

HOUSE BILL 145

A2

(3lr1459)

ENROLLED BILL

— *Economic Matters/Education, Health, and Environmental Affairs* —

Introduced by ~~Delegate George~~ Anne Arundel County Delegation

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **City of Annapolis – Alcoholic Beverages – Refillable Container License**

3 FOR the purpose of creating in the City of Annapolis a refillable container license;
4 authorizing the Alcoholic Beverage Control Board to issue the license to a
5 holder of certain classes of alcoholic beverages licenses; specifying that a holder
6 of the license may sell draft beer for consumption off the licensed premises in a
7 certain refillable container; requiring a refillable container to meet certain
8 requirements; requiring an applicant for the license to complete a certain form
9 and pay a certain fee; requiring that certain applicants meet certain
10 advertising, posting of notice, and public hearing requirements; specifying the
11 term of the license; specifying the hours of sale for the license; allowing a holder
12 of the license to refill only a refillable container that was branded by ~~the~~ a
13 license holder; requiring the Alcoholic Beverage Control Board to adopt certain
14 regulations; and generally relating to alcoholic beverages in the City of
15 Annapolis.

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY adding to
 2 Article 2B – Alcoholic Beverages
 3 Section 8–202.2
 4 Annotated Code of Maryland
 5 (2011 Replacement Volume and 2012 Supplement)

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

8 **Article 2B – Alcoholic Beverages**

9 **8–202.2.**

10 (A) THIS SECTION APPLIES ONLY IN THE CITY OF ANNAPOLIS.

11 (B) THERE IS A REFILLABLE CONTAINER LICENSE.

12 (C) THE ALCOHOLIC BEVERAGE CONTROL BOARD MAY ISSUE A
 13 REFILLABLE CONTAINER LICENSE TO A HOLDER OF A CLASS A LICENSE, A
 14 CLASS B LICENSE, OR A CLASS D LICENSE.

15 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A
 16 REFILLABLE CONTAINER LICENSE ENTITLES THE LICENSE HOLDER TO SELL
 17 DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A
 18 REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND
 19 NOT MORE THAN ~~182~~ 128 OUNCES.

20 (2) TO BE USED AS A REFILLABLE CONTAINER UNDER
 21 PARAGRAPH (1) OF THIS SUBSECTION, A CONTAINER SHALL:

22 (I) BE SEALABLE;

23 (II) BE BRANDED WITH AN IDENTIFYING MARK OF ~~THE~~ A
 24 LICENSE HOLDER;

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

28 (IV) DISPLAY INSTRUCTIONS FOR CLEANING THE
 29 CONTAINER; AND

30 (V) BEAR A LABEL STATING THAT:

1 1. CLEANING THE CONTAINER IS THE
2 RESPONSIBILITY OF THE CONSUMER; AND

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

6 (E) BEFORE THE ALCOHOLIC BEVERAGE CONTROL BOARD ISSUES A
7 REFILLABLE CONTAINER LICENSE:

8 (1) THE APPLICANT SHALL:

9 (I) COMPLETE THE FORM THAT THE ALCOHOLIC
10 BEVERAGE CONTROL BOARD PROVIDES; AND

11 (II) PAY AN ANNUAL LICENSE FEE OF:

12 1. \$500 FOR AN APPLICANT WHOSE ALCOHOLIC
13 BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; AND

14 2. \$50 FOR AN APPLICANT WHOSE ALCOHOLIC
15 BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE; AND

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

20 (F) THE TERM OF A REFILLABLE CONTAINER LICENSE ISSUED TO A
21 SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE
22 APPLICANT HOLDS.

23 (G) THE HOURS OF SALE FOR A REFILLABLE CONTAINER LICENSE:

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

27 (2) END AT MIDNIGHT.

28 (H) A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER
29 THAT WAS BRANDED BY ~~THE~~ A LICENSE HOLDER.

1 **(I) THE ALCOHOLIC BEVERAGE CONTROL BOARD SHALL ADOPT**
2 **REGULATIONS TO CARRY OUT THIS SECTION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.