

SENATE BILL 244

A2

3lr1460
CF HB 145

By: **Senator Astle**

Introduced and read first time: January 18, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2013

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.

16 BY adding to

17 Article 2B – Alcoholic Beverages

18 Section 8–202.2

19 Annotated Code of Maryland

20 (2011 Replacement Volume and 2012 Supplement)

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

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 **Article 2B – Alcoholic Beverages**2 **8-202.2.**3 (A) **THIS SECTION APPLIES ONLY IN THE CITY OF ANNAPOLIS.**4 (B) **THERE IS A REFILLABLE CONTAINER LICENSE.**5 (C) **THE ALCOHOLIC BEVERAGE CONTROL BOARD MAY ISSUE A**
6 **REFILLABLE CONTAINER LICENSE TO A HOLDER OF A CLASS A LICENSE OR A**
7 **CLASS D LICENSE.**8 (D) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**
9 **REFILLABLE CONTAINER LICENSE ENTITLES THE LICENSE HOLDER TO SELL**
10 **DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A**
11 **REFILLABLE CONTAINER WITH A CAPACITY OF LESS THAN 32 OUNCES AND NOT**
12 **MORE THAN 128 OUNCES.**13 (2) **TO BE USED AS A REFILLABLE CONTAINER UNDER**
14 **PARAGRAPH (1) OF THIS SUBSECTION, A CONTAINER SHALL:**15 (I) **BE SEALABLE;**16 (II) **BE BRANDED WITH AN IDENTIFYING MARK OF ~~THE~~ A**
17 **LICENSE HOLDER;**18 (III) **BEAR THE FEDERAL HEALTH WARNING STATEMENT**
19 **REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.**
20 **16.21;**21 (IV) **DISPLAY INSTRUCTIONS FOR CLEANING THE**
22 **CONTAINER; AND**23 (V) **BEAR A LABEL STATING THAT:**24 1. **CLEANING THE CONTAINER IS THE**
25 **RESPONSIBILITY OF THE CONSUMER; AND**26 2. **THE CONTENTS OF THE CONTAINER ARE**
27 **PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED**
28 **WITHIN 48 HOURS AFTER PURCHASE.**29 (E) **BEFORE THE ALCOHOLIC BEVERAGE CONTROL BOARD ISSUES A**
30 **REFILLABLE CONTAINER LICENSE:**

1 **(1) THE APPLICANT SHALL:**

2 **(I) COMPLETE THE FORM THAT THE ALCOHOLIC**
3 **BEVERAGE CONTROL BOARD PROVIDES; AND**

4 **(II) PAY AN ANNUAL LICENSE FEE OF:**

5 **1. \$500 FOR AN APPLICANT WHOSE ALCOHOLIC**
6 **BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; AND**

7 **2. \$50 FOR AN APPLICANT WHOSE ALCOHOLIC**
8 **BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

9 **(2) AN APPLICANT THAT HOLDS A LICENSE WITHOUT AN**
10 **OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF**
11 **NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE LICENSE**
12 **THAT THE APPLICANT HOLDS.**

13 **(F) THE TERM OF A REFILLABLE CONTAINER LICENSE ISSUED TO A**
14 **SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE**
15 **APPLICANT HOLDS.**

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

17 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE**
18 **ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER**
19 **LICENSE IS ISSUED; AND**

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

21 **(H) A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER**
22 **THAT WAS BRANDED BY ~~THE~~ A LICENSE HOLDER.**

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

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