

Maryland's Alcohol Distribution System: AKA the three tier system

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Pre-Prohibition

- Highly competitive market
- To draw customers in, offer:
 - Free meals
 - Illegal gambling
 - Prostitution
 - Drugs

The result?

- Over consumption leading to:
 - Breakdown of public order and loss of decorum
 - Increased crime
 - General harm to individuals
 - Disintegration of families and communities



Enter... Prohibition!

- The 18th Amendment
- The Volstead Act
- Individual States' legislation

 One state did not participate... guess which one



Maryland's Response

- No complimentary legislation
- Our State's motto?
- THE FREE STATE

And so...

THE EVENING SUN

BALTIMORE, APRIL 4, 1923

The Maryland Free State

In 1923, Georgia Congressman William D. Upshaw, a firm supporter of Prohibition, denounced Maryland as a traitor to the Union for refusing to pass a State enforcement act. Mr. Owens thereupon wrote a mock-serious editorial entitled "The Maryland Free State," arguing that Maryland should secede from the Union rather than prohibit the sale of liquor. The irony in the editorial was subtle, and Mr. Owens decided not to print it. He popularized the nickname, however, in later editorials.

Prohibition Ends

- The 21st Amendment
- Each state was given the authority to control alcohol as it saw fit.
- Report: Toward Liquor Control
- Maryland employed a licensing system containing three tiers with a bright line separating each tier.
 - Manufacturers, who sell to distributors
 - Distributors, who sell to retailers
 - Retailers, who sell to consumers



Maryland's Regulatory Structure

- The Comptroller of Maryland, through the Field Enforcement Division, licenses and regulates the manufacturers/suppliers and distributors
- Each of 25 local jurisdictions licenses and regulates its local retailers
- The Comptroller and the local jurisdictions share enforcement responsibility for retailers

Maryland's Alcoholic Beverage Distribution System

TIER 1 MANUFACTURER / SUPPLIER License Law Reference Distillery 2-202 Rectifying 2-204 Winery 2-205 Limited Winery 2-206 **Brewery** 2-207 Pub Brewery 2-208 Micro Brewery 2-209 Farm Brewery 2-210 Limited Distillery 2-203





Maryland's *Actual* Alcoholic Beverage Distribution System

TIER 1				
Ma	Manufacturers/Suppliers			
<u>License</u>	<u>Түре</u>	Law Reference		
Class 5 (M) Class 6 (M) Class 7 (M) Class 8 (M)	Rectifying Winery Limited Winery Brewery Pub Brewery Micro Brewery	2-207 2-208 2-209 2-210		
	Multi Tier			
<u>License</u>	<u>Type</u>	Law Reference		
Class 1 (W)	Beer, Wine & Liquor	2-302		
Class 2 (W)	Wine & Liquor	2-303		
Class 3 (W)	Beer & Wine	2-304		
Class 4 (W)		2-305		
Class 5 (W)	Wine	2-306		

TIER 2		
Wholesalers/Distributors		
License	Type	Law Reference
	Beer, Wine &	
Class 1 (W)		2-302
	Wine & Liquor	2-303
Class 3 (W)	Beer & Wine	2-304
Class 4 (W)	Beer	2-305
Class 5 (W)	Wine	2-306
Class 6 (W)	Limited Winery	2-307
Class 7 (W)	Limited Brewery	2-308
Class 8 (W)	Limited Distillery	2-308.1
	Multi Tie	r
<u>License</u>	<u>Туре</u>	Law Reference
Class 4 (M)	Limited Winery	2-206
Class 6 (M)	Pub Brewery	2-208
Class 7 (M)	Micro Brewery	2-209
Class 8 (M)	Farm Brewery	2-210
Class E	Vessel	2-402
Class F	Railroad	2-405
Class G	Airplanes	2-406

TIER 3		
Retailers/Consumers		
License	Туре	Law Reference
Class A Class B Class B	Package Goods Restaurants Hotel	9 to 33-901 9 to 33-901 9 to 33-901
Class C Class D	Clubs Taverns	9 to 33-901 9 to 33-901
Class E Class F Class G	Vessel Railroad Airplanes	2-402 2-405 2-406
License	Multi Tier	Law Reference
		2-202
Class 1 (M) Class 4 (M)	Distillery Limited Winery	2-202
Class 5 (M)	Brewery	2-207
	Pub Brewery	2-208
N. S. L. C.	Micro Brewery	2-209
	Farm Brewery Limited Distillery	2-210

Maryland's Not-So-Simple Alcoholic Beverage Distribution System

TIER 1 **MANUFACTURER / SUPPLIER** License Law Reference Distillery 2-202 Rectifying 2-204 Winery 2-205 Limited Winery 2-206 Brewery 2-207 Pub Brewery 2-208 Micro Brewery 2-209 Farm Brewery 2-210 Limited Distillery 2-203

TIER 2 WHOLESALER / DISTRIBUTOR

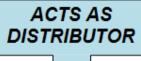
<u>License</u>	Law Reference
Beer, Wine & Liquor	2-302
Wine & Liquor	2-303
Beer & Wine	2-304
Beer	2-305
Wine	2-306
Limited Winery	2-307
Limited Brewery	2-308
Limited Distillery	2-308.1

TIER 3

RETAILER / CONSUMER

<u>License</u>	Law Reference
Package Goods	9 to 33-901
Restaurants	9 to 33-901
Hotel	9 to 33-901
Clubs	9 to 33-901
Taverns	9 to 33-901
Vessel	2-402
Railroad	2-405
Airplanes	2-406







TIER 3

MANUFACTURER

<u>License</u>	Law Reference
Distillery	2-202
Limited Winery	2-206
Brewery	2-207
Pub Brewery	2-208
Micro Brewery	2-209
Farm Brewery	2-210
Limited Distillery	2-203

TIER 1

WHOLESALER / DISTRIBUTOR

License	<u>Law Reference</u>
Beer, Wine & Liquor	2-302
Wine & Liquor	2-303
Beer & Wine	2-304
Beer	2-305
Wine	2-306

TIER 2

MANUFACTURER / SUPPLIER

License	Law Reference	
Limited Winery	2-307	
Pub Brewery	2-208	
Micro Brewery	2-209	
Farm Brewery	2-210	

License Type	Purpose	Fee**
Statewide Caterer (General)	Allows a caterer to serve alcoholic beverages in all Maryland Jurisdictions, at catered events. Requires a 70/30% food to alcohol ratio at each event. Allows alcohol to be stored at caterers licensed location	\$2,000.00
Catering Limited	Same as Statewide Caterer, except only for up to 3 designated political subdivisions	Depends upon total population
	Manufacturer	
Class 1 Distillery	Permits establishment of a plant to distill brandy, rum, whiskey, alcohol, and neutral spirits. Sell and deliver alcoholic beverages in bulk to a person authorized to receive the product.	\$2,000.00
Class 2 Rectifying	Authorizes the holder to operate in the state a plant for rectifying, blending and bottling alcoholic beverages, sell and deliver to license and permit holders authorized to acquire the alcoholic beverages, sell to someone outside the State of Maryland who is authorized to acquire the alcoholic beverage May apply for Maryland Wholesale license.	\$600.00
Class 3 Winery	Authorizes the licensee to ferment and bottle wine, sell and deliver to wholesaler or permit holder. Import bulk wine from non-resident dealers. Sell wine to a consumer of legal drinking age, who is taking a tour of the license holder, not more than one quart per person per year. May provide samples of wine manufactured at the licensed location at no charge to consumers taking a tour.	\$750.00
Class 4 Limited Winery	Authorizes the licensee to ferment and bottle wine, distill and pomace brandy. Produce not more than 27,500 gallons. Sell wine and pomace brandy to persons authorized to acquire the alcoholic beverages. May provide 2oz. samples for each brand of wine and/or pomace brandy, sell wine and pomace brandy, by the glass and bottle to consumers on the licensed premises. The holder of the license may attend wine festivals and events located off their licensed premise, with a Winery Off-Site Permit.	\$200.00
Class 5 Brewery	Authorized to brew and bottle malt beverages. Unlimited gallons, Import beer from non-resident dealers. Sell and deliver beer to Maryland wholesaler and to persons outside of the State of Maryland allowed to acquire beer. At no charge, may provide samples of 18 oz. per visit. Sell up to 288 oz. to a consumer (no kegs) who participates in a tour or an event on the licensed premise. May obtain an on-site consumption permit and a Class D retail beer license or a equivalent license to sell beer to consumers, acquire beer from an affiliate, with limits, from a Maryland wholesaler. Limits may be exceeded with permission of Comptroller of Maryland. May contract brew with a class 2, class 5, class 7 or class 8 breweries. Hours for a class D or a consumption permit, 10 am through 10 pm Monday through Sunday for a class 5 issued or has applied for their brewery notice after April 1, 2017; unless regulated by local jurisdictions. Comply with alcohol awareness requirements.	\$1,500.00
Class 6 Pub-Brewery	Must have a class B retail license issued by county. Allow to manufacture beer that is only sold on the restaurant premises. Limited to 2,000 barrels in a calendar year. The license holder may sell beer to a consumer for consumption off the licensed premises in a sealed refillable container.	\$500.00

Class 7 Micro-Brewery	Must have a Class B retail license (some exceptions). May sell to a Maryland wholesaler or to a person outside the state who may legally acquire beer. May obtain a Class 2 rectifying license for a location within one (1) mile of the existing Class 7 micro-brewery for bottling purposes. Limited to 22,500 barrels in each calendar year, and sell up to 4000 barrels on the licensed premise per year. May hold a Brewery off-site permit which allows the holder to attend an event off the licensed premises.	\$500.00
Class 8 Farm Brewery	Allows the holder to manufacture beer using a Maryland agricultural ingredient from the licensed farm, including hops, grain, and fruit. May brew up to 15,000 barrels per calendar year. May provide samples of beer hot exceeding 6 oz. per brand and sell beer produced by the licensee for on and off consumption on the licensed farm. The license holder may sponsor a multi-brewery activity on the licensed farm.	\$200.00
Class 9 Limited Distillery	Permits establishment of a plant to distill to rectify and bottle brandy, rum, whiskey, alcohol, and neutral spirits. May provide three samples of the manufacture product to person who participated in a tour, may hold a class D or B retail license (BWL), May not manufacture or sell more than 100,000 gallons of brandy, whiskey, alcohol and neutral spirits. May not sell at retail more than 15,000 gallons for on-sale or off-sale consumption.	\$500.00
	Special	
Class E Vessels	Water Vessel Allows licensee to sell alcoholic beverages for consumption on the vessels used to transport passengers for hire.	\$150.00
Class F Railroad	Allows operator of steam, diesel, or electric railway to keep and sell alcoholic beverages in club, parlor, buffet, observation, sleeping, or dining car. Good throughout the State.	\$200.00
Class G Airplane	Allow operator of aircraft operated under regularly scheduled flights to keep and sell alcoholic beverages thereon.	\$200.00

Wholesaler		
License Type	Purpose	Fee**
Class 1 Beer, Wine & Liquor	Beer Wine and Liquor Licensee may acquire alcoholic beverages indicated on the license from licensee and holder of non-resident dealer permit and resident dealer permit for sales and deliveries to licensee and permit holders. May have an additional warehouse location for a fee of \$2,000 for each location.	\$2,000.00
Class 2 Wine & Liquor	Same as Class 1 Wine and Liquor only but may use additional storage locations for a fee of 1,750 per location.	\$1,750.00
Class 3 Beer & Wine	Same as Class 1. Beer and Wine. Additional location is \$1,500 each.	\$1,500.00
Class 4 Beer	Same as Class 1. Beer only. Additional location is \$1,250 each.	\$1,250.00
Class 5 Wine	Same as Class 1 for wine only. Additional location is \$1,250 each.	\$1,250.00
Class 6 Limited Wine	May only be issued to a holder of an M4 Winery. May sell and deliver its own wine to retail licensee or permit holder.	\$50.00
Class 7 Limited Beer	May only be issued to holder of class 5 manufacturer license or a Class 8 or a Class 7 micro-brewery license. Producer from all locations not more than 22, 500 barrels of beer annually. May sell and deliver its own beer to retail license holder or permit holder in the State. Distribute note more than 3,000 barrels of its own beer annually.	\$50.00
Class 8 Limited Distillery	May be issued to a holder of a distillery license who produces not more than 100,000 gallons. May sell to licensed retailers and to a permit holder authorize to receive liquor and self-distribute not more than 27,000 gallons of its own liquor.	\$100.00

Permit Type	Purpose	Fee	Renewal
Non-Resident dealer	Authorizes out-of-state dealers to sell and deliver alcoholic beverages ONLY to persons in Maryland who are authorized under Maryland law to receive them.	\$200.00 Annually	October 31
Non-Resident Storage	May only be issued to the holder of a Non-resident Dealer Permit (both permits may be applied for at the same time). It authorizes the holder to store alcoholic beverages in a licensed Maryland Public Storage warehouse for subsequent delivery to qualified Maryland licensees and persons outside Maryland. Invoices issued by Non-Resident Dealers from out-of-state addresses must be made with any delivery to a Maryland licensee. A monthly report of activities will be required. Attach to your application a letter fully outlining your proposed activities, including source, storage location in Maryland and ultimate destination (both in and out of Maryland) of alcoholic beverages.	\$500.00 Annually	October 31
Import-Export	Authorizes importation or alcoholic beverages into Maryland for storage in a licensed public warehouse for subsequent reshipment outside the state of Maryland. Alcoholic beverages imported under this permit may not be sold, consigned or delivered to any person within the state of Maryland. A monthly report of activities will be required. Attach it to your application a letter fully outlining your proposed activities, including sources, storage location in Maryland and out-of-state destinations of alcoholic beverages.	\$75.00 Annually	October 31
Public Transportation	Authorizes only transportation of alcoholic beverages for the accounts of other persons, into, within, out of or through the state of Maryland. This permit does not allow selling, storing, or warehousing in Maryland.	\$75.00 Annually	October 31
Individual Transportation	Authorizes the transportation from or en route through the state of Maryland of alcoholic beverages which are not for sale or delivery within this state. Title ta such alcoholic beverages shall be vested in the person to whom the permit Is issued.	\$10.00 Annually	October 31
Individual S torage	Authorizes only the storage of alcoholic beverages which are the property of the permittee at premises not otherwise licensed. The beverages so stored may only be delivered to the premises of the license holder.	\$50.00 Annually	October 31
Public Storage	Authorizes the operation of a warehouse for the storing of alcoholic beverages in Maryland for the accounts of other persons. Monthly reports will be required.	\$75.00 annually	October 31
Public Storage and Transportation	Authorizes the operation of a warehouse for the storing of alcoholic beverages in Maryland for the accounts of other persons, and transportation of alcoholic beverages into, within, through and out of the state of Maryland. Monthly reports will be required.	\$200.00 Annually	October 31
Change of D omicile	Authorizes holders to transport into Maryland their private stock of alcoholic beverages for personal consumption only upon the payment of the Maryland tax on alcoholic beverages when the permittee is changing domicile into the state of Maryland. Includes Military returning from overseas.	\$5.00	Valid for specific transaction
Non-Beverage "C"	Authorizes the holder for commercial purposes to purchase alcohol and alcoholic beverages for use in compounding or manufacturing flavoring extracts; medicinal, antiseptic or toilet preparations, or for other similar purposes; for scientific or laboratory purposes; for flavoring food products; or for sale by druggists or apothecaries upon the written prescription of a qualified physician.	\$50.00	Valid until cancelled or revoked
Non-Beverage "E"	This permit is the same as the Non-Beverage "C" permit, except that it is for non-commercial purposes and will be issued gratis to any publicly supported hospital, governmental or municipal institution, educational Institution or charitable organization.	\$0.00	Valid until cancelled or revoked

Vehicle Identification Card	Each tractor unit or straight truck hauling alcoholic beverages under the authority of a Public Transportation Permit, Individual Transportation Permit, or a Public Storage and Transportation Permit must carry a Vehicle Identification Card at all times when alcoholic beverages are being transported. The permittee shall type the vehicle make, serial number and state of registration and license number on the card assigned to the vehicle. The cards are non-transferable once assigned by the permittee and may be used only to identify vehicles owned or leased by the permittee under such terms that the permittee has absolute and exclusive use and control of the vehicle and operator.	\$10.00 annually for each tractor unit or straight truck	October 31
Family Beer and Wine Facility	Authorized to establish a facility for the production of family beer or wine by non-licensed Maryland state consumers who are of legal drinking age. The permit holder may provide equipment, raw materials and instructions to the consumer. Except for beer or wine produced for testing the equipment and recipes or sample to consumers who have entered into contract, the permit holder may not engage in actual production or manufacture of beer or wine. All family beer and wine produced at the Family Beer and Wine Facility shall be removed from the premises by the consumer for home consumption and personal use.	\$400.00 Annually	October 31
Resident Dealer	Authorizes in-state dealers to sell alcoholic beverages ONLY to persons in Maryland who are authorized under Maryland law to receive them.	\$200.00 Annually	October 31
Non-Resident Brewery	Authorizes out of state breweries that produce not more than 22,500 barrels of their own beer annually to sell and deliver not more than 3,000 barrels of its own beer annually to retail license holders in Maryland who are authorized under Maryland Law to receive them.	\$50.00 Annually	October 31
Non-Resident Winery	Authorizes out-of-state wineries who produce less than 27,500 gallons of their own wine per year to sell and deliver wine to retailers in Maryland who are authorized under Maryland Law to receive them.	\$50.00 Annually	October 31
Alcohol Awareness Instructor	Authorizes an employee or agent of an alcohol awareness program permit holder to conduct alcohol awareness training, with certification granted by the program.	\$5.00	N/A
Alcohol Awareness Program	Authorizes the holder to run a program certified by the Office of the Comptroller and issue a certificate of completion to those completing the course	\$15.00	N/A

Public Health and Safety Efforts

- RLD Routine Liquor Dealer Inspections
- Covert and overt investigations
- Partnership with local jurisdictions
- Participation in task forces
- Cooperative relationships with industry

Are we hitting the mark with enforcement?

• We think so.





Four Loko caused death of 21-year-old Maryland woman, victim's friends tell local television station



By Erik Maza

NOVEMBER 18, 2010, 5:09 AM

On Wednesday, Comptroller Peter Franchot convinced two Maryland trade groups to stop distributing the alcoholic caffeinated drink to its members, The Sun reports this morning.

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WTOP NEWS TRAFFIC WEATHER LISTEN

Home » Maryland News » Md. comptroller opens vault...

Md. comptroller opens vault of alcohol, tobacco to expose lucrative crime





Maryland Comptroller Peter Franchot stands in front of a room full of seized contraband now being used as evidence in active cases. [Courtesy Comptroller's office]

THE BALTIMORE SUN

THEBSAY CCT 4, 2016

LICENT EMERIPMENT MEATHER SPORTS CRITS ADJUSTICADE BEST REVISION

Comptroller charges commodore of North Point Yacht Club with unlicensed alcohol sales



JUNE 18, 2018, 3:15 PM

A Baltimore County man was charged Monday with illegally selling alcohol, according to Comptroller of Maryland Peter Franchot's office.

Bruce Stanley Martin, Jr., 44, of Rosedale, whose title is commodore of the North Point Yacht Club in Sparrows Point, was charged on a criminal summons and released on his signature, the comptroller's office said.

Posted on March 22, 2007 by Michelle Byrnie-Parke

Dundalk Club Busted for Illegal Alcohol Sale

ANNAPOLIS, MD (March 22, 2007) – Agents for Comptroller Peter Franchot, along with members of the Baltimore County Police Department raided an unlicensed club Monday evening seizing more than 400 containers of contraband alcohol. The bust ends a two-month investigation into alleged illegal alcohol sales at the establishment. Posted on April 16, 2007 by Michelle Byrnie-Parker

Agents Bust Illegal After Hours
Operation at Boys and Girls Club

ANNAPOLIS, MD (April 16, 2007) – Agents for Comptroller Peter Franchot, working in conjunction with the Prince George's County Police Department raided the Langley Park Boys and Girls Club early Saturday morning, seizing \$6,000 in contraband alcohol. Law enforcement personnel found three people running an illegal after-hours club on the premise.

Two charged with trying to evade excise taxes

on liquor

The Star Democrat 18 Dec 2017 By TRISH MCGEE pmcgee@thekentcountynews.com DATE agents, assisted by officers of the Comptroller of Maryland, set up surveillance near the state line Friday, Dec. 1. The liquor was trans-



by Zoe Zellers

ANNAPOLIS, Md. (AP) -- Alcohol wholesalers and distributors in Maryland have agreed to a voluntary ban on the distribution and sale of powdered alcohol.

Comptroller Peter Franchot announced the agreement Wednesday.

Posted on March 25, 2015 by Angela Gentile

Peter Franchot Announces Alcohol Industry's Voluntary Ban of Powdered Alcohol in Maryland

Comptroller, Industry Join Together to Protect Public, Particularly Minors

Annapolis, Md. (March 25, 2015) – Expressing deep concern for the health and safety of Marylanders, Comptroller Peter Franchot today announced that a voluntary agreement to ban the distribution and sale of powdered alcohol has been reached with the Maryland State Licensed Beverage Association, Maryland Beer Wholesalers Association and the Licensed Beverage Distributors of Maryland



Md. Comptroller Investigates Worcester County Liquor Board

Reported by Ko Im

Updated: Feb 20, 2013 1:39 PM EST

EXCLUSIVE: Legal troubles continue for property owners named in Jack Johnson indictment

January 20, 2015

Posted on January 20, 2015 in Adelphi, Business, Crime, Government, Hyattsville, News, Print Edition

Court records show that an investigator for the Comptroller of Maryland filed an incident report in

Aug. 2013 alleging Tick Tock Liquors purchased nearly 4,000 bottles of contraband beer from an

unlicensed wholesaler.

 Do we really need to be concerned with counterfeit or tainted product?

• You decide.

killing hundreds of people each year



Contaminated bootleg alcohol kills at least 42 in Iran

(§ 1 October 2018) At least 42 people have died after drinking contaminated bootleg alcohol in Iran, a government spokesman said.

Tainted alcohol kills scores in India

NEWS, CRIME, HEALTH

FUROPE

21 BELIEVED TO HAVE BEEN KILLED BY TAINTED ALCOHOL IN GREATER JAKARTA IN JUST THE PAST 5 DAYS

Nearly 80 dead from bootleg alcohol tainted with insect repellent, cough medicine

By Lucia I. Suarez Sang, | Fox News **G** 💟 🕝 🔾 🖯 👄 The New York Times

Czechs See Peril in a Bootleg Bottle

By DINAH SPRITZER and DAN BILEFSKY SEPT. 17, 2012 PRAGUE — The <u>Czech Republic</u> has banned the sale of liquor containing 20 percent or higher alcohol content after at least 20 people were killed and dozens of others were seriously injured from consuming methanol-tainted spirits.

Business owners around Cancun admit tainted alcohol is an ongoing problem

Contaminated alcohol in Indonesia is An American woman was found face-down in a pool at a Cancun-area resort with her brother. She later died, and her family believes her death was caused by tainted alcohol.

Published: 10:21 PM MST December 6, 2017

Mexico police shut down second black market tequila operation, investigate if tainted alcohol headed to resorts



Deadly fake vodka made from antifreeze found on sale across Britain ahead of new year

Partygoers warned to avoid the dangerous substance 'at all costs'

Jon Stone | @joncstone | Monday 29 December 2014 11:28





Homemade liquor kills 12, sickens 21 in **Dominican Republic**

Published Tuesday, December 26, 2017 4:27PM EST Last Updated Tuesday, December 26, 2017 4:28PM EST

SANTO DOMINGO, Dominican Republic -- Authorities in the Dominican Republic say at least a dozen people have died and 21 more have been hospitalized after drinking homemade liquor

Egyptian Journal of Forensic Sciences

Volume 6, Issue 4, December 2016, Pages 515-519

Case Report

Eight fatalities due to drinking methanol-tainted alcohol

E Yin Pakistan: A case report

LETHAL LIQUOR 'Aftershave tainted' alcohol kills 42 and puts 150 in hospital after Christmas party

Four men have been identified who prepared and made the liquor but one reportedly died after drinking it



AT least 42 people are believed to have died after drinking a home-made alcohol mixed with aftershave at a Christmas party

Sources

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