

# SENATE BILL 815

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CF HB 787

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By: **Senator A. Washington**

Introduced and read first time: February 6, 2023

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Retail Delivery – Alterations and Third-Party Delivery**  
3 **Service Permit**

4 FOR the purpose of establishing a delivery service permit that authorizes the holder to  
5 deliver alcoholic beverages from a certain retail license holder authorized to deliver  
6 alcoholic beverages to purchasers in the State under certain circumstances;  
7 authorizing certain retail license holders to deliver alcoholic beverages to purchasers  
8 in the State through a third-party contractor, an independent contractor, or an agent  
9 that holds a delivery service permit under certain circumstances; altering certain  
10 standards and requirements for the retail delivery of alcoholic beverages; and  
11 generally relating to retail delivery of alcoholic beverages.

12 BY adding to  
13 Article – Alcoholic Beverages  
14 Section 2–165  
15 Annotated Code of Maryland  
16 (2016 Volume and 2022 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Alcoholic Beverages  
19 Section 4–507  
20 Annotated Code of Maryland  
21 (2016 Volume and 2022 Supplement)

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

24 **Article – Alcoholic Beverages**  
25 **2–165.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) THERE IS A DELIVERY SERVICE PERMIT.

2 (B) THE PERMIT AUTHORIZES THE HOLDER TO DELIVER ALCOHOLIC  
3 BEVERAGES FROM A RETAIL LICENSE HOLDER AUTHORIZED TO DELIVER  
4 ALCOHOLIC BEVERAGES UNDER § 4-507 OF THIS ARTICLE.

5 (C) AN APPLICANT FOR A DELIVERY SERVICE PERMIT SHALL:

6 (1) SUBMIT TO THE COMMISSION:

7 (I) A SAMPLE CONTRACT THAT THE APPLICANT INTENDS TO  
8 ENTER INTO WITH A RETAIL LICENSE HOLDER AUTHORIZED TO DELIVER ALCOHOLIC  
9 BEVERAGES;

10 (II) WRITTEN CERTIFICATION THAT BEFORE DELIVERING ANY  
11 ALCOHOLIC BEVERAGES, ALL DELIVERY PERSONNEL WILL BE:

12 1. AT LEAST 21 YEARS OLD; AND

13 2. CERTIFIED BY AN APPROVED ALCOHOL AWARENESS  
14 PROGRAM; AND

15 (III) PROOF OF GENERAL LIABILITY INSURANCE IN THE AMOUNT  
16 OF AT LEAST \$1,000,000 PER OCCURRENCE; AND

17 (2) PAY AN APPLICATION FEE OF \$1,000.

18 (D) A DELIVERY SERVICE PERMIT HOLDER MAY:

19 (1) USE THE DELIVERY SERVICE'S EMPLOYEES OR INDEPENDENT  
20 CONTRACTORS WHO ARE AT LEAST 21 YEARS OLD TO DELIVER ALCOHOLIC  
21 BEVERAGES; AND

22 (2) FACILITATE ORDERS FOR THE SALE AND DELIVERY OF  
23 ALCOHOLIC BEVERAGES BY TELEPHONE, INTERNET, OR OTHER ELECTRONIC  
24 MEANS.

25 (E) (1) THE PERMIT IS VALID FOR 2 YEARS.

26 (2) A DELIVERY SERVICE PERMIT HOLDER MAY RENEW ITS DELIVERY  
27 SERVICE PERMIT IF THE DELIVERY SERVICE PERMIT HOLDER:

1                   **(I) MAINTAINS ALL CONDITIONS AND QUALIFICATIONS OF**  
2 **DELIVERY SERVICE PERMIT HOLDERS REQUIRED BY THIS SECTION AND § 4-507 OF**  
3 **THIS ARTICLE; AND**

4                   **(II) PAYS A RENEWAL FEE OF \$500.**  
5 4-507.

6           (a) This section does not apply to:

7                   (1) the delivery of wine from a direct wine shipper to a consumer using a  
8 common carrier in accordance with Title 2, Subtitle 1, Part V of this article;

9                   (2) the holder of a common carrier permit in the course of delivering  
10 directly shipped wine in accordance with Title 2, Subtitle 1, Part V of this article; or

11                   (3) the delivery of alcoholic beverages in accordance with § 4-1107 of this  
12 title.

13           (b) Retail delivery to a purchaser of alcoholic beverages is prohibited unless:

14                   (1) a retail license holder obtains a letter of authorization from the local  
15 licensing board to make deliveries; [and]

16                   (2) the delivery is made from the licensed premises by [the retail license  
17 holder or an employee of the retail license holder];

18                   **(I) THE RETAIL LICENSE HOLDER;**

19                   **(II) AN EMPLOYEE OF THE RETAIL LICENSE HOLDER; OR**

20                   **(III) A THIRD-PARTY CONTRACTOR, AN INDEPENDENT**  
21 **CONTRACTOR, OR AN AGENT THAT:**

22                           **1. HOLDS A DELIVERY SERVICE PERMIT; AND**

23                           **2. HAS CONTRACTED WITH THE RETAIL LICENSE**  
24 **HOLDER TO MAKE DELIVERIES OF ALCOHOLIC BEVERAGES;**

25                   **(3) THE PURCHASER OF THE ALCOHOLIC BEVERAGES:**

26                           **(I) IS AT LEAST 21 YEARS OLD; AND**

27                           **(II) PROVIDES VALID IDENTIFICATION AS PROOF OF AGE ON**  
28 **RECEIPT OF THE ALCOHOLIC BEVERAGES;**

1           **(4) ALCOHOLIC BEVERAGES SOLD FOR OFF-PREMISES DELIVERY**  
2 **ARE:**

3                   **(I) PROVIDED IN THE MANUFACTURER'S ORIGINAL SEALED**  
4 **CONTAINER OR IN A CONTAINER CLOSED WITH A CAP, CORK, SEAL, OR LID WITHOUT**  
5 **HOLES FOR STRAWS OR SIPPING; AND**

6                   **(II) SOLD ONLY DURING THE HOURS THE RETAIL LICENSE**  
7 **HOLDER IS OPEN FOR IN-STORE PURCHASES; AND**

8           **(5) THE DELIVERY OF THE ALCOHOLIC BEVERAGES IS MADE FROM**  
9 **THE RETAIL LICENSE HOLDER'S LICENSED PREMISES TO THE PURCHASER OF THE**  
10 **ALCOHOLIC BEVERAGES BY AN INDIVIDUAL WHO:**

11                   **(I) IS AT LEAST 21 YEARS OLD; AND**

12                   **(II) HAS SUCCESSFULLY COMPLETED AN APPROVED ALCOHOL**  
13 **AWARENESS PROGRAM.**

14           **(C) A RETAIL LICENSE HOLDER MAY NOT DELIVER ALCOHOLIC BEVERAGES**  
15 **TO:**

16                   **(1) AN INDIVIDUAL WHO DOES NOT PROVIDE VALID IDENTIFICATION**  
17 **PROVING THAT THE INDIVIDUAL IS AT LEAST 21 YEARS OLD; OR**

18                   **(2) ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES.**

19           **(D) (1) A PERSON SHALL APPLY TO THE COMMISSION FOR A DELIVERY**  
20 **SERVICE PERMIT UNDER § 2-165 OF THIS ARTICLE BEFORE CONTRACTING TO**  
21 **DELIVER ALCOHOLIC BEVERAGES FOR A RETAIL LICENSE HOLDER.**

22                   **(2) IF A RETAIL LICENSE HOLDER CONTRACTS WITH A DELIVERY**  
23 **SERVICE PERMIT HOLDER TO DELIVER ALCOHOLIC BEVERAGES, THE RETAIL**  
24 **LICENSE HOLDER AND THE DELIVERY SERVICE PERMIT HOLDER SHALL ESTABLISH**  
25 **A METHOD TO ENSURE THAT THE RETAIL LICENSE HOLDER RETAINS CONTROL OVER**  
26 **PAYMENTS MADE FROM A PURCHASER FOR THE ALCOHOLIC BEVERAGES.**

27           **(E) A RETAIL LICENSE HOLDER MAY NOT BE CHARGED WITH A VIOLATION**  
28 **OF LAW FOR THE DELIVERY OF AN ALCOHOLIC BEVERAGE TO A MINOR IF:**

29                   **(1) THE DELIVERY WAS MADE BY A DELIVERY SERVICE PERMIT**  
30 **HOLDER CONTRACTED TO DELIVER FOR THE RETAIL LICENSE HOLDER; AND**

1                   **(2) AT THE POINT OF DELIVERY, THE INDIVIDUAL WHO RECEIVED THE**  
2 **ALCOHOLIC BEVERAGES PROVIDED VALID PHOTOGRAPHIC IDENTIFICATION TO THE**  
3 **DELIVERY SERVICE PERMIT HOLDER AFFIRMING THAT THE INDIVIDUAL RECEIVING**  
4 **THE ALCOHOLIC BEVERAGES WAS AT LEAST 21 YEARS OLD.**

5                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
6 1, 2023.