

SENATE BILL 546

A1, A2

(4lr2843)

ENROLLED BILL

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

Introduced by ~~Senator Reilly~~ Senators Reilly and Ferguson

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 **Alcoholic Beverages – Refillable Containers – Permits and Labels**

3 FOR the purpose of providing that the holders of certain alcoholic beverages
4 manufacturing and retail licenses and refillable container permits may refill
5 certain containers that are branded by a certain holder of a refillable container
6 permit; renaming certain refillable container licenses to be refillable container
7 permits; authorizing the issuance of refillable container permits in certain
8 jurisdictions to the holders of certain licenses for certain fees and subject to
9 certain requirements; establishing certain provisions, procedures, and
10 requirements for certain refillable container permits in certain jurisdictions;
11 reorganizing certain provisions concerning refillable container permits;
12 authorizing the Comptroller to establish certain standards and uses for certain
13 refillable containers sold, filled, or refilled in the State; authorizing the holder of
14 a refillable container permit to refill certain containers that meet certain
15 standards; establishing a refillable container permit in Prince George’s 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 authorizing the Board of License Commissioners for Prince George's County to
 2 issue the refillable container permit to a holder of a certain class of license;
 3 specifying that the refillable container permit in Prince George's County entitles
 4 the holder to sell ~~craft~~ draft beer for consumption off the licensed premises in a
 5 certain refillable container; requiring the Board of License Commissioners for
 6 Prince George's County to adopt certain regulations; *establishing a refillable*
 7 *container permit in St. Mary's County; authorizing the Alcohol Beverage Board*
 8 *for St. Mary's County to issue the refillable container permit to holders of certain*
 9 *classes of license; specifying that the refillable container permit in St. Mary's*
 10 *County entitles the holder to sell draft beer for consumption off the licensed*
 11 *premises in a certain refillable container; requiring the Alcohol Beverage Board*
 12 *for St. Mary's County to adopt certain regulations;* making other clarifying and
 13 stylistic changes; and generally relating to alcoholic beverages and refillable
 14 containers.

15 BY repealing and reenacting, with amendments,

16 Article 2B – Alcoholic Beverages

17 Section 2–206(d)(3) and (5), 5–201(q)(5) and (7), 5–401(q)(2)(iv) and (vi),
 18 6–201(d)(1)(v)2., 7–101(l)(8), ~~(p–1)(11)(vi)~~ (p–1)(11), and (w)(3), 8–202(l),
 19 8–202.2(d) and (h), 8–203(e), 8–210, 8–212(c)(4) and (5), 9–204.1(f)(8), and
 20 12–113

21 Annotated Code of Maryland

22 (2011 Replacement Volume and 2013 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article 2B – Alcoholic Beverages

25 Section 5–201(q)(1), 5–401(q)(1), 6–201(d)(1)(i), 7–101(l)(1), (p–1)(1), and (w)(1),
 26 8–202(a), 8–202.2(a), 8–203(a), 8–212(a), and 9–204.1(b) and (f)(1)

27 Annotated Code of Maryland

28 (2011 Replacement Volume and 2013 Supplement)

29 ~~BY repealing and reenacting, with amendments,~~

30 ~~Article 2B – Alcoholic Beverages~~

31 ~~Section 7–101(p–1)(11)(iii)~~

32 ~~Annotated Code of Maryland~~

33 ~~(2011 Replacement Volume and 2013 Supplement)~~

34 ~~(As enacted by Chapter 117 of the Acts of the General Assembly of 2013)~~

35 BY adding to

36 Article 2B – Alcoholic Beverages

37 Section 8–103, 8–204.10, 8–207, 8–212(c)(5), 8–213.3, 8–217.1, ~~8–219.1,~~ and
 38 21–107

39 Annotated Code of Maryland

40 (2011 Replacement Volume and 2013 Supplement)

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

1 **Article 2B – Alcoholic Beverages**

2 2–206.

3 (d) (3) To be used as a refillable container under paragraph (2) of this
4 subsection, a container shall:

5 (i) ~~Be sealable;~~

6 (ii) ~~Be branded with an identifying mark of the [license]
7 PERMIT holder WHO SELLS THE CONTAINER;~~

8 (iii) ~~Bear the federal health warning statement required for
9 containers of alcoholic beverages under 27 C.F.R. 16.21;~~

10 (iv) ~~Display instructions for cleaning the container; and~~

11 (v) ~~Bear a label stating that:~~

12 1. ~~Cleaning the container is the responsibility of the
13 consumer; and~~

14 2. ~~Contents of the container are perishable and should
15 be refrigerated immediately and consumed within 48 hours after purchase MEET THE
16 STANDARDS UNDER § 21–107 OF THIS ARTICLE.~~

17 (5) A holder of a refillable container permit may refill only a refillable
18 container that ~~was branded by [the] A REFILLABLE CONTAINER permit holder
19 MEETS THE STANDARDS UNDER § 21–107 OF THIS ARTICLE.~~

20 5–201.

21 (q) (1) This subsection applies only in Montgomery County.

22 (5) To be used as a refillable container under paragraph (4) of this
23 subsection, a container shall:

24 (i) ~~Be sealable;~~

25 (ii) ~~Be branded with an identifying mark of the [license]
26 PERMIT holder WHO SELLS THE CONTAINER;~~

27 (iii) ~~Bear the federal health warning statement required for
28 containers of alcoholic beverages under 27 C.F.R. 16.21;~~

1 ~~(iv) Display instructions for cleaning the container; and~~

2 ~~(v) Bear a label stating that:~~

3 ~~1. Cleaning the container is the responsibility of the~~
4 ~~consumer; and~~

5 ~~2. Contents of the container are perishable and should~~
6 ~~be refrigerated immediately and consumed within 48 hours after purchase~~ **MEET THE**
7 **STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

8 (7) A holder of a refillable container permit may refill only a refillable
9 container that ~~was branded by [the] A REFILLABLE CONTAINER permit holder~~
10 **MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

11 5-401.

12 (q) (1) This subsection applies only in Montgomery County.

13 (2) (iv) To be used as a refillable container under subparagraph (iii)
14 of this paragraph, a container shall:

15 ~~1. Be sealable;~~

16 ~~2. Be branded with an identifying mark of the [license]~~
17 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

18 ~~3. Bear the federal health warning statement required~~
19 ~~for containers of alcoholic beverages under 27 C.F.R. 16.21;~~

20 ~~4. Display instructions for cleaning the container; and~~

21 ~~5. Bear a label stating that:~~

22 ~~A. Cleaning the container is the responsibility of the~~
23 ~~consumer; and~~

24 ~~B. Contents of the container are perishable and should~~
25 ~~be refrigerated immediately and consumed within 48 hours after purchase~~ **MEET THE**
26 **STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

27 (vi) A holder of a refillable container permit may refill only a
28 refillable container that ~~was branded by [the] A REFILLABLE CONTAINER permit~~
29 ~~holder~~ **MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

30 6-201.

1 (d) (1) (i) This subsection applies only in Baltimore City.

2 (v) 2. A license specified under subparagraph 1 of this
3 subparagraph may include an off-sale privilege for sales of refillable containers under
4 a refillable container [license] PERMIT issued in accordance with § 8-203(e) of this
5 article.

6 7-101.

7 (l) (1) This subsection applies only in Cecil County.

8 (8) (i) There is a refillable container [license] PERMIT.

9 (ii) The Board may issue a refillable container [license] PERMIT
10 to a holder of a Class A or Class B alcoholic beverages license.

11 (iii) Subject to subparagraph (iv) of this paragraph, a refillable
12 container [license] PERMIT entitles the holder to sell draft beer for consumption off
13 the licensed premises in a refillable container with a capacity of not less than 32
14 ounces and not more than 128 ounces.

15 (iv) To be used as a refillable container under subparagraph (iii)
16 of this paragraph, a container shall:

17 ~~1. Be sealable;~~

18 ~~2. Be branded with an identifying mark of the [license]
19 PERMIT holder WHO SELLS THE CONTAINER;~~

20 ~~3. Bear the federal health warning statement required
21 for containers of alcoholic beverages under 27 C.F.R. 16.21;~~

22 ~~4. Display instructions for cleaning the container; and~~

23 ~~5. Bear a label stating that:~~

24 ~~A. Cleaning the container is the responsibility of the
25 consumer; and~~

26 ~~B. The contents of the container are perishable and
27 should be refrigerated immediately and consumed within 48 hours after purchase
28 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.~~

29 (v) Before the Board issues a refillable container [license]
30 PERMIT to an applicant, the applicant shall:

1 1. Complete the form that the Board provides; and

2 2. Pay an annual [license] PERMIT fee of \$50.

3 (vi) The term of a refillable container [license] PERMIT issued to
4 a successful applicant is the same as that of the license that the applicant holds.

5 (vii) Receipts collected under a refillable container [license]
6 PERMIT are to be included in the calculation of average daily receipts from the sale of
7 alcoholic beverages under § 11-508(b)(3) of this article.

8 (viii) The hours of sale for a refillable container [license] PERMIT
9 begin and end at the same time as those for the license already held by the person to
10 [which] WHOM the refillable container [license] PERMIT is issued.

11 (ix) A [license] holder **OF A REFILLABLE CONTAINER PERMIT**
12 may refill only a refillable container that ~~bears the identifying mark of [the license]~~ ~~A~~
13 ~~REFILLABLE CONTAINER PERMIT holder~~ **MEETS THE STANDARDS UNDER §**
14 **21-107 OF THIS ARTICLE.**

15 (x) The Board shall adopt regulations to carry out this
16 paragraph.

17 (p-1) (1) This subsection applies only in Howard County.

18 (11) [(i)] The Board of License Commissioners may issue a refillable
19 container permit to a holder of any class of alcoholic beverages license issued by the
20 Board of License Commissioners except a Class C license and a Class GC license:

21 [1.] (I) On completion of an application form that the
22 Board provides; and

23 [2.] (II) At no cost to the license holder.

24 [(ii) A refillable container permit entitles the holder to sell:

25 1. Draft beer for consumption off the licensed premises
26 in a refillable container with a capacity of not less than 32 ounces and not more than
27 128 ounces; and

28 2. If the holder is licensed to sell wine, wine for
29 consumption off the licensed premises in a refillable container with a capacity of not
30 less than 17 ounces and not more than 34 ounces.]

1 ~~(11) (iii) To be used as a refillable container under subparagraph (ii)~~
 2 ~~of this paragraph, a container shall:~~

3 ~~1. Be sealable;~~

4 ~~2. Be branded with an identifying mark of the [license]~~
 5 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

6 ~~3. Bear the federal health warning statement required~~
 7 ~~for containers of alcoholic beverages under 27 C.F.R. 16.21;~~

8 ~~4. Display instructions for cleaning the container; and~~

9 ~~5. Bear a label stating:~~

10 ~~A. That cleaning the container is the responsibility of the~~
 11 ~~consumer; and~~

12 ~~B. If the container contains beer, that the contents are~~
 13 ~~perishable and should be refrigerated immediately and consumed within 48 hours~~
 14 ~~after purchase.~~

15 [(iv) The term of and hours of sale for a refillable container
 16 permit issued to an applicant are the same as that of the applicant's alcoholic
 17 beverages license.

18 (v) An applicant who holds an alcoholic beverages license
 19 without an off-sale privilege shall meet the same advertising, posting of notice, and
 20 public hearing requirements as those for the alcoholic beverages license that the
 21 applicant holds.]

22 ~~(vi) A holder of a refillable container permit may refill only a~~
 23 ~~refillable container that was branded by [the] A REFILLABLE CONTAINER permit~~
 24 ~~holder.~~

25 (w) (1) This subsection applies only in Wicomico County.

26 (3) (i) The Board of License Commissioners may issue a refillable
 27 container [license] PERMIT to a holder of any class of alcoholic beverages license
 28 issued by the Board except a Class C license, Class D license, Class B–Conference
 29 Center license, or Class B–Stadium license.

30 (ii) Subject to subparagraph (iii) of this paragraph, a refillable
 31 container [license] PERMIT entitles the holder to sell draft beer for consumption off
 32 the licensed premises in a refillable container with a capacity of not less than 32
 33 ounces and not more than 128 ounces.

(iii) To be used as a refillable container under subparagraph (ii) of this paragraph, a container shall:

- ~~1. Be sealable;~~
 - ~~2. Be branded with an identifying mark of the [license] PERMIT holder WHO SELLS THE CONTAINER;~~
 - ~~3. Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;~~
 - ~~4. Display instructions for cleaning the container; and~~
 - ~~5. Bear a label stating that:~~
 - ~~A. Cleaning the container is the responsibility of the consumer; and~~
 - ~~B. The contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase~~
- MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

(iv) Before the Board issues a refillable container [license] PERMIT to an applicant:

1. The applicant shall:
 - A. Complete the form that the Board provides; and
 - B. Pay an annual [license] PERMIT fee of \$500; and
2. 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.

(v) The term of the refillable container [license] PERMIT issued to a successful applicant is the same as that of the license that the applicant holds.

(vi) Receipts collected under a refillable container [license] PERMIT are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under a Class B restaurant license, Class B hotel license, and Class B golf course license.

(vii) The hours of sale for a refillable container [license] PERMIT:

1 1. Begin at the same time as those for the license
2 already held by the person to whom the refillable container [license] PERMIT is
3 issued; and

4 2. End at midnight.

5 (viii) A [license] holder OF A REFILLABLE CONTAINER PERMIT
6 may refill only a refillable container that ~~was branded by [the license] A REFILLABLE~~
7 ~~CONTAINER PERMIT holder~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS
8 ARTICLE.

9 **8-103.**

10 (A) (1) THIS SECTION APPLIES WITH RESPECT TO DRAFT BEER IN
11 THE FOLLOWING JURISDICTIONS:

12 (I) BALTIMORE COUNTY;

13 (II) CARROLL COUNTY;

14 (III) HARFORD COUNTY; AND

15 (IV) HOWARD COUNTY;

16 (V) PRINCE GEORGE'S COUNTY; AND

17 (VI) ST. MARY'S COUNTY.

18 (2) ~~THIS SECTION APPLIES WITH RESPECT TO CRAFT BEER IN~~
19 ~~PRINCE GEORGE'S COUNTY.~~

20 (3) THIS SECTION APPLIES WITH RESPECT TO WINE IN HOWARD
21 COUNTY.

22 (B) THERE IS A REFILLABLE CONTAINER PERMIT.

23 (C) WITH RESPECT TO THE ALCOHOLIC BEVERAGES AUTHORIZED FOR
24 THE LOCAL JURISDICTION UNDER SUBSECTION (A) OF THIS SECTION, A
25 REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL
26 DRAFT BEER, CRAFT BEER, OR WINE, RESPECTIVELY, FOR CONSUMPTION OFF
27 THE LICENSED PREMISES IN A REFILLABLE CONTAINER THAT MEETS THE
28 STANDARDS UNDER § 21-107 OF THIS ARTICLE.

1 **(D) THE TERM OF A REFILLABLE CONTAINER PERMIT IS THE SAME AS**
 2 **THAT OF THE UNDERLYING ALCOHOLIC BEVERAGES LICENSE.**

3 **(E) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, THE HOURS OF**
 4 **SALE FOR A REFILLABLE CONTAINER PERMIT ARE THE SAME AS THOSE FOR THE**
 5 **UNDERLYING ALCOHOLIC BEVERAGES LICENSE.**

6 **(F) AN APPLICANT WHO HOLDS AN UNDERLYING ALCOHOLIC**
 7 **BEVERAGES LICENSE WITHOUT AN OFF-SALE PRIVILEGE SHALL MEET THE**
 8 **SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING**
 9 **REQUIREMENTS AS THOSE FOR THE UNDERLYING LICENSE.**

10 **(G) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL ONLY**
 11 **A REFILLABLE CONTAINER THAT MEETS THE STANDARDS UNDER § 21-107 OF**
 12 **THIS ARTICLE.**

13 8-202.

14 (a) This section applies only in Anne Arundel County.

15 (1) There is a refillable container [license] PERMIT.

16 (2) The Board may issue a refillable container [license] PERMIT to a
 17 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 refillable container
 19 [license] PERMIT entitles the [license] holder to sell draft beer for consumption off the
 20 licensed premises in a refillable container with a capacity of not less than 32 ounces
 21 and not more than 128 ounces.

22 (4) To be used as a refillable container under paragraph (3) of this
 23 subsection, a container shall:

24 ~~(i) Be sealable;~~

25 ~~(ii) Be branded with an identifying mark of [a license] THE~~
 26 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

27 ~~(iii) Bear the federal health warning statement required for~~
 28 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

29 ~~(iv) Display instructions for cleaning the container; and~~

30 ~~(v) Bear a label stating that:~~

1 ~~1. Cleaning the container is the responsibility of the~~
 2 ~~consumer; and~~

3 ~~2. The contents of the container are perishable and~~
 4 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~
 5 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

6 (5) Before the Board issues a refillable container [license] PERMIT:

7 (i) The applicant shall:

8 1. Complete the form that the Board provides; and

9 2. Pay an annual [license] PERMIT fee of:

10 A. \$500 for an applicant whose alcoholic beverages
 11 license does not have an off-sale privilege; or

12 B. \$50 for an applicant whose alcoholic beverages license
 13 has an off-sale privilege; and

14 (ii) An applicant who holds a license without an off-sale
 15 privilege shall meet the same advertising, posting of notice, and public hearing
 16 requirements as those for the license that the applicant holds.

17 (6) The term of a refillable container [license] PERMIT issued to a
 18 successful applicant is the same as that of the license that the applicant holds.

19 (7) The hours of sale for a refillable container [license] PERMIT:

20 (i) Begin at the same time as those for the license already held
 21 by the person to whom the refillable container [license] PERMIT is issued; and

22 (ii) End at midnight.

23 (8) A [license] holder **OF A RENEWABLE CONTAINER PERMIT** may
 24 refill only a refillable container that ~~was branded by a [license] REFILLABLE~~
 25 ~~CONTAINER PERMIT holder~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS
 26 ARTICLE.

27 (9) The Board shall adopt regulations to carry out this subsection.

28 8-202.2.

29 (a) This section applies only in the City of Annapolis.

1 (d) (1) Subject to paragraph (2) of this subsection, a refillable container
 2 [license] PERMIT entitles the [license] PERMIT holder to sell draft beer for
 3 consumption off the licensed premises in a refillable container with a capacity of not
 4 less than 32 ounces and not more than 128 ounces.

5 (2) To be used as a refillable container under paragraph (1) of this
 6 subsection, a container shall:

7 (i) ~~Be sealable;~~

8 (ii) ~~Be branded with an identifying mark of [a license] THE~~
 9 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

10 (iii) ~~Bear the federal health warning statement required for~~
 11 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

12 (iv) ~~Display instructions for cleaning the container; and~~

13 (v) ~~Bear a label stating that:~~

14 ~~1. Cleaning the container is the responsibility of the~~
 15 ~~consumer; and~~

16 ~~2. The contents of the container are perishable and~~
 17 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~
 18 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

19 (h) A [license] holder **OF A REFILLABLE CONTAINER PERMIT** may refill
 20 only a refillable container that ~~was branded by a [license] REFILLABLE CONTAINER~~
 21 ~~PERMIT holder~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

22 8-203.

23 (a) The provisions of this section only apply in Baltimore City.

24 (e) (1) There is a refillable container [license] PERMIT.

25 (2) The Board may issue a refillable container [license] PERMIT to a
 26 holder of any class of alcoholic beverages license issued by the Board except a Class C
 27 license [and] **OR** a Class M-G license.

28 (3) Subject to paragraph (4) of this subsection, a refillable container
 29 [license] PERMIT entitles the holder to sell draft beer for consumption off the licensed
 30 premises in a refillable container with a capacity of not less than 32 ounces and not
 31 more than 128 ounces.

1 (4) To be used as a refillable container under paragraph (3) of this
2 subsection, a container shall:

3 ~~(i) Be sealable;~~

4 ~~(ii) Be branded with an identifying mark of the [license]~~
5 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

6 ~~(iii) Bear the federal health warning statement required for~~
7 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

8 ~~(iv) Display instructions for cleaning the container; and~~

9 ~~(v) Bear a label stating that:~~

10 ~~1. Cleaning the container is the responsibility of the~~
11 ~~consumer; and~~

12 ~~2. The contents of the container are perishable and~~
13 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~
14 ~~MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.~~

15 (5) Before the Board issues a refillable container [license] PERMIT to
16 an applicant:

17 (i) The applicant shall:

18 1. Complete the form that the Board provides; and

19 2. Pay an annual [license] PERMIT fee of:

20 A. \$500 for an applicant whose alcoholic beverages
21 license does not have an off-sale privilege; or

22 B. \$50 for an applicant whose alcoholic beverages license
23 has an off-sale privilege; and

24 (ii) An applicant who holds a license without an off-sale
25 privilege shall meet the same advertising, posting of notice, and public hearing
26 requirements as those for the license that the applicant holds.

27 (6) The term of a refillable container [license] PERMIT issued to a
28 successful applicant is the same as that of the license that the applicant holds.

1 (7) Receipts collected under a refillable container [license] PERMIT
2 are to be included in the calculation of average daily receipts from the sale of alcoholic
3 beverages under § 1-102(a)(22)(i)3 of this article.

4 (8) The hours of sale for a refillable container [license] PERMIT:

5 (i) Begin at the same time as those for the license already held
6 by the person to whom the refillable container [license] PERMIT is issued; and

7 (ii) End at midnight.

8 (9) A [license] holder ~~OF A REFILLABLE CONTAINER PERMIT~~ may
9 refill only a refillable container that ~~was branded by [the license]~~ ~~A REFILLABLE~~
10 ~~CONTAINER PERMIT holder~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS
11 ARTICLE.

12 (10) The Board shall adopt regulations to carry out this subsection.

13 8-204.10.

14 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

15 (B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE
16 COMMISSIONERS.

17 (C) THERE IS A REFILLABLE CONTAINER PERMIT.

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

20 (E) (1) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER
21 PERMIT, THE APPLICANT SHALL COMPLETE THE FORM THAT THE BOARD
22 PROVIDES.

23 (2) THE BOARD MAY CHARGE AN ANNUAL PERMIT FEE OF UP TO:

24 (I) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING
25 ALCOHOLIC BEVERAGES LICENSE WITHOUT AN OFF-SALE PRIVILEGE; OR

26 (II) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING
27 ALCOHOLIC BEVERAGES LICENSE WITH AN OFF-SALE PRIVILEGE.

28 (F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

1 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
2 **ALCOHOLIC BEVERAGES LICENSE; AND**

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

4 **(G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
5 **SECTION.**

6 **8-207.**

7 **(A) THIS SECTION APPLIES ONLY IN CARROLL COUNTY.**

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

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

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

13 **(E) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT,**
14 **THE APPLICANT SHALL:**

15 **(1) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND**

16 **(2) PAY AN ANNUAL PERMIT FEE OF:**

17 **(i) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**
18 **ALCOHOLIC BEVERAGES LICENSE WITHOUT AN OFF-SALE PRIVILEGE; OR**

19 **(ii) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**
20 **ALCOHOLIC BEVERAGES LICENSE WITH AN OFF-SALE PRIVILEGE.**

21 **(F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

22 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
23 **ALCOHOLIC BEVERAGES LICENSE; AND**

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

25 **8-210.**

26 (a) In this section, "Board" means the Board of License Commissioners of
27 Dorchester County.

1 (b) This section applies only in Dorchester County.

2 (c) There is a refillable container [license] **PERMIT**.

3 (d) The Board may issue a refillable container [license] **PERMIT** to a holder
4 of an alcoholic beverages license that is a:

5 (1) Class B beer license;

6 (2) Class B beer and light wine license;

7 (3) Class B beer, wine and liquor license;

8 (4) Class D beer license;

9 (5) Class D beer and light wine license; or

10 (6) Class D beer, wine and liquor license.

11 (e) Subject to subsection (f) of this section, a refillable container [license]
12 **PERMIT** entitles the holder to sell draft beer for consumption off the premises in a
13 refillable container with a capacity of not less than 32 ounces and not more than 128
14 ounces.

15 (f) In areas of the licensed premises that are accessible to the public, a
16 holder of a refillable container [license] **PERMIT** may not display or provide shelving
17 for beer for consumption off the premises.

18 (g) To be used as a refillable container, a container shall:

19 ~~(1) Be sealable;~~

20 ~~(2) Be branded with an identifying mark of the [license] **PERMIT**~~
21 ~~holder **WHO SELLS THE CONTAINER**;~~

22 ~~(3) Bear the federal health warning statement required for containers~~
23 ~~of alcoholic beverages under 27 C.F.R. 16.21;~~

24 ~~(4) Display instructions for cleaning the container; and~~

25 ~~(5) Bear a label stating that:~~

26 ~~(i) Cleaning the container is the responsibility of the consumer;~~

27 **and**

1 (ii) ~~The contents of the container are perishable and should be~~
 2 ~~refrigerated immediately and consumed within 48 hours after purchase~~ **MEET THE**
 3 **STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

4 (h) Before the Board issues a refillable container [license] **PERMIT**, the
 5 applicant shall:

6 (1) Complete the form that the Board provides; and

7 (2) Pay an annual [license] **PERMIT** fee of:

8 (i) \$500 for an applicant whose alcoholic beverages license does
 9 not have an off-sale privilege; or

10 (ii) \$50 for an applicant whose alcoholic beverages license has
 11 an off-sale privilege.

12 (i) An applicant for a refillable container [license] **PERMIT** that holds an
 13 alcoholic beverage license without an off-sale privilege shall meet the same
 14 advertising, posting of notice, and public hearing requirements as those for the
 15 alcoholic beverages license that the applicant holds.

16 (j) The term of a refillable container [license] **PERMIT** issued to a successful
 17 applicant is the same as that of the alcoholic beverages license that the applicant
 18 holds.

19 (k) The hours of sale for a refillable container [license] **PERMIT**:

20 (1) Begin at the same time as those for the alcoholic beverages license
 21 already held by the person to whom the refillable container license is issued; and

22 (2) End at midnight.

23 (l) [The] **A** holder of a refillable container [license] **PERMIT** may refill only
 24 a refillable container that ~~was branded by [the license]~~ **A REFILLABLE CONTAINER**
 25 ~~**PERMIT** holder~~ **MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

26 (m) The Board may adopt regulations to carry out this section, including
 27 limiting the number of refillable container [licenses] **PERMITS** that may be issued in
 28 the County.

29 8-212.

30 (a) This section applies only in Garrett County.

31 (c) (4) To be used as a refillable container, a container shall:

- 1 (i) ~~Be sealable;~~
- 2 (ii) ~~Be branded with an identifying mark of the [license]~~
3 ~~PERMIT holder WHO SELLS THE CONTAINER;~~
- 4 (iii) ~~Bear the federal health warning statement required for~~
5 ~~containers of alcoholic beverages under 21 C.F.R. 16.21;~~
- 6 (iv) ~~Display instructions for cleaning the container; and~~
- 7 (v) ~~Bear a label stating that:~~
- 8 1. ~~Cleaning the container is the responsibility of the~~
9 ~~consumer; and~~
- 10 2. ~~The contents of the container are perishable and~~
11 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~
12 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

13 (5) ~~A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL~~
14 ~~ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY A REFILLABLE~~
15 ~~CONTAINER PERMIT HOLDER MEETS THE STANDARDS UNDER § 21-107 OF THIS~~
16 ARTICLE.

17 [[5] (6) The Board of License Commissioners may adopt regulations
18 to carry out this subsection.

19 8-213.3.

20 (A) THIS SECTION APPLIES ONLY IN HARFORD COUNTY.

21 (B) THERE IS A REFILLABLE CONTAINER PERMIT.

22 (C) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A
23 HOLDER OF A CLASS A-1 OR A-2 LICENSE, A CLASS B LICENSE THAT HAS
24 OFF-SALE PRIVILEGES, OR A CLASS D LICENSE.

25 (D) THE ANNUAL PERMIT FEE IS \$50.

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

27 (1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING
28 ALCOHOLIC BEVERAGES LICENSE; AND

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

2 **8-217.1.**

3 **(A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.**

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

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

7 **(D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A**
8 **HOLDER OF ANY CLASS B BEER, WINE AND LIQUOR LICENSE WITH OFF-SALE**
9 **PRIVILEGES.**

10 **(E) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT TO**
11 **AN APPLICANT, THE APPLICANT SHALL:**

12 **(1) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND**

13 **(2) PAY AN ANNUAL PERMIT FEE THAT THE BOARD ESTABLISHES.**

14 **(F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

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

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

19 **(G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
20 **SECTION.**

21 **8-219.1.**

22 **(A) THIS SECTION APPLIES ONLY IN ST. MARY'S COUNTY.**

23 **(B) IN THIS SECTION, "BOARD" MEANS THE ALCOHOL BEVERAGE**
24 **BOARD.**

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

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

1 **(E) (1) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER**
 2 **PERMIT, THE APPLICANT SHALL COMPLETE THE FORM THAT THE BOARD**
 3 **PROVIDES.**

4 **(2) THE BOARD MAY CHARGE AN ANNUAL PERMIT FEE OF UP TO:**

5 **(I) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**
 6 **ALCOHOLIC BEVERAGES LICENSE WITHOUT AN OFF-SALE PRIVILEGE; OR**

7 **(II) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**
 8 **ALCOHOLIC BEVERAGES LICENSE WITH AN OFF-SALE PRIVILEGE.**

9 **(F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

10 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
 11 **ALCOHOLIC BEVERAGES LICENSE; AND**

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

13 **(G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
 14 **SECTION.**

15 9-204.1.

16 (b) This section applies only in Baltimore City.

17 (f) (1) This subsection applies only in the 46th alcoholic beverages
 18 district.

19 (8) Notwithstanding paragraph (2)(ii) through (iv) of this subsection, a
 20 license specified under this subsection, including a license that allows no sales for
 21 off-premises consumption, may include an off-sale privilege for sales of refillable
 22 containers under a refillable container [license] PERMIT issued in accordance with §
 23 8-203(e) of this article.

24 12-113.

25 (a) For the prevention and detection of fraud by manufacturers,
 26 [wholesalers] WHOLESALERS, and retail dealers, the Comptroller and/or the local
 27 liquor licensing boards shall be empowered to prescribe for use, and to authorize any
 28 of their deputies or inspectors to make use of [such] hydrometers, saccharometers,
 29 weighing and gauging instruments or other means, records or devices for ascertaining
 30 the quantity and/or quality of alcohol in any alcoholic beverage [as] THAT they [may
 31 deem] CONSIDER necessary, and they may [prescribe] ADOPT rules and regulations

1 to secure a uniform and correct system of inspection, [marking] **MARKING**, and
2 gauging of [all such] **THOSE** beverages.

3 (b) [No] A retail dealer or AN agent or employee of [such] A retail dealer
4 [shall] **MAY NOT** tamper with, by the addition to, or the change in any manner
5 [whatsoever of] the quantity or quality[, of] **OF**, the contents of any container of
6 alcoholic beverages after [such] **THE** container of alcoholic beverages has been sealed
7 in accordance with the laws of the United States and/or the laws of the State of
8 Maryland, and while the contents remain in the original container.

9 (c) Except as [provided in §§ 7-101(w)(3) and 8-203(e) of] **SPECIFICALLY**
10 **AUTHORIZED BY** this article **WITH RESPECT TO REFILLABLE BEER AND WINE**
11 **CONTAINERS**, [no] A retail dealer, or AN agent or employee of [such] A retail dealer
12 [shall] **MAY NOT** refill any container of alcoholic beverages with any substance
13 [whatsoever] after [such] **THE** container has once been emptied of its original
14 contents.

15 (d) (1) [No] A retail dealer [shall] **MAY NOT** keep or possess any
16 container or containers of alcoholic beverages that have been tampered with in
17 violation of subsection (b) of this [section and no] **SECTION**.

18 (2) A retail dealer [shall] **MAY NOT** keep or possess any container or
19 containers of alcoholic beverages that have been refilled in violation of subsection (c) of
20 this section.

21 (E) [Any] A person [violating] **WHO VIOLATES** any [of the provisions]
22 **PROVISION** of this section [shall be deemed] **IS** guilty of a misdemeanor and [upon]
23 **ON** conviction [thereof shall be] **IS** subject to a fine [of] not [more than one thousand
24 dollars (\$1,000.00)] **EXCEEDING \$1,000** or [to] imprisonment [for not more than two]
25 **NOT EXCEEDING 2** years [in the house of correction or jail,] or both [fined and
26 imprisoned in the discretion of the court].

27 **21-107.**

28 (A) **THIS SECTION GOVERNS THE STANDARDS FOR AND USE OF**
29 **CONTAINERS THAT MAY BE SOLD, FILLED, AND REFILLED UNDER THE**
30 **AUTHORITY OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS**
31 **ARTICLE.**

32 (B) **TO BE USED AS A REFILLABLE CONTAINER FOR BEER UNDER THE**
33 **AUTHORITY OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS**
34 **ARTICLE, A CONTAINER SHALL:**

1 **(1) HAVE A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT**
2 **MORE THAN 128 OUNCES;**

3 **(2) BE SEALABLE;**

4 **(3) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF**
5 **THE CONTAINER;**

6 **(4) BEAR THE FEDERAL HEALTH WARNING STATEMENT**
7 **REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.**
8 **16.21;**

9 **(5) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND**

10 **(6) BEAR A LABEL STATING THAT:**

11 **(i) CLEANING THE CONTAINER IS THE RESPONSIBILITY OF**
12 **THE CONSUMER; AND**

13 **(ii) THE CONTENTS OF THE CONTAINER ARE PERISHABLE**
14 **AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48**
15 **HOURS AFTER PURCHASE.**

16 **(c) TO BE USED AS A REFILLABLE CONTAINER FOR WINE UNDER THE**
17 **AUTHORITY OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS**
18 **ARTICLE, A CONTAINER SHALL:**

19 **(1) HAVE A CAPACITY OF NOT LESS THAN 17 OUNCES AND NOT**
20 **MORE THAN 34 OUNCES;**

21 **(2) BE SEALABLE;**

22 **(3) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF**
23 **THE CONTAINER;**

24 **(4) BEAR THE FEDERAL HEALTH WARNING STATEMENT**
25 **REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.**
26 **16.21;**

27 **(5) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND**

28 **(6) BEAR A LABEL STATING THAT CLEANING THE CONTAINER IS**
29 **THE RESPONSIBILITY OF THE CONSUMER.**

1 **(D) THE COMPTROLLER MAY ADOPT STANDARDS ON CONTAINERS THAT**
 2 **QUALIFY FOR USE UNDER THIS SECTION AS REFILLABLE CONTAINERS FOR BEER**
 3 **AND FOR WINE, RESPECTIVELY, INCLUDING CONTAINERS ORIGINATING FROM**
 4 **OUTSIDE THE STATE.**

5 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE**
 6 **HOLDER OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS ARTICLE**
 7 **MAY REFILL A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE**
 8 **THE STATE THAT MEETS STANDARDS ADOPTED BY THE COMPTROLLER UNDER**
 9 **THIS SECTION FOR A BEER CONTAINER OR A WINE CONTAINER, AS**
 10 **APPROPRIATE.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.