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(PRE-FILED)

3lr0554 CF HB 18

By: Senator Reilly

Requested: October 12, 2012 Introduced and read first time: January 9, 2013 Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments Senate action: Adopted Read second time: February 15, 2013

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 $\mathbf{5}$ 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 7premises 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; 12allowing a holder of the license to refill only a refillable container that was branded by the a license holder; requiring the Board to adopt certain 13 regulations; and generally relating to alcoholic beverages in Anne Arundel 1415County.
- 16 BY repealing and reenacting, without amendments,
- 17 Article 2B Alcoholic Beverages
- 18 Section 8–202(a) and (b)
- 19 Annotated Code of Maryland
- 20 (2011 Replacement Volume and 2012 Supplement)
- 21 BY adding to
- 22 Article 2B Alcoholic Beverages

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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



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$egin{array}{c} 1 \\ 2 \\ 3 \end{array}$	Section 8–202(l) Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement)	
4 5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:	
6	Article 2B – Alcoholic Beverages	
7	8–202.	
8	(a)	This section applies only in Anne Arundel County.
9	(b)	(1) In this section the following words have the meanings indicated.
10		(2) "Board" means the Board of License Commissioners.
$\begin{array}{c} 11 \\ 12 \end{array}$	issued by the	(3) "License" means a license for the sale of alcoholic beverages that is e Board.
13	(L)	(1) THERE IS A REFILLABLE CONTAINER LICENSE.
$\frac{14}{15}$	(2) THE BOARD MAY ISSUE A REFILLABLE CONTAINER LICENSE TO A HOLDER OF A CLASS A LICENSE OR A CLASS D LICENSE.	
16 17 18 19 20	(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A REFILLABLE CONTAINER LICENSE ENTITLES THE LICENSE HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 182 128 OUNCES.	
21 22	(4) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (3) OF THIS SUBSECTION, A CONTAINER SHALL:	
23		(I) BE SEALABLE;
$\begin{array}{c} 24 \\ 25 \end{array}$	(II) BE BRANDED WITH AN IDENTIFYING MARK OF THE <u>A</u> LICENSE HOLDER;	
26 27 28	REQUIRED 16.21;	(III) BEAR THE FEDERAL HEALTH WARNING STATEMENT FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.
29 30	CONTAINER	(IV) DISPLAY INSTRUCTIONS FOR CLEANING THE

BEAR A LABEL STATING THAT: 1 **(**V**)** 2 CLEANING 1. THE IS THE CONTAINER 3 **RESPONSIBILITY OF THE CONSUMER; AND** 2. THE CONTENTS 4 OF THE CONTAINER ARE $\mathbf{5}$ PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED 6 WITHIN 48 HOURS AFTER PURCHASE. 7 BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER (5) 8 LICENSE: 9 **(I)** THE APPLICANT SHALL: 10 1. COMPLETE THE FORM BOARD THAT THE 11 **PROVIDES; AND** 122. **PAY AN ANNUAL LICENSE FEE OF:** 13A. **\$500** FOR AN APPLICANT WHOSE ALCOHOLIC 14BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR 15**B**. **\$50** FOR AN APPLICANT WHOSE ALCOHOLIC 16 **BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE; AND** 17**(II)** AN APPLICANT WHO HOLDS A LICENSE WITHOUT AN 18 OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF 19NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE LICENSE 20THAT THE APPLICANT HOLDS. 21(6) THE TERM OF A REFILLABLE CONTAINER LICENSE ISSUED TO 22A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE 23**APPLICANT HOLDS.** 24(7) THE HOURS OF SALE FOR A REFILLABLE CONTAINER 25LICENSE: 26**(I) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE** 27ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER 28LICENSE IS ISSUED; AND

29 (II) END AT MIDNIGHT.

1 (8) A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE 2 CONTAINER THAT WAS BRANDED BY THE <u>A</u> LICENSE HOLDER.

3 (9) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS
4 SUBSECTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 6 July 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.