

HOUSE BILL 1079

A2

(4lr2467)

ENROLLED BILL

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

Introduced by **Calvert County Delegation**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Calvert County – Alcoholic Beverages – Refillable Container Permit**

3 FOR the purpose of creating in Calvert 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 licenses 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; ~~requiring a certain applicant to~~ *and* pay a certain fee; requiring
10 that certain applicants meet certain advertising, posting-of-notice, and public
11 hearing requirements; specifying the term of the permit; specifying the hours of
12 sale for the permit; allowing a holder of the permit to refill only a refillable
13 container that was branded by a permit holder; requiring the Board to adopt
14 certain regulations; and generally relating to alcoholic beverages in Calvert
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 adding to
2 Article 2B – Alcoholic Beverages
3 Section 8–205
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2013 Supplement)

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

8 **Article 2B – Alcoholic Beverages**

9 **8–205.**

10 (A) THIS SECTION APPLIES ONLY IN CALVERT COUNTY.

11 (B) IN THIS SECTION, “BOARD” MEANS THE BOARD OF LICENSE
12 COMMISSIONERS.

13 (C) (1) THERE IS A REFILLABLE CONTAINER PERMIT.

14 (2) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO
15 A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.

16 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A
17 REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL
18 DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A
19 REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND
20 NOT MORE THAN 128 OUNCES.

21 (4) TO BE USED AS A REFILLABLE CONTAINER UNDER
22 PARAGRAPH (3) OF THIS SUBSECTION, A CONTAINER SHALL:

23 (I) BE SEALABLE;

24 (II) BE BRANDED WITH AN IDENTIFYING MARK OF THE
25 PERMIT HOLDER WHO SELLS THE CONTAINER;

26 (III) BEAR THE FEDERAL HEALTH WARNING STATEMENT
27 REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.
28 16.21;

29 (IV) DISPLAY INSTRUCTIONS FOR CLEANING THE
30 CONTAINER; AND

1 (V) BEAR A LABEL STATING THAT:

2 1. CLEANING THE CONTAINER IS THE
3 RESPONSIBILITY OF THE CONSUMER; AND

4 2. THE CONTENTS OF THE CONTAINER ARE
5 PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED
6 WITHIN 48 HOURS AFTER PURCHASE.

7 (5) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER
8 PERMIT:

9 (I) THE APPLICANT SHALL:

10 1. COMPLETE THE FORM THAT THE BOARD
11 PROVIDES; AND

12 2. PAY AN ANNUAL PERMIT FEE OF ~~\$1 FOR AN~~
13 ~~APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE~~
14 ~~PRIVILEGE;~~

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

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

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

23 (6) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO
24 A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE
25 APPLICANT HOLDS.

26 (7) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

27 (I) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE
28 ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER
29 PERMIT IS ISSUED; AND

30 (II) END AT MIDNIGHT.

1 **(8) A PERMIT HOLDER MAY REFILL ONLY A REFILLABLE**
2 **CONTAINER THAT WAS BRANDED BY A PERMIT HOLDER.**

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.