4lr0800

## By: **Carroll County Delegation** Introduced and read first time: January 16, 2014 Assigned to: Economic Matters

## A BILL ENTITLED

1 AN ACT concerning

## 2 Carroll County – Alcoholic Beverages – Refillable Container Permit

- 3 FOR the purpose of creating in Carroll County a refillable container permit; 4 authorizing the Board of License Commissioners to issue the permit to a holder  $\mathbf{5}$ of certain classes of alcoholic beverages licenses issued by the Board; specifying 6 that a holder of the permit may sell draft beer for consumption off the licensed 7 premises in a certain refillable container; requiring a refillable container to 8 meet certain requirements; requiring an applicant for the permit to complete a 9 certain form and pay a certain fee; requiring that certain applicants meet certain advertising, posting of notice, and public hearing requirements; 10 specifying the term of the permit; specifying the hours of sale for the permit; 11 12allowing a holder of the permit to refill only a refillable container that was 13 branded by a permit holder; requiring the Board to adopt certain regulations; and generally relating to alcoholic beverages in Carroll County. 14
- 15 BY adding to
- 16 Article 2B Alcoholic Beverages
- 17 Section 8–207
- 18 Annotated Code of Maryland
- 19 (2011 Replacement Volume and 2013 Supplement)
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 21 MARYLAND, That the Laws of Maryland read as follows:
- 22

## Article 2B – Alcoholic Beverages

- 23 **8–207.**
- 24 (A) THIS SECTION APPLIES ONLY IN CARROLL COUNTY.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



HOUSE BILL 210

(B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE 1  $\mathbf{2}$ **COMMISSIONERS.** 3 (C) (1) THERE IS A REFILLABLE CONTAINER PERMIT. 4 (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.  $\mathbf{5}$ 6 SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A (3) REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL 7 DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A 8 **REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND** 9 10 NOT MORE THAN 128 OUNCES. 11 (4) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (3) OF THIS SUBSECTION, A CONTAINER SHALL: 1213**(I) BE SEALABLE;** BE BRANDED WITH AN IDENTIFYING MARK OF THE 14**(II)** PERMIT HOLDER WHO SELLS THE CONTAINER; 1516 (III) BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 1716.21; 18 19 (IV) DISPLAY INSTRUCTIONS FOR CLEANING THE 20**CONTAINER; AND** 21(V) **BEAR A LABEL STATING THAT:** 221. CLEANING THE CONTAINER IS THE 23**RESPONSIBILITY OF THE CONSUMER; AND** 242. THE CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED 25WITHIN 48 HOURS AFTER PURCHASE. 26BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER 27(5) 28**PERMIT:** 29**(I)** THE APPLICANT SHALL:

 $\mathbf{2}$ 

HOUSE BILL 210

1 1. COMPLETE THE FORM THAT THE BOARD  $\mathbf{2}$ **PROVIDES; AND** 3 2. **PAY AN ANNUAL PERMIT FEE OF:** 4 A. **\$500** FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR  $\mathbf{5}$ 6 В. **\$50** FOR AN APPLICANT WHOSE ALCOHOLIC 7 BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE; AND 8 AN APPLICANT WHO HOLDS A PERMIT WITHOUT AN **(II)** 9 OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE PERMIT 10 11 THAT THE APPLICANT HOLDS. 12(6) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO 13 A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE 14**APPLICANT HOLDS.** 15(7) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT: 16 **(I) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE** 17ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER 18 PERMIT IS ISSUED; AND 19 **(II)** END AT MIDNIGHT. 20(8) A PERMIT HOLDER MAY REFILL ONLY A REFILLABLE 21CONTAINER THAT WAS BRANDED BY A PERMIT HOLDER. 22(9) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS 23SUBSECTION. 24SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 25July 1, 2014.