

Chapter 447

(House Bill 133)

AN ACT concerning

Dorchester County – Alcoholic Beverages – Refillable Containers

FOR the purpose of creating in Dorchester County a refillable container license; authorizing the Board of License Commissioners to issue the license to holders of certain alcoholic beverages licenses; specifying that a holder of the refillable container license may sell draft beer for consumption off the licensed premises in a certain refillable container; prohibiting a holder of a refillable container license to display or provide shelving for beer for off-premises consumption; specifying that a container to be used as a refillable container meet certain requirements; requiring that an applicant for a refillable container license meet certain requirements and pay a certain annual license fee; requiring that applicants for a refillable container license meet certain advertising, posting of notice, and public hearing requirements; specifying the term of a refillable container license; specifying the hours of sale for a refillable container license; authorizing a holder of a refillable container license to refill only a container that was branded by the license holder; authorizing the Board to adopt certain regulations; defining a certain term; and generally relating to alcoholic beverages in Dorchester County.

BY adding to

Article 2B – Alcoholic Beverages

Section 8–210

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

Article 2B – Alcoholic Beverages

8–210.

(A) IN THIS SECTION, “BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS OF DORCHESTER COUNTY.

(B) THIS SECTION APPLIES ONLY IN DORCHESTER COUNTY.

(C) THERE IS A REFILLABLE CONTAINER LICENSE.

(D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER LICENSE TO A HOLDER OF AN ALCOHOLIC BEVERAGES LICENSE THAT IS A:

- (1) CLASS B BEER LICENSE;**
- (2) CLASS B BEER AND LIGHT WINE LICENSE;**
- (3) CLASS B BEER, WINE AND LIQUOR LICENSE;**
- (4) CLASS D BEER LICENSE;**
- (5) CLASS D BEER AND LIGHT WINE LICENSE; OR**
- (6) CLASS D BEER, WINE AND LIQUOR LICENSE.**

(E) SUBJECT TO SUBSECTION (F) OF THIS SECTION, A REFILLABLE CONTAINER LICENSE ENTITLES THE HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE PREMISES IN A REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES.

(F) IN AREAS OF THE LICENSED PREMISES THAT ARE ACCESSIBLE TO THE PUBLIC, A HOLDER OF A REFILLABLE CONTAINER LICENSE MAY NOT DISPLAY OR PROVIDE SHELVING FOR BEER FOR CONSUMPTION OFF THE PREMISES.

(G) TO BE USED AS A REFILLABLE CONTAINER, 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:**

(I) CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER; AND

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

(H) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER LICENSE, THE APPLICANT SHALL:

(1) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

(2) PAY AN ANNUAL LICENSE FEE OF:

(I) \$500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

(II) \$50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE.

(I) AN APPLICANT FOR A REFILLABLE CONTAINER LICENSE THAT HOLDS AN ALCOHOLIC BEVERAGE 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.

(J) THE TERM OF A REFILLABLE CONTAINER LICENSE ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE ALCOHOLIC BEVERAGES LICENSE THAT THE APPLICANT HOLDS.

(K) THE HOURS OF SALE FOR A REFILLABLE CONTAINER LICENSE:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE ALCOHOLIC BEVERAGES LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER LICENSE IS ISSUED; AND

(2) END AT MIDNIGHT.

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

(M) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING LIMITING THE NUMBER OF REFILLABLE CONTAINER LICENSES THAT MAY BE ISSUED IN THE COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013.

Approved by the Governor, May 16, 2013.