

SENATE BILL 859

A1

4lr2853
CF 4lr1705

By: **Senator Kasemeyer**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

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.