

## Chapter 487

### (House Bill 1079)

AN ACT concerning

#### **Calvert County – Alcoholic Beverages – Refillable Container Permit**

FOR the purpose of creating in Calvert County a refillable container permit; authorizing the Board of License Commissioners to issue the permit to a holder of certain classes of alcoholic beverages licenses issued by the Board; specifying that a holder of the permit may sell draft beer for consumption off the licensed premises in a certain refillable container; requiring a refillable container to meet certain requirements; requiring an applicant for the permit to complete a certain form; ~~requiring a certain applicant to~~ *and* pay a certain fee; requiring that certain applicants meet certain advertising, posting-of-notice, and public hearing requirements; specifying the term of the permit; specifying the hours of sale for the permit; allowing a holder of the permit to refill only a refillable container that was branded by a permit holder; requiring the Board to adopt certain regulations; and generally relating to alcoholic beverages in Calvert County.

BY adding to

Article 2B – Alcoholic Beverages

Section 8–205

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

#### **Article 2B – Alcoholic Beverages**

##### **8–205.**

(A) THIS SECTION APPLIES ONLY IN CALVERT COUNTY.

(B) IN THIS SECTION, “BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS.

(C) (1) THERE IS A REFILLABLE CONTAINER PERMIT.

(2) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.

**(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES.**

**(4) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (3) OF THIS SUBSECTION, A CONTAINER SHALL:**

**(I) BE SEALABLE;**

**(II) BE BRANDED WITH AN IDENTIFYING MARK OF THE PERMIT HOLDER WHO SELLS THE CONTAINER;**

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

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

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

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

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

**(5) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT:**

**(I) THE APPLICANT SHALL:**

**1. COMPLETE THE FORM THAT THE BOARD PROVIDES; AND**

**2. PAY AN ANNUAL PERMIT FEE OF ~~\$1 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE;~~**

**A. \$500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR**

**B. \$50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

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

(6) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE APPLICANT HOLDS.

(7) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

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

(II) END AT MIDNIGHT.

(8) A PERMIT HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY A PERMIT HOLDER.

(9) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 15, 2014.**