

SENATE BILL 322

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CF HB 246

By: **Senators Beidle, Gile, and Ready**

Introduced and read first time: January 27, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2023

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Class 4 Limited Winery License – Food Service**

3 FOR the purpose of authorizing the holder of a Class 4 limited winery license to prepare,
4 sell, or serve certain food under certain conditions; removing certain requirements
5 for off-premises and on-premises consumption at a limited winery; removing the
6 notice requirement for certain planned promotional events at a limited winery; and
7 generally relating to Class 4 limited winery licenses.

8 BY repealing and reenacting, with amendments,
9 Article – Alcoholic Beverages
10 Section 2–206
11 Annotated Code of Maryland
12 (2016 Volume and 2022 Supplement)

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

15 **Article – Alcoholic Beverages**

16 2–206.

17 (a) There is a Class 4 limited winery license.

18 (b) (1) A license holder may:

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.



(i) subject to paragraph (2) of this subsection, from available Maryland agricultural products:

1. ferment and bottle wine; and

2. distill and bottle pomace brandy; and

(ii) sell and deliver the wine and pomace brandy to:

1. a holder of a wholesaler's license;

2. a holder of a permit that is authorized to acquire wine or pomace brandy;

3. a person outside the State that is authorized to acquire wine or pomace brandy; or

4. an individual in accordance with § 2-219 of this subtitle.

(2) A license holder:

(i) shall own or have under contract at least 20 acres of grapes or other fruit in cultivation in the State for use in the production of wine; or

(ii) except as provided in paragraph (3) of this subsection, if less than 20 acres are owned or under contract, shall ensure that at least 51% of the ingredients used in the annual production of the license holder's wine are grapes or other fruit grown in the State.

(3) (i) The Secretary of Agriculture each year may grant a 1-year exemption to an applicant from the percentage requirement under paragraph (2)(ii) of this subsection.

(ii) The Secretary shall adopt regulations governing the granting of an exemption under subparagraph (i) of this paragraph, after consultation with the Governor's Wine and Grape Advisory Commission, the Maryland Grape Growers Association, the Maryland Wineries Association, and other interested parties.

(4) Except as provided in Subtitle 3 of this title, a license holder need not obtain any other license to possess, manufacture, sell, or transport wine or pomace brandy.

(5) A license holder may:

(i) sell wine and pomace brandy produced by the license holder for ON- AND OFF-PREMISES consumption;

(ii) in an amount not exceeding 2 fluid ounces per brand, provide samples of wine and pomace brandy that the license holder produces to a consumer:

1. at no charge; or

2. for a fee; and

(iii) subject to [paragraph] PARAGRAPHS (6) AND (7) of this subsection, PREPARE, sell, or serve only:

1. bread and other baked goods;

2. chili;

3. chocolate;

4. crackers;

5. cured meat;

6. fruits (whole and cut);

7. hard and soft cheese (whole and cut);

8. salads and vegetables (whole and cut);

9. the following items made with Maryland wine:

A. ice cream;

B. jam;

C. jelly; and

D. vinegar;

10. pizza;

11. prepackaged sandwiches and other prepackaged foods ready to be eaten;

12. soup; and

13. condiments.

(6) A LICENSE HOLDER IS NOT LIMITED TO PREPARING, SELLING, OR SERVING ONLY THE FOOD SPECIFIED IN PARAGRAPH (5)(III) OF THIS SUBSECTION IF THE LICENSE HOLDER:

(I) IS ALSO LICENSED TO OPERATE A FOOD ESTABLISHMENT UNDER TITLE 21, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE; AND

(II) MEETS THE SAME RATIO OF GROSS RECEIPTS BETWEEN FOOD AND ALCOHOLIC BEVERAGE SALES AS A HOLDER OF A CLASS D BEER AND WINE LICENSE, OR AN EQUIVALENT LICENSE AS DETERMINED BY THE LOCAL LICENSING BOARD.

(7) (i) A caterer is not limited to PREPARING, selling, or serving only the foods specified in paragraph (5)(iii) of this subsection.

(ii) A license holder or entity in which the license holder has a pecuniary interest may not act as a caterer of food.

~~[(7)]~~ (8) Subject to paragraph ~~[(8)]~~ (9) of this subsection, a license holder may conduct the activities specified in paragraph (5) of this subsection[:

(i) for off–premises consumption of wine and pomace brandy and for sampling, from 10 a.m. to 10 p.m. each day; and

(ii) for on–premises consumption of wine and pomace brandy and sales and service of food on the licensed premises:

1. from 10 a.m. to 6 p.m. each day; or

2. if guests are attending a planned promotional event or other organized activity on the licensed premises,] from 10 a.m. to 10 p.m. each day.

~~[(8)]~~ (9) Except as provided in Division II of this article, the license allows the license holder to operate 7 days a week.

[(9) At least 14 days before holding a planned promotional event after 6 p.m., a license holder shall file a notice of the promotional event with the Comptroller on the form that the Comptroller provides.]

(10) Nothing in this subsection limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

(c) The place listed on the license shall be in compliance with § 1–405(b) of this article.

(d) A license holder may:

(1) store on its licensed premises, in a segregated area approved by the Comptroller, the product of other Class 4 limited wineries to be used at Maryland Wineries Association promotional activities, provided records are maintained and reports filed regarding the storage under this item as may be required by the Comptroller;

(2) distill and bottle not more than 1,900 gallons of pomace brandy made from available Maryland agricultural products;

(3) purchase bulk wine fermented by a manufacturer licensed under this article and blend the wine with the license holder's wine and pomace brandy if the aggregate purchase does not exceed 25% of the license holder's annual wine and pomace brandy production;

(4) purchase pomace brandy only for blending with wine;

(5) import, export, and transport its wine and pomace brandy in accordance with this section; and

(6) produce wine and pomace brandy at a warehouse for which the license holder has been issued an individual storage permit, if:

(i) the license holder does not serve or sell wine or pomace brandy at a warehouse to the public; and

(ii) the Comptroller has full access at all times to the warehouse to enforce this article.

(e) A Class 4 limited winery may be located only at the place stated on the license.

(f) If a license holder maintains the records and files the reports that the Comptroller requires, the license holder may:

(1) in the State, conduct winemaking and packaging activities at another federally bonded winery or limited winery; or

(2) outside the State, conduct winemaking and packaging activities, other than fermentation, at another federally bonded winery.

(g) Throughout the winemaking process, the license holder shall:

(1) maintain ownership of the wine or pomace brandy; and

(2) ensure that the wine or pomace brandy returns to the location of the limited winery.

1 (h) The annual license fee:

2 (1) shall be determined by the Commission; and

3 (2) may not exceed \$200.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.