

Administrative Release

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AB-40

April 18, 2008

To: All Wineries that Hold a Class 4 Limited Winery License

Subject: Sale of Wine to Persons Attending Scheduled Promotional Events or Other Organized Activities at the Licensed Premise.

During a winery inspection conducted during the summer of 2007, it was revealed that wine was being sold by the bottle to persons attending an organized activity at the winery. The bottles were being opened by the licensee and being consumed on the licensed premise by the purchaser.

Section 2-205 (b)(3)(iv) of Article 2B of the Annotated Code of Maryland, provides that the licensee can, “**Sell by the glass** wine and pomace brandy produced by the licensee to persons participating in a guided tour of the facility or attending a scheduled promotional event or other organized activity at the licensed premises.” (emphasis added)

Section 4-201 (d)(1) of Article 2B also provides that the holder of the class A light wine license can, “Keep for sale and to sell light wines produced at the winery in any quantity to any consumer at retail at the place described in the license. The light wine shall be delivered in a sealed package or container which **may not be opened or the contents consumed** on the licensed premises.” (emphasis added)

These sections, which place limitations on the sale of wine, must both be taken into account when considering the business practice of selling wine to persons attending guided tours, scheduled promotional events, or other organized activities at a winery.

Historically, the class 4 limited winery license has been issued to cover all buildings and land held by the winery as determined by the original inspection. This entire area would comprise the licensed premise. If it is your intent to redraw the licensed premise, then a detailed map should be created and submitted for consideration. Also, it is suggested that any change in the licensed premise be coordinated with the local county liquor board, as it pertains to the class A light wine license.

Wineries are reminded of their responsibility to be certain to only sell wine to persons who are 21 years of age or older. Also, wineries must be vigilant to be certain that no sales of wine occur to persons who are visibly intoxicated.

Thank you for your cooperation in these matters. If you have any questions, please contact the MATT Taxpayer Service Section at 410-260-7314.

Thad Russell
Director