

SENATE BILL 341

A2

(4lr1966)

ENROLLED BILL

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

Introduced by Calvert County Senators

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Calvert County ~~and St. Mary's County~~ - Alcoholic Beverages - Refillable**
3 **Container Permit**

4 FOR the purpose of creating in Calvert County ~~and St. Mary's County~~ a refillable
5 container permit; authorizing the ~~Board of License Commissioners~~ ~~boards of~~
6 ~~license commissioners for the counties~~ *Board of License Commissioners* to issue
7 the permit to a holder of certain classes of alcoholic beverages licenses issued by
8 the ~~Board~~ ~~boards~~ *Board*; specifying that a holder of the permit may sell draft
9 beer for consumption off the licensed premises in a certain refillable container;
10 requiring a refillable container to meet certain requirements; requiring an
11 applicant for the permit to complete a certain form and pay a certain fee;
12 requiring that certain applicants meet certain advertising, posting-of-notice,
13 and public hearing requirements; specifying the term of the permit; specifying
14 the hours of sale for the permit; allowing a holder of the permit to refill only a
15 refillable container that was branded by a permit holder; requiring the ~~Board~~

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 ~~boards~~ Board to adopt certain regulations; and generally relating to alcoholic
2 beverages in Calvert County ~~and St. Mary's County.~~

3 BY adding to
4 Article 2B – Alcoholic Beverages
5 Section 8–205 ~~and 8–210.1~~
6 Annotated Code of Maryland
7 (2011 Replacement Volume and 2013 Supplement)

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

10 **Article 2B – Alcoholic Beverages**

11 **8–205.**

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

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

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

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

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

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

25 (I) BE SEALABLE;

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

28 (III) BEAR THE FEDERAL HEALTH WARNING STATEMENT
29 REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.
30 16.21;

1 (IV) DISPLAY INSTRUCTIONS FOR CLEANING THE
2 CONTAINER; AND

3 (V) BEAR A LABEL STATING THAT:

4 1. CLEANING THE CONTAINER IS THE
5 RESPONSIBILITY OF THE CONSUMER; AND

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

9 (5) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER
10 PERMIT:

11 (I) THE APPLICANT SHALL:

12 1. COMPLETE THE FORM THAT THE BOARD
13 PROVIDES; AND

14 2. PAY AN ANNUAL PERMIT FEE OF:

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 ~~§ 219.1.~~

6 ~~(A) THIS SECTION APPLIES ONLY IN ST. MARY'S COUNTY.~~

7 ~~(B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE~~
8 ~~COMMISSIONERS.~~

9 ~~(C) (1) THERE IS A REFILLABLE CONTAINER PERMIT.~~

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

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19 ~~(i) BE SEALABLE;~~

20 ~~(ii) BE BRANDED WITH AN IDENTIFYING MARK OF THE~~
21 ~~PERMIT HOLDER WHO SELLS THE CONTAINER;~~

22 ~~(iii) BEAR THE FEDERAL HEALTH WARNING STATEMENT~~
23 ~~REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.~~
24 ~~16.21;~~

25 ~~(iv) DISPLAY INSTRUCTIONS FOR CLEANING THE~~
26 ~~CONTAINER; AND~~

27 ~~(v) BEAR A LABEL STATING THAT:~~

28 ~~1. CLEANING THE CONTAINER IS THE~~
29 ~~RESPONSIBILITY OF THE CONSUMER; AND~~

~~2. THE CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITH 48 HOURS AFTER PURCHASE.~~

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

~~(i) THE APPLICANT SHALL:~~

~~1. COMPLETE THE FORM THAT THE BOARD PROVIDES; AND~~

~~2. PAY AN ANNUAL PERMIT FEE OF:~~

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

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

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

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

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

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

~~(ii) END AT MIDNIGHT.~~

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

~~(9) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.