By: Calvert County Senators

Introduced and read first time: January 21, 2014 Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 $\mathbf{5}$ 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 and pay a certain fee; requiring that certain applicants meet certain advertising, posting-of-notice, and public hearing requirements; 10 specifying the term of the permit; specifying the hours of sale for the permit; 11 12allowing 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; and generally relating to alcoholic beverages in Calvert County. 14
- 15 BY adding to
- 16 Article 2B Alcoholic Beverages
- 17 Section 8–205
- 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 **8–205.**
- 24 (A) THIS SECTION APPLIES ONLY IN CALVERT COUNTY.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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(B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE 1 2**COMMISSIONERS.** 3 (C) (1) THERE IS A REFILLABLE CONTAINER PERMIT. THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO 4 (2) A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE. $\mathbf{5}$ 6 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL 7 DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A 8 9 **REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND** NOT MORE THAN 128 OUNCES. 10 11 (4) TO BE USED AS A REFILLABLE CONTAINER UNDER 12PARAGRAPH (3) OF THIS SUBSECTION, A CONTAINER SHALL: 13 **(I) BE SEALABLE;** 14(II) BE BRANDED WITH AN IDENTIFYING MARK OF THE 15PERMIT HOLDER WHO SELLS THE CONTAINER; 16 (III) BEAR THE FEDERAL HEALTH WARNING STATEMENT 17REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21: 18 19 (IV) DISPLAY INSTRUCTIONS FOR CLEANING THE 20**CONTAINER; AND** 21**(**V**) BEAR A LABEL STATING THAT:** 221. CLEANING THE IS THE CONTAINER 23**RESPONSIBILITY OF THE CONSUMER; AND** 2. THE CONTENTS 24OF THE CONTAINER ARE 25PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED 26WITHIN 48 HOURS AFTER PURCHASE. 27(5) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER 28**PERMIT:** 29**(I)** THE APPLICANT SHALL:

 $\mathbf{2}$

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1 1. COMPLETE THE FORM THAT THE BOARD $\mathbf{2}$ **PROVIDES; AND** 2. 3 **PAY AN ANNUAL PERMIT FEE OF:** 4 A. **\$500** FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR $\mathbf{5}$ 6 **B**. **\$50** FOR AN APPLICANT WHOSE ALCOHOLIC 7 **BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE; AND** 8 AN APPLICANT WHO HOLDS A LICENSE WITHOUT AN **(II)** 9 **OFF-SALE** PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING-OF-NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR 10 11 THE LICENSE THAT THE APPLICANT HOLDS. 12(6) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO 13 A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE 14 APPLICANT HOLDS. 15(7) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT: 16 BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE **(I)** 17ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER 18 PERMIT IS ISSUED; AND 19**(II)** END AT MIDNIGHT. 20(8) A PERMIT HOLDER MAY REFILL ONLY A REFILLABLE 21CONTAINER THAT WAS BRANDED BY A PERMIT HOLDER. 22(9) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS 23SECTION. SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 2425July 1, 2014.