

SB0874/174133/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 874

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “authorizing a certain Class B license to include a certain off-sale privilege under a certain circumstance;”; 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”; in line 8, after “individual;” insert “requiring a refillable container to meet certain requirements;”; strike beginning with “exercise” in line 15 down through “restaurant” in line 16 and substitute “refill only a refillable container that was purchased from and was branded by the license holder”; in line 21, strike the second “and” and substitute a comma; in the same line, after “(b)” insert “, and 12-108(a)(1)”; and after line 23, insert:

“BY repealing and reenacting, with amendments,

Article 2B - Alcoholic Beverages

Section 6-201(d)(1)(v) and 12-113(c)

Annotated Code of Maryland

(2011 Replacement Volume)”.

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

AMENDMENT NO. 2

On page 3, after line 11, insert:

“6-201.

(d) (1) (v) In an area coterminous with the 47th Alcoholic Beverages District as that district existed before the Legislative Districting Plan was ordered by

(Over)

the Maryland Court of Appeals on June 21, 2002, a Class B beer, wine and liquor license issued for use in a restaurant:

1. [After] EXCEPT AS PROVIDED IN ITEM 5 OF THIS SUBPARAGRAPH, AFTER July 1, 1991 may not include an off-sale alcoholic beverages privilege;

2. 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. 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. 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; AND

5. 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.”;

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 21, after “SELL” insert “DRAFT”; in line 22, strike “IN” and substitute “SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IN”; after line 25, 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 3, in lines 26 and 29, strike “(4)” and “(5)”, respectively, and substitute “(5)” and “(6)”, respectively.

On page 4, in lines 7, 10, 14, 17, and 20, strike “(6)”, “(7)”, “(8)”, “(9)”, and “(10)”, respectively, and substitute “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively; in line 3, strike “\$500; AND” and substitute “:

(Over)

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.”;

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 PURCHASED FROM AND WAS BRANDED BY THE LICENSE HOLDER”; and after line 22, insert:

“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.”.