HOUSE BILL 208

A1, A2 (4lr0675)

ENROLLED BILL

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

Introduced by **Delegates Barkley, Schulz, Olszewski, Jameson, Krebs, Aumann, Barnes, Braveboy, Davis, Elliott, Gilchrist, Glenn, Guzzone, Haddaway–Riccio, Hucker, Impallaria, Kramer, Love, McHale, W. Miller, Minnick, Mitchell, Ready, S. Robinson, Rudolph, Stifler, Stocksdale, and Vaughn**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____M.

_____

Speaker.

CHAPTER _____

AN ACT concerning

Alcoholic Beverages – Refillable Containers – Permits and Labels

FOR the purpose of providing that the holders of certain alcoholic beverages manufacturing and retail licenses and refillable container permits may refill certain containers that are branded by a certain holder of a refillable container permit; renaming certain refillable container licenses to be refillable container permits; 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;

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.

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; *establishing a refillable container permit in Prince George's County; authorizing the Board of License Commissioners for Prince George's County to issue the refillable container permit to a holder of a certain class of license; specifying that the refillable container permit in Prince George's County entitles the holder to sell draft beer for consumption off the licensed premises in a certain refillable container; requiring the Board of License Commissioners for Prince George's County to adopt certain regulations; establishing a refillable container permit in St. Mary's County; authorizing the Alcohol Beverage Board for St. Mary's County to issue the refillable container permit to holders of certain classes of license; specifying that the refillable container permit in St. Mary's County entitles the holder to sell draft beer for consumption off the licensed premises in a certain refillable container; requiring the Alcohol Beverage Board for St. Mary's County to adopt certain regulations;* making other clarifying and stylistic changes; and generally relating to alcoholic beverages and refillable containers.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–206(d)(3) and (5), 5–201(q)(5) and (7), 5–401(q)(2)(iv) and (vi), 6–201(d)(1)(v)2., 7–101(l)(8), ~~(p–1)(11)(vi)~~ (p–1)(11), and (w)(3), 8–202(l), 8–202.2(d) and (h), 8–203(e), 8–210, 8–212(c)(4) and (5), 9–204.1(f)(8), and 12–113
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 5–201(q)(1), 5–401(q)(1), 6–201(d)(1)(i), 7–101(l)(1), (p–1)(1), and (w)(1), 8–202(a), 8–202.2(a), 8–203(a), 8–212(a), and 9–204.1(b) and (f)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article 2B – Alcoholic Beverages~~
~~Section 7–101(p–1)(11)(iii)~~
~~Annotated Code of Maryland~~
~~(2011 Replacement Volume and 2013 Supplement)~~
~~(As enacted by Chapter 117 of the Acts of the General Assembly of 2013)~~

BY adding to
Article 2B – Alcoholic Beverages
Section 8–103, 8–204.10, 8–207, 8–212(c)(5), 8–213.3, *8–217.1, 8–219.1,* and 21–107
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

2–206.

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

~~(i) Be sealable;~~

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

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

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

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

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

~~2. 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**.

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

5–201.

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

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

~~(i) Be sealable;~~

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

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

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

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

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

~~2. 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**.

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

5–401.

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

(2) (iv) To be used as a refillable container under subparagraph (iii) 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. 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**.

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

6–201.

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

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

7–101.

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

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

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

(iii) Subject to subparagraph (iv) of this paragraph, a refillable container **[**license**]** **PERMIT** entitles the holder to sell 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.

(iv) To be used as a refillable container under subparagraph (iii) 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**.

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

1. Complete the form that the Board provides; and

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

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

(vii) 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 § 11–508(b)(3) of this article.

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

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

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

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

(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.

[(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.**]**

~~(11) (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:~~

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

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

[(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.**]**

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

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

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

(ii) Subject to subparagraph (iii) of this paragraph, a refillable container **[**license**]** **PERMIT** entitles the holder to sell 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.

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

2. End at midnight.

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

8–103.

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

(I) BALTIMORE COUNTY;

(II) CARROLL COUNTY;

(III) HARFORD COUNTY; ~~AND~~

(IV) HOWARD COUNTY~~.~~;

(V) PRINCE GEORGE'S COUNTY; AND

(VI) ST. MARY'S 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.

(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.

8–202.

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

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

(2) The Board may issue a refillable container **[**license**]** **PERMIT** to a holder of a Class A license, a Class B license, or a Class D license.

(3) Subject to paragraph (4) of this subsection, a refillable container **[**license**]** **PERMIT** entitles the **[**license**]** holder to sell 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.

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

~~(i) Be sealable;~~

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

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

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

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

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

~~2. 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**.

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

(i) The applicant shall:

1. Complete the form that the Board provides; and

2. Pay an annual **[**license**]** **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 **[**license**]** **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 **[**license**]** **PERMIT**:

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

(ii) End at midnight.

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

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

8–202.2.

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

(d) (1) Subject to paragraph (2) of this subsection, a refillable container **[**license**]** **PERMIT** entitles the **[**license**]** **PERMIT** holder to sell 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.

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

~~(i) Be sealable;~~

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

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

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

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

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

~~2. 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**.

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

8–203.

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

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

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

(3) Subject to paragraph (4) of this subsection, a refillable container **[**license**]** **PERMIT** entitles the holder to sell 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.

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

~~(i) Be sealable;~~

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

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

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

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

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

~~2. 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**.

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

(i) The applicant shall:

1. Complete the form that the Board provides; and

2. Pay an annual **[**license**]** **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 **[**license**]** **PERMIT** issued to a successful applicant is the same as that of the license that the applicant holds.

(7) 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 § 1–102(a)(22)(i)3 of this article.

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

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

(ii) End at midnight.

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

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

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:

(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.

8–210.

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

(b) This section applies only in Dorchester County.

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

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

(1) Class B beer license;

(2) Class B beer and light wine license;

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

(4) Class D beer license;

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

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

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

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

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

~~(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~~ **MEET THE STANDARDS UNDER § 21–107 OF THIS ARTICLE**.

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

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

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

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

(ii) $50 for an applicant whose alcoholic beverages license has an off–sale privilege.

(i) An applicant for a refillable container **[**license**]** **PERMIT** that holds an alcoholic beverage 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.

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

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

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

(2) End at midnight.

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

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

8–212.

(a) This section applies only in Garrett County.

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

~~(i) Be sealable;~~

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

~~(iii) Bear the federal health warning statement required for containers of alcoholic beverages under 21 C.F.R. 16.21;~~

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

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

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

~~2. 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**.

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

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

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.

8–217.1.

(A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S 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 ANY CLASS B BEER, WINE AND LIQUOR LICENSE WITH OFF–SALE PRIVILEGES.

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

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

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

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

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

(2) END AT MIDNIGHT.

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

8–219.1.

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

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

(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.

9–204.1.

(b) This section applies only in Baltimore City.

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

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

12–113.

(a) For the prevention and detection of fraud by manufacturers, **[**wholesalers**]** **WHOLESALERS,** and retail dealers, the Comptroller and/or the local liquor licensing boards shall be empowered to prescribe for use, and to authorize any of their deputies or inspectors to make use of **[**such**]** hydrometers, saccharometers, weighing and gauging instruments or other means, records or devices for ascertaining the quantity and/or quality of alcohol in any alcoholic beverage **[**as**]** **THAT** they **[**may deem**]** **CONSIDER** necessary, and they may **[**prescribe**]** **ADOPT** rules and regulations to secure a uniform and correct system of inspection, **[**marking**]** **MARKING,** and gauging of **[**all such**]** **THOSE** beverages.

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

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

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

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

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

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;

(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.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.