

Chapter 486

(Senate Bill 341)

AN ACT concerning

Calvert County ~~and St. Mary's County~~ – Alcoholic Beverages – Refillable Container Permit

FOR the purpose of creating in Calvert County ~~and St. Mary's County~~ a refillable container permit; authorizing the ~~Board of License Commissioners~~ ~~boards of license commissioners for the counties~~ Board of License Commissioners to issue the permit to a holder of certain classes of alcoholic beverages licenses issued by the ~~Board~~ ~~boards~~ Board; specifying that a holder of the permit may sell draft beer for consumption off the licensed premises in a certain refillable container; requiring a refillable container to meet certain requirements; requiring an applicant for the permit to complete a certain form and pay a certain fee; requiring that certain applicants meet certain advertising, posting-of-notice, and public hearing requirements; specifying the term of the permit; specifying the hours of sale for the permit; allowing a holder of the permit to refill only a refillable container that was branded by a permit holder; requiring the ~~Board~~ ~~boards~~ Board to adopt certain regulations; and generally relating to alcoholic beverages in Calvert County ~~and St. Mary's County~~.

BY adding to

Article 2B – Alcoholic Beverages

Section 8-205 ~~and 8-219.1~~

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

8-205.

(A) THIS SECTION APPLIES ONLY IN CALVERT COUNTY.

(B) IN THIS SECTION, “BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS.

(C) (1) THERE IS A REFILLABLE CONTAINER PERMIT.

(2) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES.

(4) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (3) OF THIS SUBSECTION, A CONTAINER SHALL:

(I) BE SEALABLE;

(II) BE BRANDED WITH AN IDENTIFYING MARK OF THE PERMIT HOLDER WHO SELLS THE CONTAINER;

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

(IV) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND

(V) 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.

(5) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT:

(I) THE APPLICANT SHALL:

1. COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

2. PAY AN ANNUAL PERMIT FEE OF:

A. \$500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

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

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

(6) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE APPLICANT HOLDS.

(7) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

(I) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER PERMIT IS ISSUED; AND

(II) END AT MIDNIGHT.

(8) A PERMIT HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY A PERMIT HOLDER.

(9) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

~~§ 219.1.~~

~~(A) THIS SECTION APPLIES ONLY IN ST. MARY'S COUNTY.~~

~~(B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS.~~

~~(C) (1) THERE IS A REFILLABLE CONTAINER PERMIT.~~

~~(2) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.~~

~~(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A~~

~~REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES.~~

~~(4) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (3) OF THIS SUBSECTION, A CONTAINER SHALL:~~

~~(i) BE SEALABLE;~~

~~(ii) BE BRANDED WITH AN IDENTIFYING MARK OF THE PERMIT HOLDER WHO SELLS THE CONTAINER;~~

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

~~(iv) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND~~

~~(v) 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 WITH 48 HOURS AFTER PURCHASE.~~

~~(5) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT:~~

~~(i) THE APPLICANT SHALL:~~

~~1. COMPLETE THE FORM THAT THE BOARD PROVIDES; AND~~

~~2. PAY AN ANNUAL PERMIT FEE OF:~~

~~A. \$500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR~~

~~B. \$50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE; AND~~

~~(H) AN APPLICANT WHO HOLDS A LICENSE WITHOUT AN OFF SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE LICENSE THAT THE APPLICANT HOLDS.~~

~~(6) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE APPLICANT HOLDS.~~

~~(7) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:~~

~~(i) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER PERMIT IS ISSUED; AND~~

~~(ii) END AT MIDNIGHT.~~

~~(8) A PERMIT HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY A PERMIT HOLDER.~~

~~(9) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 15, 2014.