

# HOUSE BILL 1101

A1

4r1705  
CF SB 859

---

By: **Delegate Barkley**

Introduced and read first time: February 7, 2014

Assigned to: Economic Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Advertising Regulations**

3 FOR the purpose of prohibiting a licensed retailer from possessing on its premises  
4 certain advertising items with a value exceeding a certain amount; specifying  
5 that the Comptroller may authorize a specified licensed retailer to possess on  
6 the premises certain advertising items with a value exceeding a certain amount  
7 under certain circumstances; prohibiting certain alcoholic beverages entities  
8 from sponsoring, organizing, or participating in a certain number of promotional  
9 activities under certain circumstances; prohibiting the Comptroller from  
10 adopting certain rules and regulations that impose different limitations  
11 regarding the furnishing of table tents and table umbrellas to a licensed  
12 retailer; clarifying language; making stylistic changes; and generally relating to  
13 alcoholic beverages and advertising regulations.

14 BY adding to  
15 Article 2B – Alcoholic Beverages  
16 Section 12–114  
17 Annotated Code of Maryland  
18 (2011 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article 2B – Alcoholic Beverages  
21 Section 16–302  
22 Annotated Code of Maryland  
23 (2011 Replacement Volume and 2013 Supplement)

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

26 **Article 2B – Alcoholic Beverages**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 12-114.

2 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
3 SUBSECTION, A LICENSED RETAILER MAY NOT POSSESS ON ITS PREMISES ANY  
4 ADVERTISING ITEMS FOR THE WINE OR DISTILLED SPIRITS PRODUCTS OF A  
5 SPECIFIED ALCOHOLIC BEVERAGES BRAND OWNER WITH A TOTAL VALUE  
6 GREATER THAN \$450.

7 (2) THE COMPTROLLER MAY AUTHORIZE A SPECIFIC LICENSED  
8 RETAILER TO POSSESS ON ITS PREMISES ADVERTISING ITEMS FOR THE WINE OR  
9 DISTILLED SPIRITS PRODUCTS OF A SPECIFIED ALCOHOLIC BEVERAGES BRAND  
10 OWNER WITH A TOTAL VALUE GREATER THAN \$450 IF THE TOTAL VALUE OF THE  
11 ITEMS DOES NOT EXCEED \$600.

12 (B) AN ALCOHOLIC BEVERAGES BRAND OWNER, SUPPLIER,  
13 WHOLESALER, OR OTHER THIRD PARTY ACTING AS THE AGENT OF A BRAND  
14 OWNER MAY NOT SPONSOR, ORGANIZE, OR PARTICIPATE IN MORE THAN 24  
15 PROMOTIONAL ACTIVITIES FOR WINE OR DISTILLED SPIRITS PRODUCTS FOR  
16 THE SAME LICENSED RETAILER IN A CALENDAR YEAR.

17 16-302.

18 (A) The Comptroller [is hereby directed and empowered to] SHALL make,  
19 amend, alter and publish rules and regulations for the proper enforcement of [his]  
20 THE COMPTROLLER'S duties under this article.

21 (B) [He is authorized to] EXCEPT AS PROVIDED IN SUBSECTION (C) OF  
22 THIS SECTION, THE COMPTROLLER MAY adopt rules and regulations [in regard to  
23 labeling] REGARDING:

24 (1) LABELING and advertising, similar to those adopted by the  
25 Federal Bureau of Alcohol, Tobacco and Firearms;

26 (2) [nature] NATURE, form and capacity of all containers;

27 (3) [credit] CREDIT sales;

28 (4) [records] RECORDS to be kept by licensees and others engaged in  
29 the business; and

30 (5) [such other] OTHER subjects [as may be deemed] THAT THE  
31 COMPTROLLER CONSIDERS necessary for the proper administration of [his] THE  
32 COMPTROLLER'S duties under this article.

1           **(C) THE COMPTROLLER MAY NOT ADOPT RULES AND REGULATIONS**  
2 **THAT IMPOSE DIFFERENT LIMITATIONS REGARDING THE FURNISHING OF TABLE**  
3 **TENTS OR TABLE UMBRELLAS TO A LICENSED RETAILER BY A WINE AND SPIRITS**  
4 **SUPPLIER, WINE AND SPIRITS LICENSED WHOLESALER, BEER SUPPLIER, OR**  
5 **BEER LICENSED WHOLESALER.**

6           **(D) Any [violation of] PERSON WHO VIOLATES** any rule or regulation  
7 adopted [hereunder,] **UNDER THIS SECTION** or under the provisions of the Tax –  
8 General Article that relate to the alcoholic beverage tax[, shall be ground for  
9 revocation or suspension of license, and the offender shall be subject to the] **IS**  
10 **SUBJECT TO:**

11                   **(1) LICENSE REVOCATION OR SUSPENSION; AND**

12                   **(2) THE penalties [prescribed by] UNDER § 16–503 of this article.**

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2014.