

HOUSE BILL 1047

A2

2lr1886

By: **Howard County Delegation**

Introduced and read first time: February 10, 2012

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2012

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 license under certain circumstances; authorizing a holder of a Class B
7 special beer and wine license ~~in Howard County~~ to sell draft beer in certain
8 refillable containers for consumption off the licensed premises only to persons
9 who have purchased food or ~~alcohol~~ an alcoholic beverage from the licensed
10 premises; requiring a refillable container to meet certain requirements;
11 specifying the term of and hours of sale for the permit; requiring that a holder of
12 the permit may refill only a refillable container that was branded by the permit
13 holder; and generally relating to alcoholic beverages in Howard County.

14 BY repealing and reenacting, without amendments,

15 Article 2B – Alcoholic Beverages

16 Section 7-101(p-1)(1) and (2)

17 Annotated Code of Maryland

18 (2011 Replacement Volume)

19 BY adding to

20 Article 2B – Alcoholic Beverages

21 Section 7-101(p-1)(11)

22 Annotated Code of Maryland

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 (2011 Replacement Volume)

2 BY repealing and reenacting, with amendments,
 3 Article 2B – Alcoholic Beverages
 4 Section ~~7-101(p-1)(7)(i)~~ 7-101(p-1)(11)
 5 Annotated Code of Maryland
 6 (2011 Replacement Volume)

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

9 **Article 2B – Alcoholic Beverages**

10 7-101.

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

12 (2) There is a Class B special beer and wine (B-SBW) (off-sale)
 13 license.

14 ~~(7) A holder of a B-SBW license:~~

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

19 **(11) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A**
 20 **REFILLABLE CONTAINER PERMIT TO A HOLDER OF A B-SBW LICENSE:**

21 **1. ON COMPLETION OF AN APPLICATION FORM THAT**
 22 **THE BOARD PROVIDES; AND**

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

24 **(II) A REFILLABLE CONTAINER PERMIT ENTITLES THE**
 25 **HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED**
 26 **PREMISES:**

27 **1. IN A REFILLABLE CONTAINER WITH A CAPACITY**
 28 **OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES; AND**

29 **2. TO AN INDIVIDUAL WHO HAS PURCHASED FOOD**
 30 **OR AN ALCOHOLIC BEVERAGE FROM THE LICENSED PREMISES.**

1 **(III) TO BE USED AS A REFILLABLE CONTAINER UNDER**
2 **SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CONTAINER SHALL:**

3 **1. BE SEALABLE;**

4 **2. BE BRANDED WITH AN IDENTIFYING MARK OF**
5 **THE LICENSE HOLDER;**

6 **3. BEAR THE FEDERAL HEALTH WARNING**
7 **STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27**
8 **C.F.R. 16.21;**

9 **4. DISPLAY INSTRUCTIONS FOR CLEANING THE**
10 **CONTAINER; AND**

11 **5. BEAR A LABEL STATING THAT:**

12 **A. CLEANING THE CONTAINER IS THE**
13 **RESPONSIBILITY OF THE CONSUMER; AND**

14 **B. CONTENTS OF THE CONTAINER ARE PERISHABLE**
15 **AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48**
16 **HOURS AFTER PURCHASE.**

17 **(IV) THE TERM OF A REFILLABLE CONTAINER PERMIT**
18 **ISSUED TO AN APPLICANT IS THE SAME AS THAT OF THE APPLICANT'S B-SBW**
19 **LICENSE.**

20 **(V) THE HOURS OF SALE FOR A REFILLABLE CONTAINER**
21 **PERMIT ARE THE SAME AS THOSE FOR A B-SBW LICENSE.**

22 **(VI) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY**
23 **REFILL ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY THE PERMIT**
24 **HOLDER.**

25 **[(11)] (12) The Board of License Commissioners may adopt regulations**
26 **to carry out this subsection, including a limit on the number of licenses to be issued.**

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