

SENATE BILL 150

A2

3lr1143
CF HB 133

By: **Senator Colburn**

Introduced and read first time: January 17, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 19, 2013

CHAPTER _____

1 AN ACT concerning

2 **Dorchester County – Alcoholic Beverages – Refillable Containers**

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

19 BY adding to

20 Article 2B – Alcoholic Beverages

21 Section 8-210

22 Annotated Code of Maryland

23 (2011 Replacement Volume and 2012 Supplement)

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

3 **Article 2B – Alcoholic Beverages**

4 **8–210.**

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

7 (B) THIS SECTION APPLIES ONLY IN DORCHESTER COUNTY.

8 (C) THERE IS A REFILLABLE CONTAINER LICENSE.

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

11 (1) CLASS B BEER LICENSE;

12 (2) CLASS B BEER AND LIGHT WINE LICENSE;

13 (3) CLASS B BEER, WINE AND LIQUOR LICENSE;

14 (4) CLASS D BEER LICENSE;

15 (5) CLASS D BEER AND LIGHT WINE LICENSE; OR

16 (6) CLASS D BEER, WINE AND LIQUOR LICENSE.

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

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

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

26 (1) BE SEALABLE;

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

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

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

7 **(5) BEAR A LABEL STATING THAT:**

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

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

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

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

16 **(2) PAY AN ANNUAL LICENSE FEE OF:**

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

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

21 **(I) AN APPLICANT FOR A REFILLABLE CONTAINER LICENSE THAT**
22 **HOLDS AN ALCOHOLIC BEVERAGE LICENSE WITHOUT AN OFF-SALE PRIVILEGE**
23 **SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC**
24 **HEARING REQUIREMENTS AS THOSE FOR THE ALCOHOLIC BEVERAGES LICENSE**
25 **THAT THE APPLICANT HOLDS.**

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

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

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

4 **(2) END AT MIDNIGHT.**

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.