

Chapter 412

(House Bill 1047)

AN ACT concerning

Howard County – Alcoholic Beverages – Refillable Beer Containers

Ho. Co. 10-12

FOR the purpose of authorizing the Board of License Commissioners for Howard County to issue a refillable container permit to a holder of a Class B special beer and wine certain alcoholic beverages license under certain circumstances; authorizing a holder of a Class B special beer and wine license in Howard County to sell draft beer in certain refillable containers for consumption off the licensed premises only to persons who have purchased food or alcohol an alcoholic beverage from the licensed premises; requiring that certain applicants meet certain advertising, posting of notice, and public hearing requirements; requiring a refillable container to meet certain requirements; specifying the term of and hours of sale for the permit; requiring that a holder of the permit may refill only a refillable container that was branded by the permit holder; and generally relating to alcoholic beverages in Howard County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 7-101(p-1)(1) and (2)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages
Section 7-101(p-1)(11)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
~~Section 7-101(p-1)(7)(i)~~ 7-101(p-1)(11)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

7-101.

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

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

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

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

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

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

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

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

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

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

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

1. BE SEALABLE;

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

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

4. DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND

5. BEAR A LABEL STATING THAT:

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

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

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

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

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

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

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

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

Approved by the Governor, May 2, 2012.