

HOUSE BILL 1047

A2

(2lr1886)

ENROLLED BILL

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

Introduced by **Howard County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

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

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

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages – Refillable Beer Containers**

3 **Ho. Co. 10-12**

4 FOR the purpose of authorizing the Board of License Commissioners for Howard
5 County to issue a refillable container permit to a holder of a ~~Class B special beer~~
6 ~~and wine~~ *certain alcoholic beverages* license under certain circumstances;
7 authorizing a holder of a Class B special beer and wine license ~~in Howard~~
8 ~~County~~ to sell draft beer in certain refillable containers for consumption off the
9 licensed premises ~~only to persons who have purchased food or alcohol an~~
10 ~~alcoholic beverage from the licensed premises~~; *requiring that certain applicants*
11 *meet certain advertising, posting of notice, and public hearing requirements;*
12 *requiring a refillable container to meet certain requirements; specifying the*
13 *term of and hours of sale for the permit; requiring that a holder of the permit*

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.



1 may refill only a refillable container that was branded by the permit holder; and
 2 generally relating to alcoholic beverages in Howard County.

3 BY repealing and reenacting, without amendments,
 4 Article 2B – Alcoholic Beverages
 5 Section 7–101(p–1)(1) and (2)
 6 Annotated Code of Maryland
 7 (2011 Replacement Volume)

8 BY adding to
 9 Article 2B – Alcoholic Beverages
 10 Section 7–101(p–1)(11)
 11 Annotated Code of Maryland
 12 (2011 Replacement Volume)

13 BY repealing and reenacting, with amendments,
 14 Article 2B – Alcoholic Beverages
 15 Section ~~7–101(p–1)(7)(i)~~ 7–101(p–1)(11)
 16 Annotated Code of Maryland
 17 (2011 Replacement Volume)

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

20 **Article 2B – Alcoholic Beverages**

21 7–101.

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

23 (2) There is a Class B special beer and wine (B–SBW) (off–sale)
 24 license.

25 ~~(7) A holder of a B–SBW license:~~

26 ~~(i) May sell beer and wine, INCLUDING DRAFT BEER IN~~
 27 ~~REFILLABLE CONTAINERS WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND~~
 28 ~~NOT MORE THAN 128 OUNCES, for consumption off the licensed premises only to~~
 29 ~~persons who have purchased food or alcohol from the licensed premises; and~~

30 **(11) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A**
 31 **REFILLABLE CONTAINER PERMIT TO A HOLDER OF A B–SBW LICENSE ANY**
 32 **CLASS OF ALCOHOLIC BEVERAGES LICENSE ISSUED BY THE BOARD OF LICENSE**
 33 **COMMISSIONERS EXCEPT A CLASS C LICENSE AND A CLASS GC LICENSE:**

1 1. ON COMPLETION OF AN APPLICATION FORM THAT
2 THE BOARD PROVIDES; AND

3 2. AT NO COST TO THE B-SBW LICENSE HOLDER.

4 (II) A REFILLABLE CONTAINER PERMIT ENTITLES THE
5 HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED
6 PREMISES;

7 ~~1. IN~~ IN A REFILLABLE CONTAINER WITH A
8 CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES;
9 AND

10 ~~2. TO AN INDIVIDUAL WHO HAS PURCHASED FOOD~~
11 ~~OR AN ALCOHOLIC BEVERAGE FROM THE LICENSED PREMISES.~~

12 (III) TO BE USED AS A REFILLABLE CONTAINER UNDER
13 SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CONTAINER SHALL:

14 1. BE SEALABLE;

15 2. BE BRANDED WITH AN IDENTIFYING MARK OF
16 THE LICENSE HOLDER;

17 3. BEAR THE FEDERAL HEALTH WARNING
18 STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27
19 C.F.R. 16.21;

20 4. DISPLAY INSTRUCTIONS FOR CLEANING THE
21 CONTAINER; AND

22 5. BEAR A LABEL STATING THAT:

23 A. CLEANING THE CONTAINER IS THE
24 RESPONSIBILITY OF THE CONSUMER; AND

25 B. CONTENTS OF THE CONTAINER ARE PERISHABLE
26 AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48
27 HOURS AFTER PURCHASE.

28 (IV) THE TERM OF AND HOURS OF SALE FOR A REFILLABLE
29 CONTAINER PERMIT ISSUED TO AN APPLICANT IS ARE THE SAME AS THAT OF
30 THE APPLICANT'S B-SBW ALCOHOLIC BEVERAGES LICENSE.

1 ~~(V) THE HOURS OF SALE FOR A REFILLABLE CONTAINER~~
2 ~~PERMIT ARE THE SAME AS THOSE FOR A B-SBW LICENSE.~~

3 (V) AN APPLICANT WHO HOLDS AN ALCOHOLIC BEVERAGES
4 LICENSE WITHOUT AN OFF-SALE PRIVILEGE SHALL MEET THE SAME
5 ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS
6 THOSE FOR THE ALCOHOLIC BEVERAGES LICENSE THAT THE APPLICANT HOLDS.

7 (VI) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY
8 REFILL ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY THE PERMIT
9 HOLDER.

10 ~~[(11)]~~ (12) The Board of License Commissioners may adopt regulations
11 to carry out this subsection, including a limit on the number of licenses to be issued.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.