

LIQUOR CONTROL BOARD FOR HARFORD COUNTY, MARYLAND
16 North Main Street, Bel Air, MD 21014

BOARD MEETING AGENDA
July 28, 2021

**THIS MEETING WILL BE HELD IN THE
COUNTY COUNCIL CHAMBERS
212 SOUTH BOND STREET, 2ND FLOOR
BEL AIR, MD 21014.**

CALL MEETING TO ORDER

9:00 A.M.

ACCOUNTS PAYABLE

ADMINISTRATION OF OATH

PERSONS SCHEDULED TO APPEAR BEFORE THE BOARD

- 1) First-Time Applicant – Steppingstone Museum Association – Per Diem Beer & Wine License Application

ADMINISTRATIVE BUSINESS (A preview of the proposed new Rules & Regulations to be discussed are attached. Copies will not be provided at the meeting, so please bring them with you.)

- 1) Carryout-Delivery of Alcoholic Beverages
- 2) Distillery On-site Consumption Permit
- 3) Gift Basket Permit

STAFF REPORT / PUBLIC COMMENT / BOARD COMMENT

EXECUTIVE SESSION

ADJOURNMENT

*Portions of the meeting may be closed to the public for executive session discussion
Agenda is subject to change*

PLEASE SILENCE ALL ELECTRONIC DEVICES

**SALE OR DELIVERY OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES
CONSUMPTION (HB 012)**

PROPOSED RULES & REGULATIONS

(A) THIS SUBSECTION APPLIES ONLY TO A LICENSE THAT AUTHORIZES THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ONLY AT A RESTAURANT, BAR, OR TAVERN.

- (1) A LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES AUTHORIZED UNDER ITS LICENSE, INCLUDING, IF AUTHORIZED, MIXED DRINKS OR COCKTAILS IN SEALED OR CLOSED CONTAINERS FOR OFF-PREMISES CONSUMPTION OR DELIVERY IF:**
 - (I) THE ALCOHOLIC BEVERAGE IS PURCHASED ALONG WITH PREPARED FOOD OTHER THAN PREPACKAGED SNACKS;**
 - (II) THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE:**
 - (a) IS AT LEAST 21 YEARS OF AGE;**
 - (b) PROVIDES VALID IDENTIFICATION AS PROOF OF AGE; AND,**
 - (c) IF THE SALE IS FOR DELIVERY, PROVIDES ANY DOCUMENTATION THAT THE BOARD REQUIRES (SEE PARAGRAPH C(3)(I-III) OF THIS SECTION));**
- (2) THE LICENSE HOLDER HAS REGISTERED AND RECEIVED WRITTEN AUTHORIZATION FROM THE BOARD TO SELL ALCOHOLIC BEVERAGES AUTHORIZED UNDER ITS LICENSE FOR OFF-PREMISES CONSUMPTION OR DELIVERY;**
- (3) EACH ALCOHOLIC BEVERAGE SOLD FOR OFF-PREMISES CONSUMPTION OR DELIVERY IS:**
 - (I) PROVIDED IN THE MANUFACTURER'S ORIGINAL SEALED CONTAINER OR IN A CONTAINER CLOSED WITH A CAP, CORK, SEAL, OR LID WITH NO HOLES FOR STRAWS OR SIPPING; AND**
 - (II) SOLD OR DELIVERED NOT LATER THAN 11 P.M.;**
- (4) THE DELIVERY OF AN ALCOHOLIC BEVERAGES IS MADE FROM THE LICENSED PREMISES TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE BY THE LICENSE OR THE LICENSE HOLDER'S EMPLOYEE, WHO IS AT LEAST 21 YEARS OLD AND CERTIFIED IN AN ALCOHOL AWARENESS PROGRAM; AND**
- (5) THE ALCOHOLIC BEVERAGE IS NOT DELIVERED TO:**
 - (I) ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES; OR**
 - (II) AN ADDRESS OUTSIDE OF THE LICENSED JURISDICTION.**

(B) THIS SUBSECTION APPLIES ONLY TO A LICENSE THAT AUTHORIZES THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION AT A RESTAURANT, BAR, OR TAVERN.

- (1) A LICENSE HOLDER UNDER THIS SUBSECTION MAY OBTAIN A PERMIT FROM THE BOARD THAT AUTHORIZES THE HOLDER TO SELL, IF AUTHORIZED, MIXED DRINKS OR COCKTAILS IN SEALED OR CLOSED CONTAINERS FOR OFF-PREMISES CONSUMPTION OR DELIVERY, IF:**
 - (I) THE MIXED DRINK OR COCKTAIL IS PURCHASED ALONG WITH PREPARED FOOD OTHER THAN PREPACKAGED SNACKS;**
 - (II) THE INDIVIDUAL PURCHASING THE MIXED DRINK OR COCKTAIL:**

- (a) IS AT LEAST 21 YEARS OF AGE;
 - (b) PROVIDES VALID IDENTIFICATION AS PROOF OF AGE;
 - (c) IF THE SALE IS FOR DELIVERY, PROVIDES ANY DOCUMENTATION THAT THE BOARD REQUIRES (SEE PARAGRAPH C(3)(I-III) OF THIS SECTION));
- (2) EACH MIXED DRINK OR COCKTAIL SOLD FOR OFF-PREMISES CONSUMPTION OR DELIVERY IS:
- (I) PROVIDED IN THE MANUFACTURER'S ORIGINAL SEALED CONTAINER OR IN A CONTAINER CLOSED WITH A CAP, CORK, SEAL, OR LID WITH NO HOLES FOR STRAWS OR SIPPING; AND
 - (II) SOLD OR DELIVERED NOT LATER THAN 11 P.M.;
- (3) THE DELIVERY OF AN ALCOHOLIC BEVERAGES IS MADE FROM THE LICENSED PREMISES TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE BY THE LICENSE OR THE LICENSE HOLDER'S EMPLOYEE, WHO IS AT LEAST 21 YEARS OLD AND CERTIFIED IN AN ALCOHOL AWARENESS PROGRAM; AND
- (4) THE MIXED DRINK OR COCKTAIL IS NOT DELIVERED TO:
- (I) ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES; OR
 - (II) AN ADDRESS OUTSIDE OF THE LICENSED JURISDICTION.

(C) REQUIREMENTS AND LIMITATIONS.

- (1) AS A SINGLE TRANSACTION, FOR EVERY \$20 IN FOOD SALES TO A CUSTOMER, ALCOHOLIC BEVERAGES MAY BE SOLD TO THAT SAME CUSTOMER IN THE FOLLOWING QUANTITIES:
- (I) NO MORE THAN 48 OZ OF BEER;
 - (II) NO MORE THAN 750 ML OF WINE;
 - (III) NO MORE THAN 16 OZ OF ANY COCKTAIL.
- (2) PRICES FOR ALCOHOLIC BEVERAGES SOLD VIA DELIVERY OR FOR OFF-PREMISES CONSUMPTION MUST BE NO LOWER THAN PRICES CHARGED FOR ON-PREMISES CONSUMPTION.
- (3) IF THE SALE IS FOR DELIVERY:
- (I) THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER SHALL AND THE PERSON RECEIVING THE DELIVERY SHALL COMPLETE AND SIGN A DELIVERY RECEIPT FORM;
 - (II) THE LICENSE HOLDER SHALL RETAIN THE COMPLETED DELIVERY RECEIPT FOR NOT LESS THAN 2 YEARS AFTER THE DATE OF DELIVERY AND SHALL MAKE THE FORM AVAILABLE FOR REVIEW UPON REQUEST;
 - (III) THE PERSON MAKING THE DELIVERY FOR A LICENSE HOLDER SHALL REFUSE TO DELIVER ALCOHOLIC BEVERAGES UNDER CERTAIN CIRCUMSTANCES (SEE BR 4:15(e)).
- (4) DRIVE-THROUGH SALES OF ALCOHOLIC BEVERAGES ARE PROHIBITED IN KEEPING WITH § 22-1604 OF THE ALCOHOLIC BEVERAGES ARTICLE.

- (D) THESE RULES SHALL REMAIN IN EFFECT UNTIL JUNE 30, 2023, AFTER WHICH, WITH NO FURTHER ACTION REQUIRED BY THE BOARD, THEY SHALL BE ABROGATED AND OF NO FURTHER FORCE AND EFFECT.**

RULES & REGULATIONS FOR THE SALE OR DELIVERY OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

- *The retail licensee must complete and submit this application to obtain authority to make off-premises sales and/or retail deliveries.*
- *The license holder must comply with the provisions of AB § 4-1107 and any regulations promulgated by the Board pertaining to retail deliveries including, but not limited to:*
 - (1) *The holder of a license authorizing the sale of alcoholic beverages for on-premises consumption only at a restaurant, bar, or tavern may sell alcoholic beverages authorized under its license, including mixed drinks or cocktails, in sealed or closed containers for off-premises consumption or delivery if:*
 - (a) *The alcoholic beverage is purchased along with prepared food other than prepackaged snacks; and*
 - (b) *The individual purchasing the alcoholic beverage is at least 21 years of age and provides valid identification.*
 - (2) *The holder of a license authorizing the sale of alcoholic beverages for on-premises and off-premises consumption at a restaurant, bar, or tavern may sell, if authorized, mixed drinks or cocktails in sealed or closed containers for off-premises consumption or delivery if:*
 - (a) *The mixed drink or cocktail is purchased along with prepared food other than prepackaged snacks; and*
 - (b) *The individual purchasing the mixed drink or cocktail at least 21 years of age and provides valid identification.*
 - (3) *Each alcoholic beverage sold for off-premises consumption or delivery must be provided in the manufacturer's original sealed container or in a container closed with a cap, cork, seal, or lid with no holes for straws or sipping, and may not be sold or delivered later than 11 p.m.*
 - (4) *As a single transaction, for every \$20 in food sales to a customer, alcoholic beverages may be sold to that same customer in the following qualities: (i) No more than 48 oz of beer, (ii) No more than 750 ml of wine, (iii) no more than 16 oz of any cocktail.*
 - (5) *Prices for alcoholic beverages sold via delivery or for off-premises consumption must be no lower than prices charged for on-premises consumption.*
 - (6) *The delivery of alcoholic beverages must be made from the licensed premises to the individual purchasing the alcoholic beverage by the license holder or the license holder's employee, who is at least 21 years old and certified in an Alcohol Awareness Training program.*
 - (7) *Alcoholic beverages may not be delivered to another premises licensed to sell alcoholic beverages or to an address outside of the licensed jurisdiction.*
 - (8) *Upon delivery, the license holder or employee of the license holder and the person receiving the delivery shall complete and sign a delivery receipt form.*
 - (9) *The license holder shall retain the completed delivery receipt for not less than 2 years after the date of delivery and shall make the form available for review upon request.*
 - (10) *The person making the delivery for a license holder shall refuse to deliver alcoholic beverages under certain circumstances (see BR 4:15(e)).*
 - (11) *Drive-through sales of alcoholic beverages are prohibited in keeping with § 22-1604 of the Alcoholic Beverages Article.*



LIQUOR CONTROL BOARD FOR HARFORD COUNTY, MARYLAND

16 North Main Street, Bel Air, MD 21014

410-638-3028 / 410-638-4970 (fax)

www.hclcb.org



RETAIL DELIVERY RECEIPT

Name of Licensed Business: _____

Order Date: _____

Delivery Date: _____

Time Ordered: _____

Delivery Time: _____

Customer Name: _____

Delivery Address: _____

(Street Address)

_____ Contact No.: _____

(City / State / Zip)

RECEIVER'S DRIVER'S LICENSE OR OTHER VALID PROOF OF IDENTITY (WITH PHOTO & DOB):

State of License: _____

Expiration Date: _____

Name on License: _____

Address: _____

(Street Address / City / State / Zip)

Date of Birth (DOB): _____

ALCOHOLIC BEVERAGES DELIVERED:

Check box if additional sheets are attached.

| | BRAND | SIZE | QUANTITY |
|---|-------|------|----------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

I, _____, hereby certify that I am over 21 years of age; my
(Printed Name of Receiver)

date of birth is listed above. I realize that it is a *criminal offense* for these alcoholic beverages to be turned over to anyone under 21 years of age.

SIGNATURE OF RECEIVER: _____

I, _____, hereby certify that I delivered the above-listed
(Printed Name of Delivery Person)

beverages to the above-listed customer/receiver; and that I examined the customer/receiver's identification to verify description and age.

SIGNATURE OF DELIVERY PERSON: _____

DISTILLERY ON-SITE CONSUMPTION PERMIT

PROPOSED RULES & REGULATIONS

- (A) AUTHORIZED HOLDER. -- THE PERMIT MAY BE ISSUED TO A HOLDER OF A CLASS 1 DISTILLERY LICENSE.**
- (B) PERMIT APPLICANTS MUST MEET THE SAME QUALIFICATIONS AND COMPLETE THE SAME PAPERWORK AS REQUIRED BY APPLICANTS FOR A NEW ALCOHOLIC BEVERAGE LICENSE.**
- (C) THE PERMIT HOLDER IS NOT REQUIRED TO SELL FOOD BUT IS REQUIRED TO PROVIDE PREPACKAGED SNACKS.**
- (D) THE PERMIT HOLDER MAY SELL MIXED DRINKS MADE FROM LIQUOR THAT THE HOLDER PRODUCES THAT IS MIXED WITH OTHER NON-ALCOHOLIC INGREDIENTS FOR ON-PREMISES CONSUMPTION TO THE EXTENT THAT THE LICENSE HOLDER IS ALLOWED UNDER THE PERMIT HOLDER'S CLASS 1 DISTILLERY LICENSE.**
- (E) THE PERMIT HOLDER IS REQUIRED TO COMPLY WITH THE ALCOHOL AWARENESS REQUIREMENTS UNDER §§ 4-505 AND 22-1903 OF THE ALCOHOLIC BEVERAGES ARTICLE AND ABIDE BY ALL APPLICABLE TRADE PRACTICE RESTRICTIONS.**
- (F) HOURS AND DAYS OF OPERATION. -- THE ON-SITE CONSUMPTION PERMIT MAY BE USED DURING THE SAME HOURS AND DAYS AS SPECIFIED FOR THE UNDERLYING CLASS 1 DISTILLERY LICENSE IN §§ 2-202 (E) AND (F) OF THE ALCOHOLIC BEVERAGES ARTICLE.**
- (F) FEE. -- THE ANNUAL PERMIT FEE IS \$ 1,000.**

GIFT BASKET PERMIT

PROPOSED RULES & REGULATIONS

(A) THERE IS A GIFT BASKET PERMIT.

(B) (1) THE BOARD MAY ISSUE THE PERMIT TO A PERSON:

- (I) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF FLOWERS;**
- (II) WHOSE BUSINESS INCLUDES THE SALE AND DELIVERY OF GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS; AND**
- (III) WHO DOES NOT HOLD ANY OTHER ALCOHOLIC BEVERAGES LICENSE OR PERMIT UNDER THIS ARTICLE.**

(2) THE BOARD MAY NOT ISSUE THE PERMIT FOR USE IN CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.

(C) PERMIT APPLICANTS MUST MEET THE SAME QUALIFICATIONS AND COMPLETE THE SAME PAPERWORK AS REQUIRED BY APPLICANTS FOR A NEW ALCOHOLIC BEVERAGE LICENSE.

(D) A HOLDER OF THE PERMIT:

(1) MAY SELL AND DELIVER, TO CONSUMERS OF A LEGAL DRINKING AGE LOCATED IN THE COUNTY, GIFT BASKETS CONTAINING:

- (I) NOT MORE THAN 72 OUNCES OF BEER;**
- (II) NOT MORE THAN 2.25 LITERS OF WINE; OR**
- (III) NOT MORE THAN 2.25 LITERS OF LIQUOR; AND**

(2) SHALL MAINTAIN RECORDS AND SUBMIT REPORTS AS REQUIRED BY THE BOARD:

- (I) UPON DELIVERY, THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER AND THE PERSON RECEIVING THE DELIVERY SHALL COMPLETE AND SIGN A DELIVERY RECEIPT FORM;**
- (II) THE LICENSE HOLDER SHALL RETAIN THE COMPLETED FORM FOR NOT LESS THAN 2 YEARS AFTER THE DATE OF DELIVERY AND SHALL MAKE THE FORM AVAILABLE FOR REVIEW UPON REQUEST;**
- (III) THE PERSON MAKING THE DELIVERY FOR A LICENSE HOLDER SHALL REFUSE TO DELIVER ALCOHOLIC BEVERAGES UNDER CERTAIN CIRCUMSTANCES (SEE BR 4:15(E)); AND**

(3) IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER §§ 4-505 AND 22-1903 OF THE ALCOHOLIC BEVERAGES ARTICLE.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:

**(I) DELIVER THE GIFT BASKET CONTAINING ALCOHOLIC BEVERAGES; AND
(II) REQUIRE THE PERSON RECEIVING A DELIVERY OF A GIFT BASKET
CONTAINING ALCOHOLIC BEVERAGES TO DISPLAY PROOF THAT THE
PERSON IS AT LEAST 21 YEARS OLD.**

**(2) AN INDIVIDUAL WHO DELIVERS A GIFT BASKET CONTAINING ALCOHOLIC
BEVERAGES SHALL BE AT LEAST 21 YEARS OLD.**

**(F) THE HOLDER'S ANNUAL SALES FROM ALCOHOLIC BEVERAGES MAY NOT EXCEED 10%
OF THE HOLDER'S ANNUAL GROSS SALES.**

**(G) THE ALCOHOLIC BEVERAGES CONTAINED IN A GIFT BASKET SHALL BE PURCHASED
FROM A RETAIL LICENSE HOLDER.**

(H) THE FEE FOR A GIFT BASKET PERMIT IS \$100.

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