

**HB0401/803893/1**

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 401  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “authorizing certain Class B licenses to include a certain off-sale privilege under certain circumstances, notwithstanding certain provisions;”; strike beginning with the first “a” in line 5 down through “restaurant” in line 6 and substitute “any class of alcoholic beverages license issued by the Board except a Class C license and a Class M-G license”; in line 6, after “sell” insert “draft”; strike beginning with “to” in line 8 down through “consumption” in line 9; in line 9, after the semicolon insert “requiring a refillable container to meet certain requirements;”; in line 11, after “that” insert “certain applicants meet”; in line 12, strike “be met”; strike beginning with “exercise” in line 15 down through “restaurant” in line 16 and substitute “refill only a refillable container that was branded by the license holder”; in line 16, strike “authorizing” and substitute “requiring”; in line 21, strike the second “and” and substitute a comma; in the same line, after “(b)” insert “, 9-204.1(f)(1), and 12-108(a)(1)”; after line 23, insert:

“BY repealing and reenacting, with amendments,

Article 2B - Alcoholic Beverages

Section 6-201(d)(1)(v) and (vi), 9-204.1(f)(2), and 12-113(c)

Annotated Code of Maryland

(2011 Replacement Volume)”;

and in line 26, after “8-203(e)” insert “and 9-204.1(f)(8)”.

On page 2, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 2

On page 3, after line 11, insert:

(Over)

“6-201.

(d) (1) (v) 1. [In] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IN an area coterminous with the 47th Alcoholic Beverages District as that district existed before the Legislative Districting Plan was ordered by the Maryland Court of Appeals on June 21, 2002, a Class B beer, wine and liquor license issued for use in a restaurant:

[1.] A. After July 1, 1991 may not include an off-sale alcoholic beverages privilege;

[2.] B. Before July 1, 1991 with an on-sale alcoholic beverages privilege only may not be changed or altered to include an off-sale alcoholic beverages privilege;

[3.] C. Before July 1, 1991 with both on- and off-sale alcoholic beverages privileges may continue to be sold, renewed, or transferred within the 47th Alcoholic Beverages District with both privileges; and

[4.] D. Except as provided in subparagraph (vi) of this paragraph, before July 1, 1991 may not include an off-sale privilege for sales of alcoholic beverages from 12 midnight on Saturday to 2 a.m. on Monday.

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 ISSUED IN ACCORDANCE WITH § 8-203(E) OF THIS ARTICLE.

(vi) The sales prohibition in subparagraph [(v)4] (V)1D of this paragraph does not apply to a Class B beer, wine and liquor licensee:

1. Whose license was issued before July 1, 1991; and
2. Who prior to July 1, 1991 operated the premises and exercised the sales privileges under the license on Sundays.”;

strike beginning with the second “A” in line 18 down through “RESTAURANT” in line 19 and substitute “ANY CLASS OF ALCOHOLIC BEVERAGES LICENSE ISSUED BY THE BOARD EXCEPT A CLASS C LICENSE AND A CLASS M-G LICENSE”; in line 20, strike “A” and substitute “SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A”; in line 21, after “SELL” insert “DRAFT”; strike beginning with the colon in line 21 down through “IN” in line 22 and substitute “IN”; strike beginning with the semicolon in line 23 down through “CONSUMPTION” in line 28; and after line 28, insert:

“(4) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION, A CONTAINER SHALL:

- (I) BE SEALABLE;
- (II) BE BRANDED WITH AN IDENTIFYING MARK OF THE LICENSE HOLDER;
- (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.”.**

On page 4, in line 3, strike “\$500; AND” and substitute “:

**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”;**

in line 4, strike “THE” and substitute “**AN APPLICANT WHO HOLDS A LICENSE WITHOUT AN OFF-SALE PRIVILEGE SHALL MEET THE**”; in line 6, strike “SHALL BE MET”; in line 14, after “LICENSE” insert a colon; in line 15, strike “ARE THE SAME” and substitute:

**“(I) BEGIN AT THE SAME TIME”;**

in line 16, after “ISSUED” insert “**; AND**

**(II) END AT MIDNIGHT”;**

strike beginning with “THE” in line 17 down through “RESTAURANT” in line 19 and substitute “A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY THE LICENSE HOLDER”; in line 20, strike “MAY” and substitute “SHALL”; strike beginning with the comma in line 21 down through “ISSUED” in line 22; and after line 22, insert:

“9-204.1.

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

(2) Notwithstanding § 6-201(d)(1)(vii) of this article, AND SUBJECT TO PARAGRAPH (8) OF THIS SUBSECTION, the Board may issue a Class B beer, wine and liquor license:

(i) For a restaurant in ward 26, precinct 8, if the restaurant has a minimum capital investment of \$700,000, a seating capacity exceeding 150 persons, and average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

(ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1, if the restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons, average daily receipts for the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption;

(iii) For not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004, if the restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons,

(Over)

average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption; and

(iv) For not more than three restaurants in a business planned unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002, if each restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons but is not more than 150 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption.

**(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 ISSUED IN ACCORDANCE WITH § 8-203(E) OF THIS ARTICLE.**

12-108.

(a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time:

(i) To a person under 21 years of age for the underage person's own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.”.