

# HOUSE BILL 1079

A2

4lr2467

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By: **Calvert County Delegation**

Introduced and read first time: February 6, 2014

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2014

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## 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 pay a certain fee; requiring that  
10 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.

16 BY adding to

17 Article 2B – Alcoholic Beverages

18 Section 8–205

19 Annotated Code of Maryland

20 (2011 Replacement Volume and 2013 Supplement)

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

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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.



## 1 Article 2B – Alcoholic Beverages

2 8–205.

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

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

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

7 (2) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO  
8 A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.9 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A  
10 REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL  
11 DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A  
12 REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND  
13 NOT MORE THAN 128 OUNCES.14 (4) TO BE USED AS A REFILLABLE CONTAINER UNDER  
15 PARAGRAPH (3) OF THIS SUBSECTION, A CONTAINER SHALL:

16 (I) BE SEALABLE;

17 (II) BE BRANDED WITH AN IDENTIFYING MARK OF THE  
18 PERMIT HOLDER WHO SELLS THE CONTAINER;19 (III) BEAR THE FEDERAL HEALTH WARNING STATEMENT  
20 REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.  
21 16.21;22 (IV) DISPLAY INSTRUCTIONS FOR CLEANING THE  
23 CONTAINER; AND

24 (V) BEAR A LABEL STATING THAT:

25 1. CLEANING THE CONTAINER IS THE  
26 RESPONSIBILITY OF THE CONSUMER; AND27 2. THE CONTENTS OF THE CONTAINER ARE  
28 PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED  
29 WITHIN 48 HOURS AFTER PURCHASE.

1                   **(5) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER**  
2 **PERMIT:**

3                   **(I) THE APPLICANT SHALL:**

4                               **1. COMPLETE THE FORM THAT THE BOARD**  
5 **PROVIDES; AND**

6                               **2. PAY AN ANNUAL PERMIT FEE OF \$1 FOR AN**  
7 **APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE**  
8 **PRIVILEGE; AND**

9                               **(II) AN APPLICANT WHO HOLDS A LICENSE WITHOUT AN**  
10 **OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING,**  
11 **POSTING-OF-NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR**  
12 **THE LICENSE THAT THE APPLICANT HOLDS.**

13                   **(6) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO**  
14 **A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE**  
15 **APPLICANT HOLDS.**

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

17                               **(I) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE**  
18 **ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER**  
19 **PERMIT IS ISSUED; AND**

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

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

23                   **(9) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**  
24 **SECTION.**

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