

HOUSE BILL 421

A2

4lr1238

By: **Delegates Olszewski, DeBoy, Lafferty, Stein, and Weir**

Introduced and read first time: January 24, 2014

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Alcoholic Beverages – Refillable Container Permits**

3 FOR the purpose of creating in Baltimore County a refillable container permit;
4 authorizing the Board of License Commissioners to issue the permit to a holder
5 of certain classes of alcoholic beverages permit issued by the Board; specifying
6 that a holder of the permit 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 permit 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 permit; specifying the hours of sale for the permit;
12 allowing a holder of the permit to refill only a refillable container that was
13 branded by a permit holder; requiring the Board to adopt certain regulations;
14 and generally relating to alcoholic beverages in Baltimore County.

15 BY adding to

16 Article 2B – Alcoholic Beverages

17 Section 8–204.10

18 Annotated Code of Maryland

19 (2011 Replacement Volume and 2013 Supplement)

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

22 **Article 2B – Alcoholic Beverages**

23 **8–204.10.**

24 **(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE**
2 **COMMISSIONERS.**

3 **(C) THERE IS A REFILLABLE CONTAINER PERMIT.**

4 **(D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A**
5 **HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

6 **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**
7 **REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL**
8 **DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A**
9 **REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND**
10 **NOT MORE THAN 128 OUNCES.**

11 **(2) TO BE USED AS A REFILLABLE CONTAINER UNDER THIS**
12 **SUBSECTION, A CONTAINER SHALL:**

13 **(I) BE SEALABLE;**

14 **(II) BE BRANDED WITH AN IDENTIFYING MARK OF A PERMIT**
15 **HOLDER;**

16 **(III) BEAR THE FEDERAL HEALTH WARNING STATEMENT**
17 **REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.**
18 **16.21;**

19 **(IV) DISPLAY INSTRUCTIONS FOR CLEANING THE**
20 **CONTAINER; AND**

21 **(V) BEAR A LABEL STATING THAT:**

22 **1. CLEANING THE CONTAINER IS THE**
23 **RESPONSIBILITY OF THE CONSUMER; AND**

24 **2. THE CONTENTS OF THE CONTAINER ARE**
25 **PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED**
26 **WITHIN 48 HOURS AFTER PURCHASE.**

27 **(F) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT:**

28 **(1) THE APPLICANT SHALL:**

29 **(I) COMPLETE THE FORM THAT THE BOARD PROVIDES;**
30 **AND**

1 **(II) PAY AN ANNUAL PERMIT FEE OF:**

2 **1. \$500 FOR AN APPLICANT WHOSE UNDERLYING**
3 **ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR**

4 **2. \$50 FOR AN APPLICANT WHOSE UNDERLYING**
5 **ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

6 **(2) AN APPLICANT WHOSE UNDERLYING LICENSE DOES NOT HAVE**
7 **AN OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING,**
8 **POSTING-OF-NOTICE, AND PUBLIC HEARING REQUIREMENTS FOR THE PERMIT**
9 **AS THOSE FOR THE LICENSE.**

10 **(G) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO A**
11 **SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE UNDERLYING LICENSE**
12 **THAT THE APPLICANT HOLDS.**

13 **(H) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

14 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
15 **LICENSE HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER PERMIT**
16 **IS ISSUED; AND**

17 **(2) END AT MIDNIGHT.**

18 **(I) A PERMIT HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER**
19 **THAT WAS BRANDED BY A PERMIT HOLDER.**

20 **(J) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
21 **SECTION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2014.