

SENATE BILL 16

A2

(3lr0554)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Economic Matters* —

Introduced by **Senator Reilly**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Refillable Container License**

3 FOR the purpose of creating in Anne Arundel County a refillable container license;
4 authorizing the Board of License Commissioners to issue the license to a holder
5 of certain classes of alcoholic beverages license issued by the Board; specifying
6 that a holder of the license may sell draft beer for consumption off the licensed
7 premises in a certain refillable container; requiring a refillable container to
8 meet certain requirements; requiring an applicant for the license to complete a
9 certain form and pay a certain fee; requiring that certain applicants meet
10 certain advertising, posting of notice, and public hearing requirements;
11 specifying the term of the license; specifying the hours of sale for the license;
12 allowing a holder of the license to refill only a refillable container that was
13 branded by ~~the~~ a license holder; requiring the Board to adopt certain
14 regulations; and generally relating to alcoholic beverages in Anne Arundel
15 County.

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, without amendments,
 2 Article 2B – Alcoholic Beverages
 3 Section 8–202(a) and (b)
 4 Annotated Code of Maryland
 5 (2011 Replacement Volume and 2012 Supplement)

6 BY adding to
 7 Article 2B – Alcoholic Beverages
 8 Section 8–202(l)
 9 Annotated Code of Maryland
 10 (2011 Replacement Volume and 2012 Supplement)

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

13 **Article 2B – Alcoholic Beverages**

14 8–202.

15 (a) This section applies only in Anne Arundel County.

16 (b) (1) In this section the following words have the meanings indicated.

17 (2) “Board” means the Board of License Commissioners.

18 (3) “License” means a license for the sale of alcoholic beverages that is
 19 issued by the Board.

20 **(L) (1) THERE IS A REFILLABLE CONTAINER LICENSE.**

21 **(2) THE BOARD MAY ISSUE A REFILLABLE CONTAINER LICENSE**
 22 **TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D**
 23 **LICENSE.**

24 **(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A**
 25 **REFILLABLE CONTAINER LICENSE ENTITLES THE LICENSE HOLDER TO SELL**
 26 **DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A**
 27 **REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND**
 28 **NOT MORE THAN ~~182~~ 128 OUNCES.**

29 **(4) TO BE USED AS A REFILLABLE CONTAINER UNDER**
 30 **PARAGRAPH (3) OF THIS SUBSECTION, A CONTAINER SHALL:**

31 **(i) BE SEALABLE;**

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

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

6 (IV) DISPLAY INSTRUCTIONS FOR CLEANING THE
7 CONTAINER; AND

8 (V) BEAR A LABEL STATING THAT:

9 1. CLEANING THE CONTAINER IS THE
10 RESPONSIBILITY OF THE CONSUMER; AND

11 2. THE CONTENTS OF THE CONTAINER ARE
12 PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED
13 WITHIN 48 HOURS AFTER PURCHASE.

14 (5) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER
15 LICENSE:

16 (I) THE APPLICANT SHALL:

17 1. COMPLETE THE FORM THAT THE BOARD
18 PROVIDES; AND

19 2. PAY AN ANNUAL LICENSE FEE OF:

20 A. \$500 FOR AN APPLICANT WHOSE ALCOHOLIC
21 BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

22 B. \$50 FOR AN APPLICANT WHOSE ALCOHOLIC
23 BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE; AND

24 (II) AN APPLICANT WHO HOLDS A LICENSE WITHOUT AN
25 OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF
26 NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE LICENSE
27 THAT THE APPLICANT HOLDS.

28 (6) THE TERM OF A REFILLABLE CONTAINER LICENSE ISSUED TO
29 A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE
30 APPLICANT HOLDS.

1 **(7) THE HOURS OF SALE FOR A REFILLABLE CONTAINER**
2 **LICENSE:**

3 **(I) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE**
4 **ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER**
5 **LICENSE IS ISSUED; AND**

6 **(II) END AT MIDNIGHT.**

7 **(8) A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE**
8 **CONTAINER THAT WAS BRANDED BY ~~THE~~ A LICENSE HOLDER.**

9 **(9) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
10 **SUBSECTION.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.