

# HOUSE BILL 208

A1, A2

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CF SB 546

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By: Delegates Barkley, Schulz, Olszewski, Jameson, Krebs, Aumann, Barnes, Braveboy, Davis, Elliott, Gilchrist, Glenn, Guzzone, Haddaway-Riccio, Hucker, Impallaria, Kramer, Love, McHale, W. Miller, Minnick, Mitchell, Ready, S. Robinson, Rudolph, Stifler, Stocksdale, and Vaughn

Introduced and read first time: January 16, 2014

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Alcoholic Beverages – Refillable Containers – Permits and Labels**

3 FOR the purpose of providing that the holders of certain alcoholic beverages  
4 manufacturing and retail licenses and refillable container permits may refill  
5 certain containers that are branded by a certain holder of a refillable container  
6 permit; renaming certain refillable container licenses to be refillable container  
7 permits; authorizing the issuance of refillable container permits in certain  
8 jurisdictions to the holders of certain licenses for certain fees and subject to  
9 certain requirements; establishing certain provisions, procedures, and  
10 requirements for certain refillable container permits in certain jurisdictions;  
11 reorganizing certain provisions concerning refillable container permits;  
12 authorizing the Comptroller to establish certain standards and uses for certain  
13 refillable containers sold, filled, or refilled in the State; authorizing the holder of  
14 a refillable container permit to refill certain containers that meet certain  
15 standards; making other clarifying and stylistic changes; and generally relating  
16 to alcoholic beverages and refillable containers.

17 BY repealing and reenacting, with amendments,

18 Article 2B – Alcoholic Beverages

19 Section 2–206(d)(3) and (5), 5–201(q)(5) and (7), 5–401(q)(2)(iv) and (vi),  
20 6–201(d)(1)(v)2., 7–101(l)(8), ~~(p–1)(11)(vi)~~ (p–1)(11), and (w)(3), 8–202(l),

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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 8–202.2(d) and (h), 8–203(e), 8–210, 8–212(c)(4) and (5), 9–204.1(f)(8), and  
 2 12–113  
 3 Annotated Code of Maryland  
 4 (2011 Replacement Volume and 2013 Supplement)

5 BY repealing and reenacting, without amendments,  
 6 Article 2B – Alcoholic Beverages  
 7 Section 5–201(q)(1), 5–401(q)(1), 6–201(d)(1)(i), 7–101(l)(1), (p–1)(1), and (w)(1),  
 8 8–202(a), 8–202.2(a), 8–203(a), 8–212(a), and 9–204.1(b) and (f)(1)  
 9 Annotated Code of Maryland  
 10 (2011 Replacement Volume and 2013 Supplement)

11 ~~BY repealing and reenacting, with amendments,~~  
 12 ~~Article 2B – Alcoholic Beverages~~  
 13 ~~Section 7–101(p–1)(11)(iii)~~  
 14 ~~Annotated Code of Maryland~~  
 15 ~~(2011 Replacement Volume and 2013 Supplement)~~  
 16 ~~(As enacted by Chapter 117 of the Acts of the General Assembly of 2013)~~

17 BY adding to  
 18 Article 2B – Alcoholic Beverages  
 19 Section 8–103, 8–204.10, 8–207, 8–212(c)(5), 8–213.3, and 21–107  
 20 Annotated Code of Maryland  
 21 (2011 Replacement Volume and 2013 Supplement)

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

24 **Article 2B – Alcoholic Beverages**

25 2–206.

26 (d) (3) To be used as a refillable container under paragraph (2) of this  
 27 subsection, a container shall:

28 (i) ~~Be sealable;~~

29 (ii) ~~Be branded with an identifying mark of the [license]~~  
 30 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

31 (iii) ~~Bear the federal health warning statement required for~~  
 32 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

33 (iv) ~~Display instructions for cleaning the container; and~~

34 (v) ~~Bear a label stating that:~~

1 ~~1. Cleaning the container is the responsibility of the~~  
2 ~~consumer; and~~

3 ~~2. Contents of the container are perishable and should~~  
4 ~~be refrigerated immediately and consumed within 48 hours after purchase~~ MEET THE  
5 STANDARDS UNDER § 21-107 OF THIS ARTICLE.

6 (5) A holder of a refillable container permit may refill only a refillable  
7 container that ~~was branded by [the] A REFILLABLE CONTAINER permit holder~~  
8 MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

9 5-201.

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

11 (5) To be used as a refillable container under paragraph (4) of this  
12 subsection, a container shall:

13 (i) ~~Be sealable;~~

14 (ii) ~~Be branded with an identifying mark of the [license]~~  
15 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

16 (iii) ~~Bear the federal health warning statement required for~~  
17 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

18 (iv) ~~Display instructions for cleaning the container; and~~

19 (v) ~~Bear a label stating that:~~

20 ~~1. Cleaning the container is the responsibility of the~~  
21 ~~consumer; and~~

22 ~~2. Contents of the container are perishable and should~~  
23 ~~be refrigerated immediately and consumed within 48 hours after purchase~~ MEET THE  
24 STANDARDS UNDER § 21-107 OF THIS ARTICLE.

25 (7) A holder of a refillable container permit may refill only a refillable  
26 container that ~~was branded by [the] A REFILLABLE CONTAINER permit holder~~  
27 MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

28 5-401.

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

1 (2) (iv) To be used as a refillable container under subparagraph (iii)  
2 of this paragraph, a container shall:

3 ~~1. Be sealable;~~

4 ~~2. Be branded with an identifying mark of the [license]~~  
5 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

6 ~~3. Bear the federal health warning statement required~~  
7 ~~for containers of alcoholic beverages under 27 C.F.R. 16.21;~~

8 ~~4. Display instructions for cleaning the container; and~~

9 ~~5. Bear a label stating that:~~

10 ~~A. Cleaning the container is the responsibility of the~~  
11 ~~consumer; and~~

12 ~~B. Contents of the container are perishable and should~~  
13 ~~be refrigerated immediately and consumed within 48 hours after purchase~~ MEET THE  
14 STANDARDS UNDER § 21-107 OF THIS ARTICLE.

15 (vi) A holder of a refillable container permit may refill only a  
16 refillable container that ~~was branded by [the] A REFILLABLE CONTAINER permit~~  
17 ~~holder~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

18 6-201.

19 (d) (1) (i) This subsection applies only in Baltimore City.

20 (v) 2. A license specified under subparagraph 1 of this  
21 subparagraph may include an off-sale privilege for sales of refillable containers under  
22 a refillable container [license] PERMIT issued in accordance with § 8-203(e) of this  
23 article.

24 7-101.

25 (l) (1) This subsection applies only in Cecil County.

26 (8) (i) There is a refillable container [license] PERMIT.

27 (ii) The Board may issue a refillable container [license] PERMIT  
28 to a holder of a Class A or Class B alcoholic beverages license.

29 (iii) Subject to subparagraph (iv) of this paragraph, a refillable  
30 container [license] PERMIT entitles the holder to sell draft beer for consumption off

1 the licensed premises in a refillable container with a capacity of not less than 32  
2 ounces and not more than 128 ounces.

3 (iv) To be used as a refillable container under subparagraph (iii)  
4 of this paragraph, a container shall:

5 ~~1. Be sealable;~~

6 ~~2. Be branded with an identifying mark of the [license]~~  
7 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

8 ~~3. Bear the federal health warning statement required~~  
9 ~~for containers of alcoholic beverages under 27 C.F.R. 16.21;~~

10 ~~4. Display instructions for cleaning the container; and~~

11 ~~5. Bear a label stating that:~~

12 ~~A. Cleaning the container is the responsibility of the~~  
13 ~~consumer; and~~

14 ~~B. The contents of the container are perishable and~~  
15 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
16 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

17 (v) Before the Board issues a refillable container [license]  
18 PERMIT to an applicant, the applicant shall:

19 1. Complete the form that the Board provides; and

20 2. Pay an annual [license] PERMIT fee of \$50.

21 (vi) The term of a refillable container [license] PERMIT issued to  
22 a successful applicant is the same as that of the license that the applicant holds.

23 (vii) Receipts collected under a refillable container [license]  
24 PERMIT are to be included in the calculation of average daily receipts from the sale of  
25 alcoholic beverages under § 11-508(b)(3) of this article.

26 (viii) The hours of sale for a refillable container [license] PERMIT  
27 begin and end at the same time as those for the license already held by the person to  
28 [which] WHOM the refillable container [license] PERMIT is issued.

29 (ix) A [license] holder OF A REFILLABLE CONTAINER PERMIT  
30 may refill only a refillable container that ~~bears the identifying mark of [the license]~~ A

1 ~~REFILLABLE CONTAINER PERMIT~~ holder MEETS THE STANDARDS UNDER §  
 2 21-107 OF THIS ARTICLE.

3 (x) The Board shall adopt regulations to carry out this  
 4 paragraph.

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

6 (11) [(i)] The Board of License Commissioners may issue a refillable  
 7 container permit to a holder of any class of alcoholic beverages license issued by the  
 8 Board of License Commissioners except a Class C license and a Class GC license:

9 [1.] (I) On completion of an application form that the  
 10 Board provides; and

11 [2.] (II) At no cost to the license holder.

12 [(ii) A refillable container permit entitles the holder to sell:

13 1. Draft beer for consumption off the licensed premises  
 14 in a refillable container with a capacity of not less than 32 ounces and not more than  
 15 128 ounces; and

16 2. If the holder is licensed to sell wine, wine for  
 17 consumption off the licensed premises in a refillable container with a capacity of not  
 18 less than 17 ounces and not more than 34 ounces.]

19 ~~(11) (iii) To be used as a refillable container under subparagraph (ii)~~  
 20 ~~of this paragraph, a container shall:~~

21 ~~1. Be scalable;~~

22 ~~2. Be branded with an identifying mark of the [license]~~  
 23 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

24 ~~3. Bear the federal health warning statement required~~  
 25 ~~for containers of alcoholic beverages under 27 C.F.R. 16.21;~~

26 ~~4. Display instructions for cleaning the container; and~~

27 ~~5. Bear a label stating:~~

28 ~~A. That cleaning the container is the responsibility of the~~  
 29 ~~consumer; and~~

~~B. If the container contains beer, that the contents 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 are the same as that of the applicant's alcoholic beverages 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] A REFILLABLE CONTAINER permit holder.~~

(w) (1) This subsection applies only in Wicomico County.

(3) (i) The Board of License Commissioners may issue a refillable container [license] PERMIT to a holder of any class of alcoholic beverages license issued by the Board except a Class C license, Class D license, Class B-Conference Center license, or Class B-Stadium license.

(ii) Subject to subparagraph (iii) of this paragraph, a refillable container [license] PERMIT entitles the 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.

(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] PERMIT holder WHO SELLS THE CONTAINER;~~

~~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~~

1 ~~B. The contents of the container are perishable and~~  
 2 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
 3 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

4 (iv) Before the Board issues a refillable container [license]  
 5 **PERMIT** to an applicant:

6 1. The applicant shall:

7 A. Complete the form that the Board provides; and

8 B. Pay an annual [license] **PERMIT** fee of \$500; and

9 2. An applicant who holds a license without an off-sale  
 10 privilege shall meet the same advertising, posting of notice, and public hearing  
 11 requirements as those for the license that the applicant holds.

12 (v) The term of the refillable container [license] **PERMIT** issued  
 13 to a successful applicant is the same as that of the license that the applicant holds.

14 (vi) Receipts collected under a refillable container [license]  
 15 **PERMIT** are to be included in the calculation of average daily receipts from the sale of  
 16 alcoholic beverages under a Class B restaurant license, Class B hotel license, and  
 17 Class B golf course license.

18 (vii) The hours of sale for a refillable container [license] **PERMIT**:

19 1. Begin at the same time as those for the license  
 20 already held by the person to whom the refillable container [license] **PERMIT** is  
 21 issued; and

22 2. End at midnight.

23 (viii) A [license] holder **OF A REFILLABLE CONTAINER PERMIT**  
 24 may refill only a refillable container that ~~was branded by [the license] A REFILLABLE~~  
 25 ~~CONTAINER PERMIT holder~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS  
 26 ARTICLE.

27 8-103.

28 (A) (1) THIS SECTION APPLIES WITH RESPECT TO BEER IN THE  
 29 FOLLOWING JURISDICTIONS:

30 (I) BALTIMORE COUNTY;



1                    (II) CARROLL COUNTY;

2                    (III) HARFORD COUNTY; AND

3                    (IV) HOWARD COUNTY.

4                    (2) THIS SECTION APPLIES WITH RESPECT TO WINE IN HOWARD  
5 COUNTY.

6                    (B) THERE IS A REFILLABLE CONTAINER PERMIT.

7                    (C) WITH RESPECT TO THE ALCOHOLIC BEVERAGES AUTHORIZED FOR  
8 THE LOCAL JURISDICTION UNDER SUBSECTION (A) OF THIS SECTION, A  
9 REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL  
10 DRAFT BEER OR WINE, RESPECTIVELY, FOR CONSUMPTION OFF THE LICENSED  
11 PREMISES IN A REFILLABLE CONTAINER THAT MEETS THE STANDARDS UNDER §  
12 21-107 OF THIS ARTICLE.

13                    (D) THE TERM OF A REFILLABLE CONTAINER PERMIT IS THE SAME AS  
14 THAT OF THE UNDERLYING ALCOHOLIC BEVERAGES LICENSE.

15                    (E) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, THE HOURS OF  
16 SALE FOR A REFILLABLE CONTAINER PERMIT ARE THE SAME AS THOSE FOR THE  
17 UNDERLYING ALCOHOLIC BEVERAGES LICENSE.

18                    (F) AN APPLICANT WHO HOLDS AN UNDERLYING ALCOHOLIC  
19 BEVERAGES LICENSE WITHOUT AN OFF-SALE PRIVILEGE SHALL MEET THE  
20 SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING  
21 REQUIREMENTS AS THOSE FOR THE UNDERLYING LICENSE.

22                    (G) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL ONLY  
23 A REFILLABLE CONTAINER THAT MEETS THE STANDARDS UNDER § 21-107 OF  
24 THIS ARTICLE.

25 8-202.

26                    (a) This section applies only in Anne Arundel County.

27                    (1) (1) There is a refillable container [license] PERMIT.

28                    (2) The Board may issue a refillable container [license] PERMIT to a  
29 holder of a Class A license, a Class B license, or a Class D license.

30                    (3) Subject to paragraph (4) of this subsection, a refillable container  
31 [license] PERMIT entitles the [license] holder to sell draft beer for consumption off the

1 licensed premises in a refillable container with a capacity of not less than 32 ounces  
2 and not more than 128 ounces.

3 (4) To be used as a refillable container under paragraph (3) of this  
4 subsection, a container shall:

5 ~~(i) Be sealable;~~

6 ~~(ii) Be branded with an identifying mark of [a license] THE~~  
7 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

8 ~~(iii) Bear the federal health warning statement required for~~  
9 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

10 ~~(iv) Display instructions for cleaning the container; and~~

11 ~~(v) Bear a label stating that:~~

12 ~~1. Cleaning the container is the responsibility of the~~  
13 ~~consumer; and~~

14 ~~2. The contents of the container are perishable and~~  
15 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
16 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

17 (5) Before the Board issues a refillable container [license] PERMIT:

18 (i) The applicant shall:

19 1. Complete the form that the Board provides; and

20 2. Pay an annual [license] PERMIT fee of:

21 A. \$500 for an applicant whose alcoholic beverages  
22 license does not have an off-sale privilege; or

23 B. \$50 for an applicant whose alcoholic beverages license  
24 has an off-sale privilege; and

25 (ii) An applicant who holds a license without an off-sale  
26 privilege shall meet the same advertising, posting of notice, and public hearing  
27 requirements as those for the license that the applicant holds.

28 (6) The term of a refillable container [license] PERMIT issued to a  
29 successful applicant is the same as that of the license that the applicant holds.

1 (7) The hours of sale for a refillable container [license] PERMIT:

2 (i) Begin at the same time as those for the license already held  
3 by the person to whom the refillable container [license] PERMIT is issued; and

4 (ii) End at midnight.

5 (8) A [license] holder **OF A RENEWABLE CONTAINER PERMIT** may  
6 refill only a refillable container that ~~was branded by a [license] REFILLABLE~~  
7 ~~CONTAINER PERMIT holder~~ **MEETS THE STANDARDS UNDER § 21-107 OF THIS**  
8 **ARTICLE.**

9 (9) The Board shall adopt regulations to carry out this subsection.

10 8-202.2.

11 (a) This section applies only in the City of Annapolis.

12 (d) (1) Subject to paragraph (2) of this subsection, a refillable container  
13 [license] PERMIT entitles the [license] PERMIT holder to sell draft beer for  
14 consumption off the licensed premises in a refillable container with a capacity of not  
15 less than 32 ounces and not more than 128 ounces.

16 (2) To be used as a refillable container under paragraph (1) of this  
17 subsection, a container shall:

18 ~~(i) Be sealable;~~

19 ~~(ii) Be branded with an identifying mark of [a license] THE~~  
20 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

21 ~~(iii) Bear the federal health warning statement required for~~  
22 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

23 ~~(iv) Display instructions for cleaning the container; and~~

24 ~~(v) Bear a label stating that:~~

25 ~~1. Cleaning the container is the responsibility of the~~  
26 ~~consumer; and~~

27 ~~2. The contents of the container are perishable and~~  
28 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
29 **MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

1 (h) A [license] holder **OF A REFILLABLE CONTAINER PERMIT** may refill  
 2 only a refillable container that ~~was branded by a [license] REFILLABLE CONTAINER~~  
 3 ~~PERMIT holder~~ **MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

4 8-203.

5 (a) The provisions of this section only apply in Baltimore City.

6 (e) (1) There is a refillable container [license] **PERMIT**.

7 (2) The Board may issue a refillable container [license] **PERMIT** to a  
 8 holder of any class of alcoholic beverages license issued by the Board except a Class C  
 9 license [and] **OR** a Class M-G license.

10 (3) Subject to paragraph (4) of this subsection, a refillable container  
 11 [license] **PERMIT** entitles the holder to sell draft beer for consumption off the licensed  
 12 premises in a refillable container with a capacity of not less than 32 ounces and not  
 13 more than 128 ounces.

14 (4) To be used as a refillable container under paragraph (3) of this  
 15 subsection, a container shall:

16 (i) ~~Be sealable;~~

17 (ii) ~~Be branded with an identifying mark of the [license]~~  
 18 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

19 (iii) ~~Bear the federal health warning statement required for~~  
 20 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

21 (iv) ~~Display instructions for cleaning the container; and~~

22 (v) ~~Bear a label stating that:~~

23 ~~1. Cleaning the container is the responsibility of the~~  
 24 ~~consumer; and~~

25 ~~2. The contents of the container are perishable and~~  
 26 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
 27 **MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

28 (5) Before the Board issues a refillable container [license] **PERMIT** to  
 29 an applicant:

30 (i) The applicant shall:

- 1                   1.     Complete the form that the Board provides; and
- 2                   2.     Pay an annual [license] PERMIT fee of:
- 3                   A.     \$500 for an applicant whose alcoholic beverages
- 4 license does not have an off-sale privilege; or
- 5                   B.     \$50 for an applicant whose alcoholic beverages license
- 6 has an off-sale privilege; and
- 7                   (ii)    An applicant who holds a license without an off-sale
- 8 privilege shall meet the same advertising, posting of notice, and public hearing
- 9 requirements as those for the license that the applicant holds.

10                   (6)    The term of a refillable container [license] PERMIT issued to a

11 successful applicant is the same as that of the license that the applicant holds.

12                   (7)    Receipts collected under a refillable container [license] PERMIT

13 are to be included in the calculation of average daily receipts from the sale of alcoholic

14 beverages under § 1-102(a)(22)(i)3 of this article.

15                   (8)    The hours of sale for a refillable container [license] PERMIT:

16                   (i)    Begin at the same time as those for the license already held

17 by the person to whom the refillable container [license] PERMIT is issued; and

18                   (ii)   End at midnight.

19                   (9)    A [license] holder **OF A REFILLABLE CONTAINER PERMIT** may

20 refill only a refillable container that ~~was branded by [the license] A REFILLABLE~~

21 ~~CONTAINER PERMIT holder~~ **MEETS THE STANDARDS UNDER § 21-107 OF THIS**

22 **ARTICLE.**

23                   (10)   The Board shall adopt regulations to carry out this subsection.

24 **8-204.10.**

25                   **(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.**

26                   **(B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE**

27 **COMMISSIONERS.**

28                   **(C) THERE IS A REFILLABLE CONTAINER PERMIT.**

29                   **(D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A**

30 **HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

1       **(E) (1) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER**  
2 **PERMIT, THE APPLICANT SHALL COMPLETE THE FORM THAT THE BOARD**  
3 **PROVIDES.**

4               **(2) THE BOARD MAY CHARGE AN ANNUAL PERMIT FEE OF UP TO:**

5                       **(I) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**  
6 **ALCOHOLIC BEVERAGES LICENSE WITHOUT AN OFF-SALE PRIVILEGE; OR**

7                       **(II) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**  
8 **ALCOHOLIC BEVERAGES LICENSE WITH AN OFF-SALE PRIVILEGE.**

9       **(F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

10                   **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**  
11 **ALCOHOLIC BEVERAGES LICENSE; AND**

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

13       **(G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**  
14 **SECTION.**

15 **8-207.**

16       **(A) THIS SECTION APPLIES ONLY IN CARROLL COUNTY.**

17       **(B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE**  
18 **COMMISSIONERS.**

19       **(C) THERE IS A REFILLABLE CONTAINER PERMIT.**

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

22       **(E) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT,**  
23 **THE APPLICANT SHALL:**

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

25                   **(2) PAY AN ANNUAL PERMIT FEE OF:**

26                       **(I) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**  
27 **ALCOHOLIC BEVERAGES LICENSE WITHOUT AN OFF-SALE PRIVILEGE; OR**

1                    **(II) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**  
2 **ALCOHOLIC BEVERAGES LICENSE WITH AN OFF-SALE PRIVILEGE.**

3            **(F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

4                    **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**  
5 **ALCOHOLIC BEVERAGES LICENSE; AND**

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

7 8-210.

8            (a) In this section, "Board" means the Board of License Commissioners of  
9 Dorchester County.

10            (b) This section applies only in Dorchester County.

11            (c) There is a refillable container [license] **PERMIT**.

12            (d) The Board may issue a refillable container [license] **PERMIT** to a holder  
13 of an alcoholic beverages license that is a:

14                    (1) Class B beer license;

15                    (2) Class B beer and light wine license;

16                    (3) Class B beer, wine and liquor license;

17                    (4) Class D beer license;

18                    (5) Class D beer and light wine license; or

19                    (6) Class D beer, wine and liquor license.

20            (e) Subject to subsection (f) of this section, a refillable container [license]  
21 **PERMIT** entitles the holder to sell draft beer for consumption off the premises in a  
22 refillable container with a capacity of not less than 32 ounces and not more than 128  
23 ounces.

24            (f) In areas of the licensed premises that are accessible to the public, a  
25 holder of a refillable container [license] **PERMIT** may not display or provide shelving  
26 for beer for consumption off the premises.

27            (g) To be used as a refillable container, a container shall:

28                    ~~(1) Be sealable;~~

1           ~~(2) Be branded with an identifying mark of the [license] PERMIT~~  
2 ~~holder WHO SELLS THE CONTAINER;~~

3           ~~(3) Bear the federal health warning statement required for containers~~  
4 ~~of alcoholic beverages under 27 C.F.R. 16.21;~~

5           ~~(4) Display instructions for cleaning the container; and~~

6           ~~(5) Bear a label stating that:~~

7           ~~(i) Cleaning the container is the responsibility of the consumer;~~  
8 ~~and~~

9           ~~(ii) The contents of the container are perishable and should be~~  
10 ~~refrigerated immediately and consumed within 48 hours after purchase~~ **MEET THE**  
11 **STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

12           (h) Before the Board issues a refillable container [license] **PERMIT**, the  
13 applicant shall:

14           (1) Complete the form that the Board provides; and

15           (2) Pay an annual [license] **PERMIT** fee of:

16           (i) \$500 for an applicant whose alcoholic beverages license does  
17 not have an off-sale privilege; or

18           (ii) \$50 for an applicant whose alcoholic beverages license has  
19 an off-sale privilege.

20           (i) An applicant for a refillable container [license] **PERMIT** that holds an  
21 alcoholic beverage license without an off-sale privilege shall meet the same  
22 advertising, posting of notice, and public hearing requirements as those for the  
23 alcoholic beverages license that the applicant holds.

24           (j) The term of a refillable container [license] **PERMIT** issued to a successful  
25 applicant is the same as that of the alcoholic beverages license that the applicant  
26 holds.

27           (k) The hours of sale for a refillable container [license] **PERMIT**:

28           (1) Begin at the same time as those for the alcoholic beverages license  
29 already held by the person to whom the refillable container license is issued; and

30           (2) End at midnight.



1 (l) [The] A holder of a refillable container [license] PERMIT may refill only  
 2 a refillable container that ~~was branded by [the license] A REFILLABLE CONTAINER~~  
 3 ~~PERMIT holder~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

4 (m) The Board may adopt regulations to carry out this section, including  
 5 limiting the number of refillable container [licenses] PERMITS that may be issued in  
 6 the County.

7 8-212.

8 (a) This section applies only in Garrett County.

9 (c) (4) To be used as a refillable container, a container shall:

10 (i) ~~Be sealable;~~

11 (ii) ~~Be branded with an identifying mark of the [license]~~  
 12 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

13 (iii) ~~Bear the federal health warning statement required for~~  
 14 ~~containers of alcoholic beverages under 21 C.F.R. 16.21;~~

15 (iv) ~~Display instructions for cleaning the container; and~~

16 (v) ~~Bear a label stating that:~~

17 ~~1. Cleaning the container is the responsibility of the~~  
 18 ~~consumer; and~~

19 ~~2. The contents of the container are perishable and~~  
 20 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
 21 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

22 (5) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL  
 23 ONLY A REFILLABLE CONTAINER THAT ~~WAS BRANDED BY A REFILLABLE~~  
 24 ~~CONTAINER PERMIT HOLDER~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS  
 25 ARTICLE.

26 [(5)] (6) The Board of License Commissioners may adopt regulations  
 27 to carry out this subsection.

28 8-213.3.

29 (A) THIS SECTION APPLIES ONLY IN HARFORD COUNTY.

1           **(B) THERE IS A REFILLABLE CONTAINER PERMIT.**

2           **(C) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A**  
3 **HOLDER OF A CLASS A-1 OR A-2 LICENSE, A CLASS B LICENSE THAT HAS**  
4 **OFF-SALE PRIVILEGES, OR A CLASS D LICENSE.**

5           **(D) THE ANNUAL PERMIT FEE IS \$50.**

6           **(E) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

7                   **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**  
8 **ALCOHOLIC BEVERAGES LICENSE; AND**

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

10           9-204.1.

11           (b) This section applies only in Baltimore City.

12           (f) (1) This subsection applies only in the 46th alcoholic beverages  
13 district.

14           (8) Notwithstanding paragraph (2)(ii) through (iv) of this subsection, a  
15 license specified under this subsection, including a license that allows no sales for  
16 off-premises consumption, may include an off-sale privilege for sales of refillable  
17 containers under a refillable container [license] **PERMIT** issued in accordance with §  
18 8-203(e) of this article.

19           12-113.

20           (a) For the prevention and detection of fraud by manufacturers,  
21 [wholesalers] **WHOLESALERS**, and retail dealers, the Comptroller and/or the local  
22 liquor licensing boards shall be empowered to prescribe for use, and to authorize any  
23 of their deputies or inspectors to make use of [such] hydrometers, saccharometers,  
24 weighing and gauging instruments or other means, records or devices for ascertaining  
25 the quantity and/or quality of alcohol in any alcoholic beverage [as] **THAT** they [may  
26 deem] **CONSIDER** necessary, and they may [prescribe] **ADOPT** rules and regulations  
27 to secure a uniform and correct system of inspection, [marking] **MARKING**, and  
28 gauging of [all such] **THOSE** beverages.

29           (b) [No] **A** retail dealer or **AN** agent or employee of [such] **A** retail dealer  
30 [shall] **MAY NOT** tamper with, by the addition to, or the change in any manner  
31 [whatsoever of] the quantity or quality[, of] **OF**, the contents of any container of  
32 alcoholic beverages after [such] **THE** container of alcoholic beverages has been sealed

1 in accordance with the laws of the United States and/or the laws of the State of  
2 Maryland, and while the contents remain in the original container.

3 (c) Except as [provided in §§ 7-101(w)(3) and 8-203(e) of] **SPECIFICALLY**  
4 **AUTHORIZED BY** this article **WITH RESPECT TO REFILLABLE BEER AND WINE**  
5 **CONTAINERS**, [no] A retail dealer, or AN agent or employee of [such] A retail dealer  
6 [shall] **MAY NOT** refill any container of alcoholic beverages with any substance  
7 [whatsoever] after [such] **THE** container has once been emptied of its original  
8 contents.

9 (d) (1) [No] A retail dealer [shall] **MAY NOT** keep or possess any  
10 container or containers of alcoholic beverages that have been tampered with in  
11 violation of subsection (b) of this [section and no] **SECTION**.

12 (2) A retail dealer [shall] **MAY NOT** keep or possess any container or  
13 containers of alcoholic beverages that have been refilled in violation of subsection (c) of  
14 this section.

15 (E) [Any] A person [violating] **WHO VIOLATES** any [of the provisions]  
16 **PROVISION** of this section [shall be deemed] **IS** guilty of a misdemeanor and [upon]  
17 **ON** conviction [thereof shall be] **IS** subject to a fine [of] not [more than one thousand  
18 dollars (\$1,000.00)] **EXCEEDING \$1,000** or [to] imprisonment [for not more than two]  
19 **NOT EXCEEDING 2** years [in the house of correction or jail,] or both [fined and  
20 imprisoned in the discretion of the court].

21 **21-107.**

22 (A) **THIS SECTION GOVERNS THE STANDARDS FOR AND USE OF**  
23 **CONTAINERS THAT MAY BE SOLD, FILLED, AND REFILLED UNDER THE**  
24 **AUTHORITY OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS**  
25 **ARTICLE.**

26 (B) **TO BE USED AS A REFILLABLE CONTAINER FOR BEER UNDER THE**  
27 **AUTHORITY OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS**  
28 **ARTICLE, A CONTAINER SHALL:**

29 (1) **HAVE A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT**  
30 **MORE THAN 128 OUNCES;**

31 (2) **BE SEALABLE;**

32 (3) **BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF**  
33 **THE CONTAINER;**

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

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

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

6                   **(i) CLEANING THE CONTAINER IS THE RESPONSIBILITY OF**  
7 **THE CONSUMER; AND**

8                   **(ii) THE CONTENTS OF THE CONTAINER ARE PERISHABLE**  
9 **AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48**  
10 **HOURS AFTER PURCHASE.**

11           **(c) TO BE USED AS A REFILLABLE CONTAINER FOR WINE UNDER THE**  
12 **AUTHORITY OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS**  
13 **ARTICLE, A CONTAINER SHALL:**

14                   **(1) HAVE A CAPACITY OF NOT LESS THAN 17 OUNCES AND NOT**  
15 **MORE THAN 34 OUNCES;**

16                   **(2) BE SEALABLE;**

17                   **(3) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF**  
18 **THE CONTAINER;**

19                   **(4) BEAR THE FEDERAL HEALTH WARNING STATEMENT**  
20 **REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.**  
21 **16.21;**

22                   **(5) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND**

23                   **(6) BEAR A LABEL STATING THAT CLEANING THE CONTAINER IS**  
24 **THE RESPONSIBILITY OF THE CONSUMER.**

25           **(d) THE COMPTROLLER MAY ADOPT STANDARDS ON CONTAINERS THAT**  
26 **QUALIFY FOR USE UNDER THIS SECTION AS REFILLABLE CONTAINERS FOR BEER**  
27 **AND FOR WINE, RESPECTIVELY, INCLUDING CONTAINERS ORIGINATING FROM**  
28 **OUTSIDE THE STATE.**

29           **(e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE**  
30 **HOLDER OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS ARTICLE**  
31 **MAY REFILL A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE**

1 THE STATE THAT MEETS STANDARDS ADOPTED BY THE COMPTROLLER UNDER  
2 THIS SECTION FOR A BEER CONTAINER OR A WINE CONTAINER, AS  
3 APPROPRIATE.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.