

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 18

(Anne Arundel County Delegation)

Economic Matters

Education, Health, and Environmental Affairs

Anne Arundel County - Alcoholic Beverages - Refillable Container License

This bill authorizes the Anne Arundel County Board of License Commissioners to issue a refillable container license to a holder of a Class A, Class B, or Class D license.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: None.

Local Effect: Under one set of assumptions, Anne Arundel County license fee revenues increase by approximately \$4,500 annually. Anne Arundel County can monitor licenses with existing resources.

Small Business Effect: Potential meaningful for any qualifying licensee obtaining the additional license and having refillable container sales in excess of the annual license fee.

Analysis

Bill Summary: A refillable container license entitles the 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 128 ounces.

The refillable container used must:

- be sealable;
- be branded with an identifying mark of the license holder;

- bear the federal health warning statement;
- display instructions for cleaning the container; and
- bear a label stating that cleaning the container is the responsibility of the consumer, and that the contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

A refillable container license applicant must complete the form that the board provides and pay an annual license fee of \$50 if the applicant already has an off-sale privilege or \$500 if the applicant does not already have that privilege.

The term of a refillable container license is the same as that of the applicant's alcoholic beverage license. The bill also requires the sale of refillable containers to end at midnight, and authorizes license holders to refill only those containers that were purchased and branded by a license holder. The board is required to adopt implementing regulations. Additionally, an applicant who holds an alcoholic beverages license without an off-sale privilege must meet the same advertising, posting of notice, and public hearing requirements as those for the alcoholic beverages license that the applicant holds.

Current Law: Statewide law prohibits any retail dealer, or agent or employee of such retail dealer from refilling any container of alcoholic beverages with any substance whatsoever after such container has once been emptied of its original contents, except in Baltimore City and Howard County.

The General Assembly adopted legislation in 2012 pertaining to refillable beer containers in Baltimore City and Howard County. Chapters 92 and 93 (HB 401/SB 874) authorized the Baltimore City Board of License Commissioners to issue refillable container licenses, and Chapter 412 (HB 1047) allowed the Howard County Board of License Commissioners to issue refillable container permits. Both jurisdictions limit the refillable container to a capacity of not more than 128 ounces.

Background: In the retail alcoholic beverages industry, refillable containers are commonly called “growlers.”

Local Revenues: There are 529 alcoholic beverages licenses in Anne Arundel County, of which 82 are Class A licenses, 54 are Class B licenses, and 118 are Class D licenses. Accordingly, 254 licenses qualify for a refillable container license under the bill, of which only 12 licensees do not currently have off-sale privileges. The number of qualified licensees which would seek and obtain the additional “growler” license is unknown. *For purposes of illustration*, if 25% of the 242 qualified licensees with off-sale privileges seek the new license and pay an additional \$50 per license (in addition to their current license fee), Anne Arundel County revenues would increase by \$3,000 annually (60 licensees x \$50). In addition, if the same percentage of the remaining

12 qualified licensees without off-sale privileges seek the new license and pay the additional \$500 per license (in addition to their current license fee), Anne Arundel County revenues would increase by an additional \$1,500 annually (3 licensees x \$500). Accordingly, under this scenario, Anne Arundel County revenues would increase by an additional \$4,500 annually.

Additional Information

Prior Introductions: None.

Cross File: SB 16 (Senator Reilly) - Education, Health, and Environmental Affairs.

Information Source(s): Anne Arundel County, Comptroller's Office, Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2013
mlm/hlb Revised - House Third Reader - March 21, 2013

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