

A004-0910

10 AN ACT CONCERNING

20 **Alcoholic Beverages – Direct Wine Shipper’s License**

30 FOR the purpose of repealing provisions that provide for a direct wine seller’s permit and
40 establishing a direct wine shipper’s license to be issued by the Office of the Comptroller to certain
50 persons in or outside of the State;

60 BY repealing
70 Article 2B – Alcoholic Beverages
80 Section 7.5–101 through 7.5
90 Annotated Code of Maryland

100 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That
110 the Laws of Maryland read as follows:

120 **Article 2B – Alcoholic Beverages**
130 2–101.

140 (a) (1) (i) The Office of the Comptroller shall collect a fee for the issuance or renewal of the
150 following permits:

160 (1) \$50 for a solicitor’s permit, an individual storage permit, a nonresident winery permit,
170 or a commercial nonbeverage permit;

180 (2) \$75 for a public storage permit, a public transportation permit, or an import and
190 export permit;

200 (3) \$100 for a public storage and transportation permit, a nonresident dealer permit, or a
210 bulk transfer permit;

220 (4) \$400 for a family beer and wine facility permit; and

230 (5) ~~\$10~~ \$100 for a direct wine ~~seller’s permit~~ SHIPPER’S LICENSE.

240 TITLE 7.5. DIRECTWINE SHIPPER’S LICENSE.
250 7.5–101.

260 (A) A PERSON SHALL BE LICENSED BY THE OFFICE OF THE COMPTROLLER AS
270 A DIRECT WINE SHIPPER BEFORE THE PERSON MAY ENGAGE IN SHIPPING
280 WINE DIRECTLY TO A RESIDENT IN THE STATE.

290 7.5–102.

300 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE:

310 (1) A PERSON LICENSED OUTSIDE OF THE STATE TO ENGAGE IN THE
320 MANUFACTURE OF WINE;

330 (2) AN AUTHORIZED BRAND OWNER OF WINE, A UNITED STATES
340 IMPORTER OF WINE, OR A DESIGNATED MARYLAND AGENT OF A
350 BRAND OWNER OR UNITED STATES IMPORTER;

360 (3) A HOLDER OF A CLASS 3 MANUFACTURER'S LICENSE OR A CLASS 4
370 MANUFACTURER'S LICENSE ISSUED UNDER THIS ARTICLE; OR

380 (4) A PERSON LICENSED BY THE STATE OR OUTSIDE THE STATE
390 TO ENGAGE IN THE RETAIL SALE OF WINE FOR CONSUMPTION OFF
400 THE PREMISES.

410 7.5-103.

420 (A) AN APPLICANT FOR A LICENSE SHALL:

430 (1) SUBMIT TO THE OFFICE OF THE COMPTROLLER A COMPLETED
440 APPLICATION ON A FORM THAT THE OFFICE OF THE COMPTROLLER
450 PROVIDES;

460 (2) PROVIDE TO THE OFFICE OF THE COMPTROLLER A COPY OF THE
470 CURRENT ALCOHOLIC BEVERAGES LICENSE OF THE APPLICANT; AND

480 (3) PAY A FEE OF \$100.

490 (B) THE OFFICE OF THE COMPTROLLER SHALL ISSUE A LICENSE TO EACH
500 APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE FOR A
510 LICENSE.

520 7.5-104.

530 (A) A DIRECT WINE SHIPPER SHALL:

540 (1) ENSURE THAT ALL CONTAINERS OF WINE SHIPPED DIRECTLY TO A
550 RESIDENT IN THE STATE ARE CONSPICUOUSLY LABELED WITH THE
560 WORDS "CONTAINS ALCOHOL; SIGNATURE OF PERSON AT LEAST AGE 21
570 YEARS OLD REQUIRED FOR DELIVERY";

580 (2) REPORT TO THE OFFICE OF THE COMPTROLLER ANNUALLY THE TOTAL
590 OF WINE, BY TYPE, SHIPPED IN THE STATE THE PRECEDING CALENDAR
600 YEAR;

610 (3) PAY ANNUALLY TO THE OFFICE OF THE COMPTROLLER ALL SALES
620 TAXES AND EXCISE TAXES DUE ON SALES TO RESIDENTS OF THE STATE IN
630 THE PRECEDING CALENDAR YEAR, THE AMOUNT OF THE TAXES TO BE
640 CALCULATED AS IF THE SALE WERE MADE AT THE DELIVERY LOCATION;

650 (4) ALLOW THE OFFICE OF THE COMPTROLLER TO PERFORM AN AUDIT OF
660 THE DIRECT WINE SHIPPER'S RECORDS ON REQUEST; AND

670 (5) CONSENT TO THE JURISDICTION OF THE OFFICE OF THE COMPTROLLER
680 OR OTHER STATE UNIT AND THE STATE COURTS CONCERNING
690 ENFORCEMENT OF THIS SECTION AND ANY RELATED LAW.

700 (B) A DIRECT WINE SHIPPER MAY NOT:

710 (1) SHIP MORE THAN 36 10-LITER CASES OF WINE ANNUALLY TO ANY ONE
720 INDIVIDUAL.

730 7.5-105.

740 (A) TO RECEIVE A DIRECT SHIPMENT OF WINE, A RESIDENT OF THE STATE MUST
750 BE AT LEAST 21 YEARS OF AGE.

760 (B) A SHIPMENT OF WINE MAY BE ORDERED OR PURCHASED THROUGH
770 A COMPUTER NETWORK.

780 (C) A PERSON WHO RECEIVES A SHIPMENT OF WINE SHALL USE THE SHIPMENT
790 FOR PERSONAL CONSUMPTION ONLY AND MAY NOT RESELL IT.

800 7.5-106.

810 (A)A PERSON WITHOUT A LICENSE MAY NOT SHIP WINE DIRECTLY TO
820 CONSUMERS IN THE STATE.

830 7.5-107.

840 (A)A PERSON WHO VIOLATES THIS TITLE IS GUILTY OF A FELONY AND ON
850 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A
860 FINE NOT EXCEEDING \$1,000 OR BOTH.

870 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
880 January 1, 2010.

890 **MANDATES:**

900 Martin O'Malley, Governor of Maryland

910 Thomas V. Mike Miller, President of the Maryland State Senate

920 Michael E. Busch, Speaker of the House of Delegates

930 Edward J. Kasemeyer, Senate Majority Leader

940 Kumar P. Barve, House Majority Leader

SPONSOR:

Matt Emery, McDaniel College

Speaker of the Assembly