

# HOUSE BILL 133

A2

3lr1141  
CF SB 150

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By: **Dorchester County Delegation**

Introduced and read first time: January 17, 2013

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Dorchester County – Alcoholic Beverages – Refillable Containers**

3 FOR the purpose of creating in Dorchester County a refillable container license;  
4 authorizing the Board of License Commissioners to issue the license to holders  
5 of certain alcoholic beverages licenses; specifying that a holder of the refillable  
6 container license may sell draft beer for consumption off the licensed premises  
7 in a certain refillable container; prohibiting a holder of a refillable container  
8 license to display or provide shelving for beer for off-premises consumption;  
9 specifying that a container to be used as a refillable container meet certain  
10 requirements; requiring that an applicant for a refillable container license meet  
11 certain requirements and pay a certain annual license fee; requiring that  
12 applicants for a refillable container license meet certain advertising, posting of  
13 notice, and public hearing requirements; specifying the term of a refillable  
14 container license; specifying the hours of sale for a refillable container license;  
15 authorizing a holder of a refillable container license to refill only a container  
16 that was branded by the license holder; authorizing the Board to adopt certain  
17 regulations; defining a certain term; and generally relating to alcoholic  
18 beverages in Dorchester County.

19 BY adding to

20 Article 2B – Alcoholic Beverages

21 Section 8-210

22 Annotated Code of Maryland

23 (2011 Replacement Volume and 2012 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article 2B – Alcoholic Beverages**

4 **8-210.**

5 (A) IN THIS SECTION, “BOARD” MEANS THE BOARD OF LICENSE  
6 COMMISSIONERS OF DORCHESTER COUNTY.

7 (B) THIS SECTION APPLIES ONLY IN DORCHESTER COUNTY.

8 (C) THERE IS A REFILLABLE CONTAINER LICENSE.

9 (D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER LICENSE TO A  
10 HOLDER OF AN ALCOHOLIC BEVERAGES LICENSE THAT IS A:

11 (1) CLASS B BEER LICENSE;

12 (2) CLASS B BEER AND LIGHT WINE LICENSE;

13 (3) CLASS B BEER, WINE AND LIQUOR LICENSE;

14 (4) CLASS D BEER LICENSE;

15 (5) CLASS D BEER AND LIGHT WINE LICENSE; OR

16 (6) CLASS D BEER, WINE AND LIQUOR LICENSE.

17 (E) SUBJECT TO SUBSECTION (F) OF THIS SECTION, A REFILLABLE  
18 CONTAINER LICENSE ENTITLES THE HOLDER TO SELL DRAFT BEER FOR  
19 CONSUMPTION OFF THE PREMISES IN A REFILLABLE CONTAINER WITH A  
20 CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES.

21 (F) IN AREAS OF THE LICENSED PREMISES THAT ARE ACCESSIBLE TO  
22 THE PUBLIC, A HOLDER OF A REFILLABLE CONTAINER LICENSE MAY NOT  
23 DISPLAY OR PROVIDE SHELVING FOR BEER FOR CONSUMPTION OFF THE  
24 PREMISES.

25 (G) TO BE USED AS A REFILLABLE CONTAINER, A CONTAINER SHALL:

26 (1) BE SEALABLE;

1                   (2)    BE BRANDED WITH AN IDENTIFYING MARK OF THE LICENSE  
2 HOLDER;

3                   (3)    BEAR THE FEDERAL HEALTH WARNING STATEMENT  
4 REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.  
5 16.21;

6                   (4)    DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND

7                   (5)    BEAR A LABEL STATING THAT:

8                            (I)    CLEANING THE CONTAINER IS THE RESPONSIBILITY OF  
9 THE CONSUMER; AND

10                           (II)   THE CONTENTS OF THE CONTAINER ARE PERISHABLE  
11 AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48  
12 HOURS AFTER PURCHASE.

13                   (H)    BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER LICENSE,  
14 THE APPLICANT SHALL:

15                            (1)    COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

16                            (2)    PAY AN ANNUAL LICENSE FEE OF:

17                                    (I)    \$500 FOR AN APPLICANT WHOSE ALCOHOLIC  
18 BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

19                                    (II)   \$50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES  
20 LICENSE HAS AN OFF-SALE PRIVILEGE.

21                   (I)    AN APPLICANT FOR A REFILLABLE CONTAINER LICENSE THAT  
22 HOLDS AN ALCOHOLIC BEVERAGE LICENSE WITHOUT AN OFF-SALE PRIVILEGE  
23 SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC  
24 HEARING REQUIREMENTS AS THOSE FOR THE ALCOHOLIC BEVERAGES LICENSE  
25 THAT THE APPLICANT HOLDS.

26                   (J)    THE TERM OF A REFILLABLE CONTAINER LICENSE ISSUED TO A  
27 SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE ALCOHOLIC BEVERAGES  
28 LICENSE THAT THE APPLICANT HOLDS.

29                   (K)    THE HOURS OF SALE FOR A REFILLABLE CONTAINER LICENSE:

1           **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE ALCOHOLIC**  
2 **BEVERAGES LICENSE ALREADY HELD BY THE PERSON TO WHOM THE**  
3 **REFILLABLE CONTAINER LICENSE IS ISSUED; AND**

4           **(2) END AT MIDNIGHT.**

5           **(L) THE HOLDER OF A REFILLABLE CONTAINER LICENSE MAY REFILL**  
6 **ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY THE LICENSE HOLDER.**

7           **(M) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS**  
8 **SECTION, INCLUDING LIMITING THE NUMBER OF REFILLABLE CONTAINER**  
9 **LICENSES THAT MAY BE ISSUED IN THE COUNTY.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 June 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.