

HOUSE BILL 299

A2

6lr2171
CF SB 130

By: **Delegate Otto**

Introduced and read first time: January 26, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Worcester County – Alcoholic Beverages – Refillable Container Permit for Draft**
3 **Beer**

4 FOR the purpose of establishing a refillable container permit for draft beer in Worcester
5 County; authorizing the Worcester County Board of License Commissioners to issue
6 a refillable container permit for draft beer to certain holders of certain licenses under
7 certain circumstances and conditions; specifying that a refillable container permit
8 authorizes a holder to sell draft beer for off-premises consumption in a certain
9 refillable container under certain circumstances and conditions; specifying the term,
10 hours for sale, and advertising, posting of notice, and public hearing requirements
11 associated with a refillable container permit; requiring an applicant for a refillable
12 container permit to take certain actions before the Board may issue a refillable
13 container permit to an applicant; requiring that certain receipts collected be included
14 in certain calculations of average daily receipts; defining a certain term; and
15 generally relating to refillable container permits for draft beer in Worcester County.

16 BY repealing and reenacting, with amendments,
17 Article 2B – Alcoholic Beverages
18 Section 8–103
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2015 Supplement)

21 BY adding to
22 Article 2B – Alcoholic Beverages
23 Section 8–224.1
24 Annotated Code of Maryland
25 (2011 Replacement Volume and 2015 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article 2B – Alcoholic Beverages
28 Section 21–107

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2011 Replacement Volume and 2015 Supplement)

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

5 **Article 2B – Alcoholic Beverages**

6 8–103.

7 (a) (1) This section applies with respect to draft beer in the following
8 jurisdictions:

- 9 (i) Baltimore County;
- 10 (ii) Carroll County;
- 11 (iii) Charles County;
- 12 (iv) Harford County;
- 13 (v) Howard County;
- 14 (vi) Prince George’s County;
- 15 (vii) Queen Anne’s County;
- 16 (viii) St. Mary’s County; [and]
- 17 (ix) Washington County; AND
- 18 **(X) WORCESTER COUNTY.**

19 (2) This section applies with respect to wine in the following jurisdictions:

- 20 (i) Harford County;
- 21 (ii) Howard County; and
- 22 (iii) Montgomery County.

23 (b) There is a refillable container permit.

24 (c) With respect to the alcoholic beverages authorized for the local jurisdiction
25 under subsection (a) of this section, a refillable container permit entitles the permit holder
26 to sell draft beer or wine, respectively, for consumption off the licensed premises in a
27 refillable container that meets the standards under § 21–107 of this article.

1 (d) The term of a refillable container permit is the same as that of the underlying
2 alcoholic beverages license.

3 (e) Except as otherwise specifically provided, the hours of sale for a refillable
4 container permit are the same as those for the underlying alcoholic beverages license.

5 (f) An applicant who holds an underlying alcoholic beverages license without an
6 off-sale privilege shall meet the same advertising, posting of notice, and public hearing
7 requirements as those for the underlying license.

8 (g) A holder of a refillable container permit may refill only a refillable container
9 that meets the standards under § 21-107 of this article.

10 **8-224.1.**

11 (A) **THIS SECTION APPLIES ONLY IN WORCESTER COUNTY.**

12 (B) **IN THIS SECTION, "BOARD" MEANS THE WORCESTER COUNTY BOARD**
13 **OF LICENSE COMMISSIONERS.**

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

15 (D) **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT**
16 **BEER TO A HOLDER OF A CLASS B LICENSE OR A CLASS D LICENSE.**

17 (E) **BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT TO AN**
18 **APPLICANT, THE APPLICANT SHALL:**

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

20 (2) **PAY AN ANNUAL PERMIT FEE OF \$500.**

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

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

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

26 (G) **RECEIPTS COLLECTED UNDER A REFILLABLE CONTAINER PERMIT**
27 **SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE**

1 **SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS B RESTAURANT LICENSE AND A**
2 **CLASS B HOTEL LICENSE.**

3 21–107.

4 (a) This section governs the standards for and use of containers that may be sold,
5 filled, and refilled under the authority of a refillable container permit issued under this
6 article.

7 (b) To be used as a refillable container for beer under the authority of a refillable
8 container permit issued under this article, a container shall:

9 (1) Have a capacity of not less than 32 ounces and not more than 128
10 ounces;

11 (2) Be sealable;

12 (3) Be branded with an identifying mark of the seller of the container;

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

15 (5) Display instructions for cleaning the container; and

16 (6) Bear a label stating that:

17 (i) Cleaning the container is the responsibility of the consumer; and

18 (ii) The contents of the container are perishable and should be
19 refrigerated immediately and consumed within 48 hours after purchase.

20 (c) To be used as a refillable container for wine under the authority of a refillable
21 container permit issued under this article, a container shall:

22 (1) Have a capacity of not less than 17 ounces and not more than 34 ounces;

23 (2) Be sealable;

24 (3) Be branded with an identifying mark of the seller of the container;

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

27 (5) Display instructions for cleaning the container; and

28 (6) Bear a label stating that cleaning the container is the responsibility of
29 the consumer.

1 (d) The Comptroller may adopt standards on containers that qualify for use under
2 this section as refillable containers for beer and for wine, respectively, including containers
3 originating from outside the State.

4 (e) Notwithstanding any other provision of this article, the holder of a refillable
5 container permit issued under this article may refill a refillable container originating from
6 inside or outside the State that meets standards adopted by the Comptroller under this
7 section for a beer container or a wine container, as appropriate.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2016.