

# SENATE BILL 244

A2

(3lr1460)

## ENROLLED BILL

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

Introduced by **Senator Astle**

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.

\_\_\_\_\_  
President.

### 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.

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#### 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 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:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.