

SENATE BILL 130

A2

6lr0751
CF HB 299

By: **Senator Mathias**

Introduced and read first time: January 15, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2016

CHAPTER _____

1 AN ACT concerning

2 **Worcester County – Alcoholic Beverages – Refillable Container Permit for Draft**
3 **Beer**

4 FOR the purpose of establishing a refillable container permit for draft beer in Worcester
5 County; authorizing the Worcester County Board of License Commissioners to issue
6 a refillable container permit for draft beer to certain holders of certain licenses under
7 certain circumstances and conditions; ~~specifying that a refillable container permit~~
8 ~~authorizes a holder to sell draft beer for off-premises consumption in a certain~~
9 ~~refillable container under certain circumstances and conditions; specifying the term,~~
10 ~~hours for sale, and advertising, posting of notice, and public hearing requirements~~
11 ~~associated with a refillable container permit; specifying the hours of sale for the~~
12 permit; specifying a permit fee; requiring an applicant for a refillable container
13 permit to take certain actions before the Board may issue a refillable container
14 permit to an applicant; requiring that certain receipts collected be included in certain
15 calculations of average daily receipts; defining a certain term; and generally relating
16 to refillable container permits for draft beer in Worcester County.

17 ~~BY repealing and reenacting, with amendments,~~
18 ~~Article 2B – Alcoholic Beverages~~
19 ~~Section 8-103~~
20 ~~Annotated Code of Maryland~~
21 ~~(2011 Replacement Volume and 2015 Supplement)~~

22 ~~BY adding to~~
23 ~~Article 2B – Alcoholic Beverages~~

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.



1 ~~Section 8-224.1~~
 2 ~~Annotated Code of Maryland~~
 3 ~~(2011 Replacement Volume and 2015 Supplement)~~

4 ~~BY repealing and reenacting, without amendments,~~
 5 ~~Article 2B—Alcoholic Beverages~~
 6 ~~Section 21-107~~
 7 ~~Annotated Code of Maryland~~
 8 ~~(2011 Replacement Volume and 2015 Supplement)~~

9 BY repealing and reenacting, without amendments,
 10 Article – Alcoholic Beverages
 11 Section 33-102
 12 Annotated Code of Maryland
 13 (As enacted by Chapter (S.B. 724) of the Acts of the General Assembly of 2016)

14 BY repealing and reenacting, with amendments,
 15 Article – Alcoholic Beverages
 16 Section 33-1101
 17 Annotated Code of Maryland
 18 (As enacted by Chapter (S.B. 724) of the Acts of the General Assembly of 2016)

19 BY adding to
 20 Article – Alcoholic Beverages
 21 Section 33-1103
 22 Annotated Code of Maryland
 23 (As enacted by Chapter (S.B. 724) of the Acts of the General Assembly of 2016)

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

26 ~~Article 2B—Alcoholic Beverages~~

27 ~~§ 103.~~

28 ~~(a) (1) This section applies with respect to draft beer in the following~~
 29 ~~jurisdictions:~~

30 ~~(i) Baltimore County;~~

31 ~~(ii) Carroll County;~~

32 ~~(iii) Charles County;~~

33 ~~(iv) Harford County;~~

34 ~~(v) Howard County;~~

- 1 (vi) ~~Prince George's County;~~
- 2 (vii) ~~Queen Anne's County;~~
- 3 (viii) ~~St. Mary's County; [and]~~
- 4 (ix) ~~Washington County; AND~~
- 5 (x) ~~WORCESTER COUNTY.~~

6 (2) ~~This section applies with respect to wine in the following jurisdictions:~~

- 7 (i) ~~Harford County;~~
- 8 (ii) ~~Howard County; and~~
- 9 (iii) ~~Montgomery County.~~

10 (b) ~~There is a refillable container permit.~~

11 (c) ~~With respect to the alcoholic beverages authorized for the local jurisdiction~~
 12 ~~under subsection (a) of this section, a refillable container permit entitles the permit holder~~
 13 ~~to sell draft beer or wine, respectively, for consumption off the licensed premises in a~~
 14 ~~refillable container that meets the standards under § 21-107 of this article.~~

15 (d) ~~The term of a refillable container permit is the same as that of the underlying~~
 16 ~~alcoholic beverages license.~~

17 (e) ~~Except as otherwise specifically provided, the hours of sale for a refillable~~
 18 ~~container permit are the same as those for the underlying alcoholic beverages license.~~

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

22 (g) ~~A holder of a refillable container permit may refill only a refillable container~~
 23 ~~that meets the standards under § 21-107 of this article.~~

24 ~~§ 224.1.~~

25 (A) ~~THIS SECTION APPLIES ONLY IN WORCESTER COUNTY.~~

26 (B) ~~IN THIS SECTION, "BOARD" MEANS THE WORCESTER COUNTY BOARD~~
 27 ~~OF LICENSE COMMISSIONERS.~~

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

2 ~~(D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT~~
 3 ~~BEER TO A HOLDER OF A CLASS B LICENSE OR A CLASS D LICENSE.~~

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

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

7 ~~(2) PAY AN ANNUAL PERMIT FEE OF \$500.~~

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

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

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

13 ~~(G) RECEIPTS COLLECTED UNDER A REFILLABLE CONTAINER PERMIT~~
 14 ~~SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE~~
 15 ~~SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS B RESTAURANT LICENSE AND A~~
 16 ~~CLASS B HOTEL LICENSE.~~

17 ~~21-107.~~

18 ~~(a) This section governs the standards for and use of containers that may be sold,~~
 19 ~~filled, and refilled under the authority of a refillable container permit issued under this~~
 20 ~~article.~~

21 ~~(b) To be used as a refillable container for beer under the authority of a refillable~~
 22 ~~container permit issued under this article, a container shall:~~

23 ~~(1) Have a capacity of not less than 32 ounces and not more than 128~~
 24 ~~ounces;~~

25 ~~(2) Be sealable;~~

26 ~~(3) Be branded with an identifying mark of the seller of the container;~~

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

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

- 1 ~~(6) Bear a label stating that:~~
- 2 ~~(i) Cleaning the container is the responsibility of the consumer; and~~
- 3 ~~(ii) The contents of the container are perishable and should be~~
4 ~~refrigerated immediately and consumed within 48 hours after purchase.~~
- 5 ~~(e) To be used as a refillable container for wine under the authority of a refillable~~
6 ~~container permit issued under this article, a container shall:~~
- 7 ~~(1) Have a capacity of not less than 17 ounces and not more than 34 ounces;~~
- 8 ~~(2) Be sealable;~~
- 9 ~~(3) Be branded with an identifying mark of the seller of the container;~~
- 10 ~~(4) Bear the federal health warning statement required for containers of~~
11 ~~alcoholic beverages under 27 C.F.R. 16.21;~~
- 12 ~~(5) Display instructions for cleaning the container; and~~
- 13 ~~(6) Bear a label stating that cleaning the container is the responsibility of~~
14 ~~the consumer.~~
- 15 ~~(d) The Comptroller may adopt standards on containers that qualify for use under~~
16 ~~this section as refillable containers for beer and for wine, respectively, including containers~~
17 ~~originating from outside the State.~~
- 18 ~~(e) Notwithstanding any other provision of this article, the holder of a refillable~~
19 ~~container permit issued under this article may refill a refillable container originating from~~
20 ~~inside or outside the State that meets standards adopted by the Comptroller under this~~
21 ~~section for a beer container or a wine container, as appropriate.~~

Article – Alcoholic Beverages

22 33-102.

23 This title applies only in Worcester County.

24 33-1101.

25 ~~(a) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”)~~
26 ~~of Division I of this article apply in the County without exception or variation:~~

27 ~~(1) § 4-1102 (“Corkage – Consuming wine not purchased from license~~
28 ~~holder on licensed premises”); and~~

1 (2) § 4-1103 (“Removal of partially consumed bottle of wine from licensed
2 premises”).

3 (b) [The following sections] SECTION 4-1105 (“REFILLABLE CONTAINER
4 PERMIT – WINE”) of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of
5 this article [do] DOES not apply in the County[:

6 (1) § 4-1104 (“Refillable container permit – Draft beer”); and

7 (2) § 4-1105 (“Refillable container permit – Wine”)].

8 (c) SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT – DRAFT BEER”)
9 OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF
10 THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33-1103 OF THIS SUBTITLE.

11 33-1103.

12 (A) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT
13 BEER TO A HOLDER OF A CLASS B OR CLASS D LICENSE.

14 (B) BEFORE THE BOARD ISSUES THE PERMIT TO AN APPLICANT, THE
15 APPLICANT SHALL:

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

17 (2) PAY AN ANNUAL PERMIT FEE OF \$500.

18 (C) THE HOURS OF SALE FOR THE PERMIT:

19 (1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING
20 LICENSE; AND

21 (2) END AT MIDNIGHT.

22 (D) RECEIPTS COLLECTED UNDER THE PERMIT SHALL BE INCLUDED IN THE
23 CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC
24 BEVERAGES UNDER A CLASS B RESTAURANT LICENSE AND A CLASS B HOTEL
25 LICENSE.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2016.