

SENATE BILL 341

A2

4lr1966

By: **Calvert County Senators**

Introduced and read first time: January 21, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2014

CHAPTER _____

1 AN ACT concerning

2 **Calvert County and St. Mary's County – Alcoholic Beverages – Refillable**
3 **Container Permit**

4 FOR the purpose of creating in Calvert County and St. Mary's County a refillable
5 container permit; authorizing the ~~Board of License Commissioners~~ boards of
6 license commissioners for the counties to issue the permit to a holder of certain
7 classes of alcoholic beverages licenses issued by the ~~Board~~ boards; specifying
8 that a holder of the permit may sell draft beer for consumption off the licensed
9 premises in a certain refillable container; requiring a refillable container to
10 meet certain requirements; requiring an applicant for the permit to complete a
11 certain form and pay a certain fee; requiring that certain applicants meet
12 certain advertising, posting-of-notice, and public hearing requirements;
13 specifying the term of the permit; specifying the hours of sale for the permit;
14 allowing a holder of the permit to refill only a refillable container that was
15 branded by a permit holder; requiring the ~~Board~~ boards to adopt certain
16 regulations; and generally relating to alcoholic beverages in Calvert County and
17 St. Mary's County.

18 BY adding to

19 Article 2B – Alcoholic Beverages

20 Section 8-205 and 8-219.1

21 Annotated Code of Maryland

22 (2011 Replacement Volume and 2013 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 **8–205.**

5 (A) THIS SECTION APPLIES ONLY IN CALVERT COUNTY.

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

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

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

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

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

18 (I) BE SEALABLE;

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

21 (III) BEAR THE FEDERAL HEALTH WARNING STATEMENT
22 REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.
23 16.21;

24 (IV) DISPLAY INSTRUCTIONS FOR CLEANING THE
25 CONTAINER; AND

26 (V) BEAR A LABEL STATING THAT:

27 1. CLEANING THE CONTAINER IS THE
28 RESPONSIBILITY OF THE CONSUMER; AND

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

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

6 **(I) THE APPLICANT SHALL:**

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

9 **2. PAY AN ANNUAL PERMIT FEE OF:**

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

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

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

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

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

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

25 **(II) END AT MIDNIGHT.**

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

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

30 **8-219.1.**

1 **(A) THIS SECTION APPLIES ONLY IN ST. MARY'S COUNTY.**

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

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

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

7 **(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A**
8 **REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL**
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10 **REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND**
11 **NOT MORE THAN 128 OUNCES.**

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

14 **(I) BE SEALABLE;**

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

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

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

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

23 **1. CLEANING THE CONTAINER IS THE**
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20 **(ii) END AT MIDNIGHT.**

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

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

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