

Chapter 531

(House Bill 432)

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Draft Beer for Off-Site
Consumption in Damascus**

MC 12-21

FOR the purpose of authorizing the Board of License Commissioners for Montgomery County to issue a refillable container permit for draft beer or a nonrefillable container permit for draft beer to a holder of a Class H beer and wine license if the licensed establishment is in Damascus; making clarifying changes; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 4-1104, 4-1106, and 25-102
Annotated Code of Maryland
(2016 Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 25-806, 25-1103, 25-1104.1, and 25-1603
Annotated Code of Maryland
(2016 Volume and 2020 Supplement)

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

Article – Alcoholic Beverages

4-1104.

(a) There is a refillable container permit.

(b) A refillable container permit authorizes the permit holder to:

(1) sell draft beer for off-premises consumption in a refillable container that meets the standards set out in subsection (d) of this section; and

(2) sell and refill a refillable container that meets the standards set out in subsection (d) of this section.

(c) (1) The term of a refillable container permit is the same as that of the underlying license.

(2) The hours of sale for a refillable container permit are the same as those for the underlying license.

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

(d) (1) To be used as a refillable container for beer under the authority of a refillable container permit, a container shall:

(i) have a capacity of not less than 32 ounces and not more than 128 ounces;

(ii) be sealable;

(iii) be branded with an identifying mark of the seller of the container;

(iv) bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(v) display instructions for cleaning the container; and

(vi) 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.

(2) The Comptroller may adopt standards regarding containers that qualify for use as refillable containers for beer, including containers originating from outside the State.

(3) The holder of a refillable container permit may refill a refillable container originating from inside or outside the State that meets the standards adopted by the Comptroller under paragraph (2) of this subsection.

4-1106.

(a) There is a nonrefillable container permit.

(b) A nonrefillable container permit authorizes the permit holder to sell draft beer for off-premises consumption by packaging the beer in a nonrefillable container that meets the standards set out in subsection (d) of this section.

(c) (1) The term of a nonrefillable container permit is the same as that of the underlying license.

(2) The hours of sale for a nonrefillable container permit are the same as those for the underlying license.

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

(d) To be used as a nonrefillable container for draft beer under the authority of a nonrefillable container permit, a container shall:

(1) be constructed out of aluminum;

(2) be sealable;

(3) have a capacity of 32 ounces;

(4) be branded with the identifying marks of the seller of the container; and

(5) bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. § 16.21.

25-102.

This title applies only in Montgomery County.

25-806.

(a) There is a Class H beer and wine license.

(b) **[The] EXCEPT AS PROVIDED IN § 25-1603(C) OF THIS TITLE, THE** license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on-premises consumption.

(c) The annual license fee is \$400.

25-1103.

(a) The Board may issue a refillable container permit for draft beer to a holder of:

- (1) a Class B beer and wine license[.];
- (2) a Class D beer and wine license[, or];
- (3) a Class BD–BWL license; OR

(4) IF THE LICENSED PREMISES IS IN DAMASCUS (12TH ELECTION DISTRICT), IN ACCORDANCE WITH § 25–1603 OF THIS TITLE, A CLASS H BEER AND WINE LICENSE.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit begin and end at the same time as those for the underlying license.

(d) The permit may be renewed each year with the renewal of the underlying license.

(e) The Board shall issue the permit at no cost to the applicant.

25–1104.1.

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of:

- (1) a Class B beer and wine license[.];
- (2) a Class D beer and wine license[, or];
- (3) a Class BD–BWL license; OR

(4) IF THE LICENSED PREMISES IS IN DAMASCUS (12TH ELECTION DISTRICT), IN ACCORDANCE WITH § 25–1603 OF THIS TITLE, A CLASS H BEER AND WINE LICENSE.

(b) An applicant for the permit shall complete the form that the Board provides.

(c) The hours of sale for the permit begin and end at the same time as those for the underlying license.

(d) The permit may be renewed each year with the renewal of the underlying license.

(e) The Board shall issue the permit at no cost to the applicant.

25-1603.

(a) This section applies only to Damascus (12th election district).

(b) The Board may issue a 7-day Class C (on-sale) beer, wine, and liquor license to a volunteer fire department.

(c) (1) Subject to paragraph (2) of this subsection:

(i) the Board may issue Class H beer and wine, hotel and restaurant licenses; and

(ii) the licenses may be renewed or transferred.

(2) A license may be issued, transferred, or renewed if:

(i) pool tables, billiard tables, shuffleboards, dart boards, video games, pinball machines, or recreational devices are not used in the licensed premises; and

(ii) **EXCEPT FOR BEER IN CONTAINERS SOLD FOR OFF-PREMISES CONSUMPTION AS AUTHORIZED UNDER SUBSECTION (D) OF THIS SECTION**, alcoholic beverages served by the license holder are consumed by customers while the customers are seated.

(D) THE BOARD MAY ISSUE TO THE HOLDER OF A CLASS H BEER AND WINE LICENSE:

(1) A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER UNDER § 25-1103 OF THIS TITLE; OR

(2) A NONREFILLABLE CONTAINER PERMIT FOR DRAFT BEER UNDER § 25-1104.1 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.