001.2.**

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

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

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

10 **1. FLOWERS; OR**

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

12 **AND**

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

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

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

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

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

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

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

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

26 **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT**

1 **HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:**

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

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

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

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

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

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

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

15 21-102.

16 This title applies only in Garrett County.

17 **21-1001.2.**

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

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

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

21 1. **FLOWERS; OR**

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

23 **AND**

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

26 (2) **THE BOARD MAY NOT ISSUE THE PERMIT FOR USE IN**
27 **CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR**

1 DISCOUNT HOUSE.

2 (C) A HOLDER OF THE PERMIT:

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

5 (I) NOT MORE THAN 72 OUNCES OF BEER;

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

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

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

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

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

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

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

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

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2021.

