

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 208
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “permits;” insert “authorizing the issuance of refillable container permits in certain jurisdictions to the holders of certain licenses for certain fees and subject to certain requirements; establishing certain provisions, procedures, and requirements for certain refillable container permits in certain jurisdictions; reorganizing certain provisions concerning refillable container permits; authorizing the Comptroller to establish certain standards and uses for certain refillable containers sold, filled, or refilled in the State; authorizing the holder of a refillable container permit to refill certain containers that meet certain standards;”; in line 12, strike “(p-1)(11)(vi)” and substitute “(p-1)(11)”; and strike in their entirety lines 22 through 25, inclusive.

On page 2, strike in their entirety lines 1 and 2; in line 5, after “Section” insert “8-103, 8-204.10, 8-207,”; and in the same line, after “8-212(c)(5)” insert “, 8-213.3, and 21-107”.

AMENDMENT NO. 2

On page 5, after line 20, insert:

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

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

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

(Over)

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

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

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

and strike in their entirety lines 21 through 29, inclusive.

On page 6, strike in their entirety lines 1 through 5, inclusive; after line 5, insert:

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

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

and strike in their entirety lines 6 through 8, inclusive.

On page 7, after line 20, insert:

“8-103.

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

(i) BALTIMORE COUNTY;

(ii) CARROLL COUNTY;

(iii) HARFORD COUNTY; AND

(iv) HOWARD COUNTY.

(2) THIS SECTION APPLIES WITH RESPECT TO WINE IN HOWARD COUNTY.

(B) THERE IS A REFILLABLE CONTAINER PERMIT.

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

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

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

(Over)

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

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

On page 11, after line 18, insert:

“8-204.10.

(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

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

(C) THERE IS A REFILLABLE CONTAINER PERMIT.

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

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

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

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

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

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

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

(2) END AT MIDNIGHT.

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

8-207.

(A) THIS SECTION APPLIES ONLY IN CARROLL COUNTY.

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

(C) THERE IS A REFILLABLE CONTAINER PERMIT.

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

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

(Over)

- (1) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND
- (2) PAY AN ANNUAL PERMIT FEE OF:
 - (I) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING ALCOHOLIC BEVERAGES LICENSE WITHOUT AN OFF-SALE PRIVILEGE; OR
 - (II) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING ALCOHOLIC BEVERAGES LICENSE WITH AN OFF-SALE PRIVILEGE.
- (F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:
 - (1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING ALCOHOLIC BEVERAGES LICENSE; AND
 - (2) END AT MIDNIGHT.”.

On page 14, after line 7, insert:

“8-213.3.

- (A) THIS SECTION APPLIES ONLY IN HARFORD COUNTY.
- (B) THERE IS A REFILLABLE CONTAINER PERMIT.
- (C) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS A-1 OR A-2 LICENSE, A CLASS B LICENSE THAT HAS OFF-SALE PRIVILEGES, OR A CLASS D LICENSE.

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

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

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

(2) END AT MIDNIGHT.”.

On page 15, after line 15, insert:

“21-107.

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

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

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

(2) BE SEALABLE;

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

(Over)

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

(5) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND

(6) BEAR A LABEL STATING THAT:

(I) CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER; AND

(II) THE CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48 HOURS AFTER PURCHASE.

(C) TO BE USED AS A REFILLABLE CONTAINER FOR WINE UNDER THE AUTHORITY OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS ARTICLE, A CONTAINER SHALL:

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

(2) BE SEALABLE;

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

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

(5) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND

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

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

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

AMENDMENT NO. 3

On page 2 in line 26, on page 3 in line 13, and on page 4 in lines 2 and 3, in each instance, strike “was branded by [the] A REFILLABLE CONTAINER permit holder” and substitute “MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 5, strike beginning with “bears” in line 16 down through “holder” in line 17 and substitute “MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 7, strike beginning with “was” in line 19 down through “holder” in line 20 and substitute “MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 9, strike beginning with “was” in line 3 down through “holder” in line 4 and substitute “MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”; and strike beginning with “was” in line 26 down through “holder” in line 27 and substitute “MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 11, strike beginning with “was” in line 16 down through “holder” in line 17 and substitute “MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 13, strike beginning with “was” in line 13 down through “holder” in line 14 and substitute “MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 14, strike beginning with “WAS” in line 4 down through “HOLDER” in line 5 and substitute “MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

AMENDMENT NO. 4

On page 2, strike beginning with the colon in line 13 down through “purchase” in line 24 and substitute “MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On pages 2 and 3, strike beginning with the colon in line 30 on page 2 down through “purchase” in line 11 on page 3 and substitute “MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 3, strike beginning with the colon in line 17 down through “purchase” in line 28 and substitute “MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On pages 4 and 5, strike beginning with the colon in line 20 on page 4 down through “purchase” in line 2 on page 5 and substitute “MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 6, strike beginning with the colon in line 19 down through “purchase” in line 30 and substitute “MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 8, strike beginning with the colon in line 2 down through “purchase” in line 13 and substitute “MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 9, strike beginning with the colon in line 13 down through “purchase” in line 24 and substitute “MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 10, strike beginning with the colon in line 10 down through “purchase” in line 21 and substitute “MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On page 12, strike beginning with the colon in line 10 down through “purchase” in line 21 and substitute “MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.

On pages 13 and 14, strike beginning with the colon in line 20 on page 13 down through “purchase” in line 2 on page 14 and substitute “MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE”.