

SENATE BILL 955

A1

3lr2980

By: **Senator Brinkley**

Introduced and read first time: February 14, 2013

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 21, 2013

Committee Report: Favorable

Senate action: Adopted

Read second time: March 17, 2013

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Refillable Containers – Class 5 Manufacturer’s License**

3 FOR the purpose of authorizing the State Comptroller to issue a refillable container
4 permit to a holder of a Class 5 manufacturer’s license; providing for the renewal
5 of the permit; authorizing a holder of a refillable container permit to sell draft
6 beer in certain refillable containers for consumption off the licensed premises;
7 specifying the hours of sale for the permit; providing that a holder of the permit
8 may refill only a refillable container that was branded by the permit holder;
9 authorizing the Comptroller to adopt certain regulations; and generally relating
10 to the issuance of a refillable container permit to a holder of a Class 5
11 manufacturer’s license.

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 2–206
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2012 Supplement)

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

19 **Article 2B – Alcoholic Beverages**

20 2–206.

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 (a) A Class 5 manufacturer's license:

2 (1) Is a brewery license; and

3 (2) Authorizes the holder to:

4 (i) Establish and operate in this State a plant for brewing and
5 bottling malt beverages at the location described in the license;

6 (ii) Import beer from holders of nonresident dealer's permits;
7 and

8 (iii) Sell and deliver beer to any wholesale licensee in this State,
9 or person outside of this State, authorized to acquire it.

10 (b) A licensee may:

11 (1) Serve to a person of legal drinking age who participates in a guided
12 tour of the facility or attends a scheduled promotional event or other organized activity
13 at the licensed premises, not more than six samples of beer brewed at the licensed
14 premises, with each sample consisting of not more than 3 ounces from a single style of
15 beer; and

16 (2) Sell beer brewed at the brewery for off-premises consumption to
17 anyone who participates in a guided tour of the brewery or attends a scheduled
18 promotional event or other organized activity at the licensed premises, subject to the
19 following restrictions:

20 (i) The purchase is limited to 288 ounces of beer per person;
21 and

22 (ii) The person has attained the legal drinking age.

23 (c) (1) The Office of the Comptroller may issue a special brewery
24 promotional event permit to a holder of a Class 5 manufacturer's license.

25 (2) The permit authorizes the holder to conduct on the premises of the
26 brewery a promotional event at which the holder may:

27 (i) Provide samples of not more than 3 fluid ounces per brand to
28 consumers; and

29 (ii) Sell beer produced by the holder to persons who participate
30 in the event.

1 (3) The beer at the event shall be sold by the glass and for
2 consumption on the premises only.

3 (4) A holder of a Class 5 manufacturer's license may not be issued
4 more than 12 permits in a calendar year.

5 (5) A single promotional event may not exceed 3 consecutive days.

6 (6) The permit fee is \$25 per event.

7 (7) To obtain a permit, a person, at least 15 days before the event,
8 shall file with the Office of the Comptroller an application that the Office provides.

9 **(D) (1) (I) THE COMPTROLLER MAY ISSUE A REFILLABLE**
10 **CONTAINER PERMIT TO A HOLDER OF A CLASS 5 MANUFACTURER'S LICENSE:**

11 **1. ON COMPLETION OF AN APPLICATION FORM THAT**
12 **THE COMPTROLLER PROVIDES; AND**

13 **2. AT NO COST TO THE HOLDER OF THE CLASS 5**
14 **MANUFACTURER'S LICENSE.**

15 **(II) A REFILLABLE CONTAINER PERMIT MAY BE RENEWED**
16 **EACH YEAR CONCURRENTLY WITH THE RENEWAL OF THE CLASS 5**
17 **MANUFACTURER'S LICENSE.**

18 **(2) A REFILLABLE CONTAINER PERMIT AUTHORIZES THE**
19 **HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED**
20 **PREMISES IN A REFILLABLE CONTAINER THAT:**

21 **(I) HAS A CAPACITY OF NOT LESS THAN 32 OUNCES AND**
22 **NOT MORE THAN 128 OUNCES; AND**

23 **(II) MEETS THE REQUIREMENTS UNDER PARAGRAPH (3) OF**
24 **THIS SUBSECTION.**

25 **(3) TO BE USED AS A REFILLABLE CONTAINER UNDER**
26 **PARAGRAPH (2) OF THIS SUBSECTION, A CONTAINER SHALL:**

27 **(I) BE SEALABLE;**

28 **(II) BE BRANDED WITH AN IDENTIFYING MARK OF THE**
29 **LICENSE HOLDER;**

1 (III) BEAR THE FEDERAL HEALTH WARNING STATEMENT
2 REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.
3 16.21;

4 (IV) DISPLAY INSTRUCTIONS FOR CLEANING THE
5 CONTAINER; AND

6 (V) BEAR A LABEL STATING THAT:

7 1. CLEANING THE CONTAINER IS THE
8 RESPONSIBILITY OF THE CONSUMER; AND

9 2. CONTENTS OF THE CONTAINER ARE PERISHABLE
10 AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48
11 HOURS AFTER PURCHASE.

12 (4) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT
13 ISSUED UNDER THIS SUBSECTION ARE THE SAME AS THE HOURS WHEN A
14 GUIDED TOUR, A PROMOTIONAL EVENT, OR OTHER ORGANIZED ACTIVITY AT
15 THE LICENSED PREMISES AUTHORIZED UNDER SUBSECTION (B) OF THIS
16 SECTION MAY BE CONDUCTED.

17 (5) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL
18 ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY THE PERMIT HOLDER.

19 (6) THE COMPTROLLER MAY ADOPT REGULATIONS TO
20 IMPLEMENT THIS SUBSECTION.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.