

HOUSE BILL 714

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CF SB 525

By: ~~Delegate Kipke~~ **Anne Arundel County Delegation**

Introduced and read first time: January 30, 2020

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2020

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Gift Basket Permit**

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

18 BY repealing and reenacting, without amendments,

19 Article – Alcoholic Beverages

20 Section 11-102 and 11-1603(a)

21 Annotated Code of Maryland

22 (2016 Volume and 2019 Supplement)

23 BY adding to

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 Article – Alcoholic Beverages
 2 Section 11–1006.1
 3 Annotated Code of Maryland
 4 (2016 Volume and 2019 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Alcoholic Beverages
 7 Section 11–1603(b)
 8 Annotated Code of Maryland
 9 (2016 Volume and 2019 Supplement)

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

12 **Article – Alcoholic Beverages**

13 11–102.

14 This title applies only in Anne Arundel County.

15 **11–1006.1.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 11-1603.

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

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

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

HOUSE BILL 714

1 (2) a nonprofit club or nonprofit organization;

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

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

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

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

11 **(7) THE ISSUANCE OF A GIFT BASKET PERMIT.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.