

HOUSE BILL 649

A2

3lr0354

By: **Montgomery County Delegation**

Introduced and read first time: February 1, 2013

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2013

CHAPTER _____

1 AN ACT concerning

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

3 **MC 4–13**

4 FOR the purpose of authorizing the Board of License Commissioners for Montgomery
5 County to issue a refillable container permit to a holder of a certain alcoholic
6 beverages license under certain circumstances; providing for the renewal of the
7 permit; authorizing a holder of a Class B beer and light wine license or a Class
8 D beer and light wine license to sell draft beer in certain refillable containers for
9 consumption off the licensed premises; specifying the term of and hours of sale
10 for the permit; providing that a holder of the permit may refill only a refillable
11 container that was branded by the permit holder; authorizing the Board of
12 License Commissioners to adopt certain regulations; and generally relating to
13 alcoholic beverages in Montgomery County.

14 BY repealing and reenacting, without amendments,
15 Article 2B – Alcoholic Beverages
16 Section 5–201(a)(1) and 5–401(a)(1)
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2012 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article 2B – Alcoholic Beverages
21 Section 5–201(q) and 5–401(q)
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 and 2012 Supplement)

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

4 **Article 2B – Alcoholic Beverages**

5 5–201.

6 (a) (1) A Class B beer and light wine license shall be issued by the license
7 issuing authority of the county in which the place of business is located. The holder
8 may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at
9 the place described in the license, for consumption on the premises or elsewhere.

10 (q) (1) This subsection applies only in Montgomery County.

11 (2) The annual license fee is \$400.

12 **(3) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A**
13 **REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS B BEER AND LIGHT**
14 **WINE LICENSE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS:**

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

17 **2. AT NO COST TO THE CLASS B LICENSE HOLDER.**

18 **(II) A REFILLABLE CONTAINER PERMIT MAY BE RENEWED**
19 **EACH YEAR CONCURRENTLY WITH THE RENEWAL OF A CLASS B BEER AND**
20 **LIGHT WINE LICENSE.**

21 **(4) A REFILLABLE CONTAINER PERMIT ENTITLES THE HOLDER**
22 **TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A**
23 **REFILLABLE CONTAINER THAT:**

24 **(I) HAS A CAPACITY OF NOT LESS THAN 32 OUNCES AND**
25 **NOT MORE THAN 128 OUNCES; AND**

26 **(II) MEETS THE REQUIREMENTS UNDER PARAGRAPH (5) OF**
27 **THIS SUBSECTION.**

28 **(5) TO BE USED AS A REFILLABLE CONTAINER UNDER**
29 **PARAGRAPH (4) OF THIS SUBSECTION, A CONTAINER SHALL:**

30 **(I) BE SEALABLE;**

1 **(II) BE BRANDED WITH AN IDENTIFYING MARK OF THE**
2 **LICENSE HOLDER;**

3 **(III) BEAR THE FEDERAL HEALTH WARNING STATEMENT**
4 **REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.**
5 **16.21;**

6 **(IV) DISPLAY INSTRUCTIONS FOR CLEANING THE**
7 **CONTAINER; AND**

8 **(V) BEAR A LABEL STATING THAT:**

9 **1. CLEANING THE CONTAINER IS THE**
10 **RESPONSIBILITY OF THE CONSUMER; AND**

11 **2. CONTENTS OF THE CONTAINER ARE PERISHABLE**
12 **AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48**
13 **HOURS AFTER PURCHASE.**

14 **(6) THE TERM OF AND HOURS OF SALE FOR A REFILLABLE**
15 **CONTAINER PERMIT ISSUED UNDER THIS SUBSECTION ARE AS SPECIFIED FOR**
16 **THE PERMIT HOLDER'S CLASS B BEER AND LIGHT WINE LICENSE.**

17 **(7) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL**
18 **ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY THE PERMIT HOLDER.**

19 **(8) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**
20 **REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION RELATING**
21 **TO THE ISSUANCE OF A REFILLABLE CONTAINER PERMIT.**

22 **[(3)] (9) (i) In this paragraph, "establishment" means a bowling**
23 **alley, billiard hall, or drugstore or a restaurant located within these businesses.**

24 **(ii) A license may not be issued to, or for use in conjunction**
25 **with, or upon the premises of any establishment or for use upon any premises which**
26 **has a door, archway, opening or other passageway providing direct public access to**
27 **any establishment.**

28 5-401.

29 **(a) (1) A Class D beer and light wine license shall be issued by the license**
30 **issuing authority of the county in which the place of business is located. The license**
31 **authorizes its holder to keep for sale and to sell beer and light wines at retail, at the**

1 place described in the license, for consumption on the premises or elsewhere. The
2 license may not be issued for any drugstore.

3 (q) (1) This subsection applies only in Montgomery County.

4 (2) (i) For a Class D license, the annual license fee is \$400.

5 (II) 1. THE BOARD OF LICENSE COMMISSIONERS MAY
6 ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS D BEER
7 AND LIGHT WINE LICENSE ISSUED BY THE BOARD OF LICENSE
8 COMMISSIONERS:

9 A. ON COMPLETION OF AN APPLICATION FORM THAT
10 THE BOARD PROVIDES; AND

11 B. AT NO COST TO THE CLASS D LICENSE HOLDER.

12 2. A REFILLABLE CONTAINER PERMIT MAY BE
13 RENEWED EACH YEAR CONCURRENTLY WITH THE RENEWAL OF A CLASS D BEER
14 AND LIGHT WINE LICENSE.

15 (III) A REFILLABLE CONTAINER PERMIT ENTITLES THE
16 HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED
17 PREMISES IN A REFILLABLE CONTAINER THAT:

18 1. HAS A CAPACITY OF NOT LESS THAN 32 OUNCES
19 AND NOT MORE THAN 128 OUNCES; AND

20 2. MEETS THE REQUIREMENTS UNDER
21 SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

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

24 1. BE SEALABLE;

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

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

1 4. **DISPLAY INSTRUCTIONS FOR CLEANING THE**
2 **CONTAINER; AND**

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

4 A. **CLEANING THE CONTAINER IS THE**
5 **RESPONSIBILITY OF THE CONSUMER; AND**

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

9 (v) **THE TERM OF AND HOURS OF SALE FOR A REFILLABLE**
10 **CONTAINER PERMIT ISSUED UNDER THIS SUBSECTION ARE AS SPECIFIED FOR**
11 **THE PERMIT HOLDER'S CLASS D BEER AND LIGHT WINE LICENSE.**

12 (vi) **A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY**
13 **REFILL ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY THE PERMIT**
14 **HOLDER.**

15 (vii) **THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**
16 **REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION RELATING**
17 **TO THE ISSUANCE OF A REFILLABLE CONTAINER PERMIT.**

18 [(ii)] **(3) (I) For a Class D-TP license, the annual license**
19 **fee is \$400.**

20 **(II) A Class D-TP licensee may not be charged for such a license**
21 **until May 1, 1998.**

22 [(3)] **(4) (i) In this paragraph, "establishment" means a bowling**
23 **alley, billiard hall, or drugstore or a restaurant located within these businesses.**

24 (ii) The license may not be issued to, or for use in conjunction
25 with, or upon the premises of any establishment, or for use upon any premises which
26 has a door, archway, opening or other passageway providing direct public access to
27 any establishment.

28 (iii) These restrictions which prohibit the issuance of licenses to
29 drugstores or premises adjoining them are not applicable to any establishment which
30 on July 1, 1969, holds an alcoholic beverage license and which on July 1, 1969, has a
31 door, archway, opening or other passageway providing direct public access to any
32 drugstore.

1 **[(4)] (5)** The Board shall issue one Class D-TP license to a person
2 who, on June 30, 1997, both held a Class D beer and light wine license and operated a
3 licensed premises that was located in that portion of the City of Takoma Park that was
4 formerly part of Prince George's County.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.