

# SENATE BILL 546

A1, A2

4lr2843  
CF HB 208

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By: ~~Senator Reilly~~ **Senators Reilly and Ferguson**

Introduced and read first time: January 29, 2014

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Alcoholic Beverages – Refillable Containers – Permits and Labels**

3 FOR the purpose of providing that the holders of certain alcoholic beverages  
4 manufacturing and retail licenses and refillable container permits may refill  
5 certain containers that are branded by a certain holder of a refillable container  
6 permit; renaming certain refillable container licenses to be refillable container  
7 permits; authorizing the issuance of refillable container permits in certain  
8 jurisdictions to the holders of certain licenses for certain fees and subject to  
9 certain requirements; establishing certain provisions, procedures, and  
10 requirements for certain refillable container permits in certain jurisdictions;  
11 reorganizing certain provisions concerning refillable container permits;  
12 authorizing the Comptroller to establish certain standards and uses for certain  
13 refillable containers sold, filled, or refilled in the State; authorizing the holder of  
14 a refillable container permit to refill certain containers that meet certain  
15 standards; establishing a refillable container permit in Prince George’s County;  
16 authorizing the Board of License Commissioners for Prince George’s County to  
17 issue the refillable container permit to a holder of a certain class of license;  
18 specifying that the refillable container permit in Prince George’s County entitles  
19 the holder to sell craft beer for consumption off the licensed premises in a  
20 certain refillable container; requiring the Board of License Commissioners for  
21 Prince George’s County to adopt certain regulations; making other clarifying  
22 and stylistic changes; and generally relating to alcoholic beverages and  
23 refillable containers.

24 BY repealing and reenacting, with amendments,

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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.



1 Article 2B – Alcoholic Beverages  
 2 Section 2–206(d)(3) and (5), 5–201(q)(5) and (7), 5–401(q)(2)(iv) and (vi),  
 3 6–201(d)(1)(v)2., 7–101(l)(8), ~~(p–1)(11)(vi)~~ (p–1)(11), and (w)(3), 8–202(l),  
 4 8–202.2(d) and (h), 8–203(e), 8–210, 8–212(c)(4) and (5), 9–204.1(f)(8), and  
 5 12–113  
 6 Annotated Code of Maryland  
 7 (2011 Replacement Volume and 2013 Supplement)

8 BY repealing and reenacting, without amendments,  
 9 Article 2B – Alcoholic Beverages  
 10 Section 5–201(q)(1), 5–401(q)(1), 6–201(d)(1)(i), 7–101(l)(1), (p–1)(1), and (w)(1),  
 11 8–202(a), 8–202.2(a), 8–203(a), 8–212(a), and 9–204.1(b) and (f)(1)  
 12 Annotated Code of Maryland  
 13 (2011 Replacement Volume and 2013 Supplement)

14 ~~BY repealing and reenacting, with amendments,~~  
 15 ~~Article 2B – Alcoholic Beverages~~  
 16 ~~Section 7–101(p–1)(11)(iii)~~  
 17 ~~Annotated Code of Maryland~~  
 18 ~~(2011 Replacement Volume and 2013 Supplement)~~  
 19 ~~(As enacted by Chapter 117 of the Acts of the General Assembly of 2013)~~

20 BY adding to  
 21 Article 2B – Alcoholic Beverages  
 22 Section 8–103, 8–204.10, 8–207, 8–212(c)(5), 8–213.3, 8–217.1, and 21–107  
 23 Annotated Code of Maryland  
 24 (2011 Replacement Volume and 2013 Supplement)

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

27 **Article 2B – Alcoholic Beverages**

28 2–206.

29 (d) (3) To be used as a refillable container under paragraph (2) of this  
 30 subsection, a container shall:

31 (i) ~~Be sealable;~~

32 (ii) ~~Be branded with an identifying mark of the [license]~~  
 33 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

34 (iii) ~~Bear the federal health warning statement required for~~  
 35 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

36 (iv) ~~Display instructions for cleaning the container; and~~

1                   (v) ~~Bear a label stating that:~~

2                               ~~1.   Cleaning the container is the responsibility of the~~  
3 ~~consumer; and~~

4                               ~~2.   Contents of the container are perishable and should~~  
5 ~~be refrigerated immediately and consumed within 48 hours after purchase~~ MEET THE  
6 STANDARDS UNDER § 21-107 OF THIS ARTICLE.

7                   (5) A holder of a refillable container permit may refill only a refillable  
8 container that ~~was branded by [the] A REFILLABLE CONTAINER permit holder~~  
9 MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

10 5-201.

11           (q) (1) This subsection applies only in Montgomery County.

12                   (5) To be used as a refillable container under paragraph (4) of this  
13 subsection, a container shall:

14                               ~~(i)   Be sealable;~~

15                               ~~(ii)  Be branded with an identifying mark of the [license]~~  
16 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

17                               ~~(iii) Bear the federal health warning statement required for~~  
18 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

19                               ~~(iv)  Display instructions for cleaning the container; and~~

20                               ~~(v)   Bear a label stating that:~~

21                               ~~1.   Cleaning the container is the responsibility of the~~  
22 ~~consumer; and~~

23                               ~~2.   Contents of the container are perishable and should~~  
24 ~~be refrigerated immediately and consumed within 48 hours after purchase~~ MEET THE  
25 STANDARDS UNDER § 21-107 OF THIS ARTICLE.

26                   (7) A holder of a refillable container permit may refill only a refillable  
27 container that ~~was branded by [the] A REFILLABLE CONTAINER permit holder~~  
28 MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

29 5-401.

1 (q) (1) This subsection applies only in Montgomery County.

2 (2) (iv) To be used as a refillable container under subparagraph (iii)  
3 of this paragraph, a container shall:

4 ~~1. Be sealable;~~

5 ~~2. Be branded with an identifying mark of the [license]~~  
6 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

7 ~~3. Bear the federal health warning statement required~~  
8 ~~for containers of alcoholic beverages under 27 C.F.R. 16.21;~~

9 ~~4. Display instructions for cleaning the container; and~~

10 ~~5. Bear a label stating that:~~

11 ~~A. Cleaning the container is the responsibility of the~~  
12 ~~consumer; and~~

13 ~~B. Contents of the container are perishable and should~~  
14 ~~be refrigerated immediately and consumed within 48 hours after purchase~~ MEET THE  
15 STANDARDS UNDER § 21-107 OF THIS ARTICLE.

16 (vi) A holder of a refillable container permit may refill only a  
17 refillable container that ~~was branded by [the] A REFILLABLE CONTAINER permit~~  
18 ~~holder~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

19 6-201.

20 (d) (1) (i) This subsection applies only in Baltimore City.

21 (v) 2. A license specified under subparagraph 1 of this  
22 subparagraph may include an off-sale privilege for sales of refillable containers under  
23 a refillable container [license] PERMIT issued in accordance with § 8-203(e) of this  
24 article.

25 7-101.

26 (l) (1) This subsection applies only in Cecil County.

27 (8) (i) There is a refillable container [license] PERMIT.

28 (ii) The Board may issue a refillable container [license] PERMIT  
29 to a holder of a Class A or Class B alcoholic beverages license.

1 (iii) Subject to subparagraph (iv) of this paragraph, a refillable  
 2 container [license] PERMIT entitles the holder to sell draft beer for consumption off  
 3 the licensed premises in a refillable container with a capacity of not less than 32  
 4 ounces and not more than 128 ounces.

5 (iv) To be used as a refillable container under subparagraph (iii)  
 6 of this paragraph, a container shall:

- 7 ~~1. Be sealable;~~
- 8 ~~2. Be branded with an identifying mark of the [license]~~  
 9 ~~PERMIT holder WHO SELLS THE CONTAINER;~~
- 10 ~~3. Bear the federal health warning statement required~~  
 11 ~~for containers of alcoholic beverages under 27 C.F.R. 16.21;~~
- 12 ~~4. Display instructions for cleaning the container; and~~
- 13 ~~5. Bear a label stating that:~~
- 14 ~~A. Cleaning the container is the responsibility of the~~  
 15 ~~consumer; and~~
- 16 ~~B. The contents of the container are perishable and~~  
 17 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
 18 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

19 (v) Before the Board issues a refillable container [license]  
 20 PERMIT to an applicant, the applicant shall:

- 21 1. Complete the form that the Board provides; and
- 22 2. Pay an annual [license] PERMIT fee of \$50.

23 (vi) The term of a refillable container [license] PERMIT issued to  
 24 a successful applicant is the same as that of the license that the applicant holds.

25 (vii) Receipts collected under a refillable container [license]  
 26 PERMIT are to be included in the calculation of average daily receipts from the sale of  
 27 alcoholic beverages under § 11-508(b)(3) of this article.

28 (viii) The hours of sale for a refillable container [license] PERMIT  
 29 begin and end at the same time as those for the license already held by the person to  
 30 [which] WHOM the refillable container [license] PERMIT is issued.

1 (ix) A [license] holder OF A REFILLABLE CONTAINER PERMIT  
 2 may refill only a refillable container that bears the identifying mark of [the license] ~~A~~  
 3 ~~REFILLABLE CONTAINER PERMIT holder~~ MEETS THE STANDARDS UNDER §  
 4 21-107 OF THIS ARTICLE.

5 (x) The Board shall adopt regulations to carry out this  
 6 paragraph.

7 (p-1) (1) This subsection applies only in Howard County.

8 (11) [(i)] The Board of License Commissioners may issue a refillable  
 9 container permit to a holder of any class of alcoholic beverages license issued by the  
 10 Board of License Commissioners except a Class C license and a Class GC license:

11 [1.] (I) On completion of an application form that the  
 12 Board provides; and

13 [2.] (II) At no cost to the license holder.

14 [(ii) A refillable container permit entitles the holder to sell:

15 1. Draft beer for consumption off the licensed premises  
 16 in a refillable container with a capacity of not less than 32 ounces and not more than  
 17 128 ounces; and

18 2. If the holder is licensed to sell wine, wine for  
 19 consumption off the licensed premises in a refillable container with a capacity of not  
 20 less than 17 ounces and not more than 34 ounces.]

21 ~~(11) (iii) To be used as a refillable container under subparagraph (ii)~~  
 22 ~~of this paragraph, a container shall:~~

23 ~~1. Be sealable;~~

24 ~~2. Be branded with an identifying mark of the [license]~~  
 25 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

26 ~~3. Bear the federal health warning statement required~~  
 27 ~~for containers of alcoholic beverages under 27 C.F.R. 16.21;~~

28 ~~4. Display instructions for cleaning the container; and~~

29 ~~5. Bear a label stating:~~

30 ~~A. That cleaning the container is the responsibility of the~~  
 31 ~~consumer; and~~

~~B. If the container contains beer, that the contents are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.~~

[(iv) The term of and hours of sale for a refillable container permit issued to an applicant are the same as that of the applicant's alcoholic beverages license.]

(v) An applicant who holds an alcoholic beverages license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the alcoholic beverages license that the applicant holds.]

~~(vi) A holder of a refillable container permit may refill only a refillable container that was branded by [the] A REFILLABLE CONTAINER permit holder.~~

(w) (1) This subsection applies only in Wicomico County.

(3) (i) The Board of License Commissioners may issue a refillable container [license] PERMIT to a holder of any class of alcoholic beverages license issued by the Board except a Class C license, Class D license, Class B-Conference Center license, or Class B-Stadium license.

(ii) Subject to subparagraph (iii) of this paragraph, a refillable container [license] PERMIT entitles the 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.

(iii) To be used as a refillable container under subparagraph (ii) of this paragraph, a container shall:

~~1. Be sealable;~~

~~2. Be branded with an identifying mark of the [license] PERMIT holder WHO SELLS THE CONTAINER;~~

~~3. Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;~~

~~4. Display instructions for cleaning the container; and~~

~~5. Bear a label stating that:~~

1 ~~A. Cleaning the container is the responsibility of the~~  
 2 ~~consumer; and~~

3 ~~B. The contents of the container are perishable and~~  
 4 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
 5 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

6 (iv) Before the Board issues a refillable container [license]  
 7 **PERMIT** to an applicant:

8 1. The applicant shall:

9 A. Complete the form that the Board provides; and

10 B. Pay an annual [license] **PERMIT** fee of \$500; and

11 2. An applicant who holds a license without an off-sale  
 12 privilege shall meet the same advertising, posting of notice, and public hearing  
 13 requirements as those for the license that the applicant holds.

14 (v) The term of the refillable container [license] **PERMIT** issued  
 15 to a successful applicant is the same as that of the license that the applicant holds.

16 (vi) Receipts collected under a refillable container [license]  
 17 **PERMIT** are to be included in the calculation of average daily receipts from the sale of  
 18 alcoholic beverages under a Class B restaurant license, Class B hotel license, and  
 19 Class B golf course license.

20 (vii) The hours of sale for a refillable container [license] **PERMIT**:

21 1. Begin at the same time as those for the license  
 22 already held by the person to whom the refillable container [license] **PERMIT** is  
 23 issued; and

24 2. End at midnight.

25 (viii) A [license] holder **OF A REFILLABLE CONTAINER PERMIT**  
 26 may refill only a refillable container that ~~was branded by [the license] A REFILLABLE~~  
 27 ~~CONTAINER PERMIT holder~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS  
 28 ARTICLE.

29 8-103.

30 (A) (1) THIS SECTION APPLIES WITH RESPECT TO DRAFT BEER IN  
 31 THE FOLLOWING JURISDICTIONS:



1                   **(I) BALTIMORE COUNTY;**

2                   **(II) CARROLL COUNTY;**

3                   **(III) HARFORD COUNTY; AND**

4                   **(IV) HOWARD COUNTY.**

5                   **(2) THIS SECTION APPLIES WITH RESPECT TO CRAFT BEER IN**  
 6 **PRINCE GEORGE'S COUNTY.**

7                   **(3) THIS SECTION APPLIES WITH RESPECT TO WINE IN HOWARD**  
 8 **COUNTY.**

9                   **(B) THERE IS A REFILLABLE CONTAINER PERMIT.**

10                   **(C) WITH RESPECT TO THE ALCOHOLIC BEVERAGES AUTHORIZED FOR**  
 11 **THE LOCAL JURISDICTION UNDER SUBSECTION (A) OF THIS SECTION, A**  
 12 **REFILLABLE CONTAINER PERMIT ENTITLES THE PERMIT HOLDER TO SELL**  
 13 **DRAFT BEER, CRAFT BEER, OR WINE, RESPECTIVELY, FOR CONSUMPTION OFF**  
 14 **THE LICENSED PREMISES IN A REFILLABLE CONTAINER THAT MEETS THE**  
 15 **STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

16                   **(D) THE TERM OF A REFILLABLE CONTAINER PERMIT IS THE SAME AS**  
 17 **THAT OF THE UNDERLYING ALCOHOLIC BEVERAGES LICENSE.**

18                   **(E) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, THE HOURS OF**  
 19 **SALE FOR A REFILLABLE CONTAINER PERMIT ARE THE SAME AS THOSE FOR THE**  
 20 **UNDERLYING ALCOHOLIC BEVERAGES LICENSE.**

21                   **(F) AN APPLICANT WHO HOLDS AN UNDERLYING ALCOHOLIC**  
 22 **BEVERAGES LICENSE WITHOUT AN OFF-SALE PRIVILEGE SHALL MEET THE**  
 23 **SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING**  
 24 **REQUIREMENTS AS THOSE FOR THE UNDERLYING LICENSE.**

25                   **(G) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL ONLY**  
 26 **A REFILLABLE CONTAINER THAT MEETS THE STANDARDS UNDER § 21-107 OF**  
 27 **THIS ARTICLE.**

28 8-202.

29                   (a) This section applies only in Anne Arundel County.

30                   (l) (1) There is a refillable container [license] PERMIT.

1           (2)    The Board may issue a refillable container [license] PERMIT to a  
2 holder of a Class A license, a Class B license, or a Class D license.

3           (3)    Subject to paragraph (4) of this subsection, a refillable container  
4 [license] PERMIT entitles the [license] holder to sell draft beer for consumption off the  
5 licensed premises in a refillable container with a capacity of not less than 32 ounces  
6 and not more than 128 ounces.

7           (4)    To be used as a refillable container under paragraph (3) of this  
8 subsection, a container shall:

9                   (i)    ~~Be sealable;~~

10                   (ii) ~~Be branded with an identifying mark of [a license] THE~~  
11 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

12                   (iii) ~~Bear the federal health warning statement required for~~  
13 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

14                   (iv) ~~Display instructions for cleaning the container; and~~

15                   (v) ~~Bear a label stating that:~~

16                           1. ~~Cleaning the container is the responsibility of the~~  
17 ~~consumer; and~~

18                           2. ~~The contents of the container are perishable and~~  
19 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
20 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

21           (5)    Before the Board issues a refillable container [license] PERMIT:

22                   (i)    The applicant shall:

23                           1.    Complete the form that the Board provides; and

24                           2.    Pay an annual [license] PERMIT fee of:

25                                   A.    \$500 for an applicant whose alcoholic beverages  
26 license does not have an off-sale privilege; or

27                                   B.    \$50 for an applicant whose alcoholic beverages license  
28 has an off-sale privilege; and

1 (ii) An applicant who holds a license without an off-sale  
2 privilege shall meet the same advertising, posting of notice, and public hearing  
3 requirements as those for the license that the applicant holds.

4 (6) The term of a refillable container [license] PERMIT issued to a  
5 successful applicant is the same as that of the license that the applicant holds.

6 (7) The hours of sale for a refillable container [license] PERMIT:

7 (i) Begin at the same time as those for the license already held  
8 by the person to whom the refillable container [license] PERMIT is issued; and

9 (ii) End at midnight.

10 (8) A [license] holder **OF A RENEWABLE CONTAINER PERMIT** may  
11 refill only a refillable container that ~~was branded by a [license] REFILLABLE~~  
12 ~~CONTAINER PERMIT holder~~ **MEETS THE STANDARDS UNDER § 21-107 OF THIS**  
13 **ARTICLE.**

14 (9) The Board shall adopt regulations to carry out this subsection.

15 8-202.2.

16 (a) This section applies only in the City of Annapolis.

17 (d) (1) Subject to paragraph (2) of this subsection, a refillable container  
18 [license] PERMIT entitles the [license] PERMIT holder to sell draft beer for  
19 consumption off the licensed premises in a refillable container with a capacity of not  
20 less than 32 ounces and not more than 128 ounces.

21 (2) To be used as a refillable container under paragraph (1) of this  
22 subsection, a container shall:

23 (i) ~~Be sealable;~~

24 (ii) ~~Be branded with an identifying mark of [a license] THE~~  
25 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

26 (iii) ~~Bear the federal health warning statement required for~~  
27 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

28 (iv) ~~Display instructions for cleaning the container; and~~

29 (v) ~~Bear a label stating that:~~

1 ~~1. Cleaning the container is the responsibility of the~~  
2 ~~consumer; and~~

3 ~~2. The contents of the container are perishable and~~  
4 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
5 ~~MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.~~

6 (h) A [license] holder **OF A REFILLABLE CONTAINER PERMIT** may refill  
7 only a refillable container that ~~was branded by a [license] REFILLABLE CONTAINER~~  
8 ~~PERMIT holder~~ **MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

9 8-203.

10 (a) The provisions of this section only apply in Baltimore City.

11 (e) (1) There is a refillable container [license] **PERMIT**.

12 (2) The Board may issue a refillable container [license] **PERMIT** to a  
13 holder of any class of alcoholic beverages license issued by the Board except a Class C  
14 license [and] **OR** a Class M-G license.

15 (3) Subject to paragraph (4) of this subsection, a refillable container  
16 [license] **PERMIT** entitles the holder to sell draft beer for consumption off the licensed  
17 premises in a refillable container with a capacity of not less than 32 ounces and not  
18 more than 128 ounces.

19 (4) To be used as a refillable container under paragraph (3) of this  
20 subsection, a container shall:

21 ~~(i) Be sealable;~~

22 ~~(ii) Be branded with an identifying mark of the [license]~~  
23 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

24 ~~(iii) Bear the federal health warning statement required for~~  
25 ~~containers of alcoholic beverages under 27 C.F.R. 16.21;~~

26 ~~(iv) Display instructions for cleaning the container; and~~

27 ~~(v) Bear a label stating that:~~

28 ~~1. Cleaning the container is the responsibility of the~~  
29 ~~consumer; and~~

1 ~~2. The contents of the container are perishable and~~  
 2 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
 3 MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

4 (5) Before the Board issues a refillable container [license] PERMIT to  
 5 an applicant:

6 (i) The applicant shall:

7 1. Complete the form that the Board provides; and

8 2. Pay an annual [license] PERMIT fee of:

9 A. \$500 for an applicant whose alcoholic beverages  
 10 license does not have an off-sale privilege; or

11 B. \$50 for an applicant whose alcoholic beverages license  
 12 has an off-sale privilege; and

13 (ii) An applicant who holds a license without an off-sale  
 14 privilege shall meet the same advertising, posting of notice, and public hearing  
 15 requirements as those for the license that the applicant holds.

16 (6) The term of a refillable container [license] PERMIT issued to a  
 17 successful applicant is the same as that of the license that the applicant holds.

18 (7) Receipts collected under a refillable container [license] PERMIT  
 19 are to be included in the calculation of average daily receipts from the sale of alcoholic  
 20 beverages under § 1-102(a)(22)(i)3 of this article.

21 (8) The hours of sale for a refillable container [license] PERMIT:

22 (i) Begin at the same time as those for the license already held  
 23 by the person to whom the refillable container [license] PERMIT is issued; and

24 (ii) End at midnight.

25 (9) A [license] holder **OF A REFILLABLE CONTAINER PERMIT** may  
 26 refill only a refillable container that ~~was branded by [the license] A REFILLABLE~~  
 27 ~~CONTAINER PERMIT holder~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS  
 28 ARTICLE.

29 (10) The Board shall adopt regulations to carry out this subsection.

30 8-204.10.

1       **(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.**

2       **(B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE**  
3 **COMMISSIONERS.**

4       **(C) THERE IS A REFILLABLE CONTAINER PERMIT.**

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

7       **(E) (1) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER**  
8 **PERMIT, THE APPLICANT SHALL COMPLETE THE FORM THAT THE BOARD**  
9 **PROVIDES.**

10       **(2) THE BOARD MAY CHARGE AN ANNUAL PERMIT FEE OF UP TO:**

11               **(I) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**  
12 **ALCOHOLIC BEVERAGES LICENSE WITHOUT AN OFF-SALE PRIVILEGE; OR**

13               **(II) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**  
14 **ALCOHOLIC BEVERAGES LICENSE WITH AN OFF-SALE PRIVILEGE.**

15       **(F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

16               **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**  
17 **ALCOHOLIC BEVERAGES LICENSE; AND**

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

19       **(G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**  
20 **SECTION.**

21 **8-207.**

22       **(A) THIS SECTION APPLIES ONLY IN CARROLL COUNTY.**

23       **(B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE**  
24 **COMMISSIONERS.**

25       **(C) THERE IS A REFILLABLE CONTAINER PERMIT.**

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

1           **(E) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT,**  
2 **THE APPLICANT SHALL:**

3                   **(1) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND**

4                   **(2) PAY AN ANNUAL PERMIT FEE OF:**

5                           **(I) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**  
6 **ALCOHOLIC BEVERAGES LICENSE WITHOUT AN OFF-SALE PRIVILEGE; OR**

7                           **(II) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING**  
8 **ALCOHOLIC BEVERAGES LICENSE WITH AN OFF-SALE PRIVILEGE.**

9           **(F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

10                   **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**  
11 **ALCOHOLIC BEVERAGES LICENSE; AND**

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

13 8-210.

14           (a) In this section, “Board” means the Board of License Commissioners of  
15 Dorchester County.

16           (b) This section applies only in Dorchester County.

17           (c) There is a refillable container [license] **PERMIT**.

18           (d) The Board may issue a refillable container [license] **PERMIT** to a holder  
19 of an alcoholic beverages license that is a:

20                   (1) Class B beer license;

21                   (2) Class B beer and light wine license;

22                   (3) Class B beer, wine and liquor license;

23                   (4) Class D beer license;

24                   (5) Class D beer and light wine license; or

25                   (6) Class D beer, wine and liquor license.

26           (e) Subject to subsection (f) of this section, a refillable container [license]  
27 **PERMIT** entitles the holder to sell draft beer for consumption off the premises in a

1 refillable container with a capacity of not less than 32 ounces and not more than 128  
2 ounces.

3 (f) In areas of the licensed premises that are accessible to the public, a  
4 holder of a refillable container [license] PERMIT may not display or provide shelving  
5 for beer for consumption off the premises.

6 (g) To be used as a refillable container, a container shall:

7 ~~(1) Be sealable;~~

8 ~~(2) Be branded with an identifying mark of the [license] PERMIT~~  
9 ~~holder WHO SELLS THE CONTAINER;~~

10 ~~(3) Bear the federal health warning statement required for containers~~  
11 ~~of alcoholic beverages under 27 C.F.R. 16.21;~~

12 ~~(4) Display instructions for cleaning the container; and~~

13 ~~(5) Bear a label stating that:~~

14 ~~(i) Cleaning the container is the responsibility of the consumer;~~  
15 ~~and~~

16 ~~(ii) The contents of the container are perishable and should be~~  
17 ~~refrigerated immediately and consumed within 48 hours after purchase MEET THE~~  
18 ~~STANDARDS UNDER § 21-107 OF THIS ARTICLE.~~

19 (h) Before the Board issues a refillable container [license] PERMIT, the  
20 applicant shall:

21 (1) Complete the form that the Board provides; and

22 (2) Pay an annual [license] PERMIT fee of:

23 (i) \$500 for an applicant whose alcoholic beverages license does  
24 not have an off-sale privilege; or

25 (ii) \$50 for an applicant whose alcoholic beverages license has  
26 an off-sale privilege.

27 (i) An applicant for a refillable container [license] PERMIT that holds an  
28 alcoholic beverage license without an off-sale privilege shall meet the same  
29 advertising, posting of notice, and public hearing requirements as those for the  
30 alcoholic beverages license that the applicant holds.



1 (j) The term of a refillable container [license] PERMIT issued to a successful  
 2 applicant is the same as that of the alcoholic beverages license that the applicant  
 3 holds.

4 (k) The hours of sale for a refillable container [license] PERMIT:

5 (1) Begin at the same time as those for the alcoholic beverages license  
 6 already held by the person to whom the refillable container license is issued; and

7 (2) End at midnight.

8 (l) [The] A holder of a refillable container [license] PERMIT may refill only  
 9 a refillable container that ~~was branded by [the license] A REFILLABLE CONTAINER~~  
 10 ~~PERMIT holder~~ **MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

11 (m) The Board may adopt regulations to carry out this section, including  
 12 limiting the number of refillable container [licenses] PERMITS that may be issued in  
 13 the County.

14 8-212.

15 (a) This section applies only in Garrett County.

16 (c) (4) To be used as a refillable container, a container shall:

17 ~~(i) Be sealable;~~

18 ~~(ii) Be branded with an identifying mark of the [license]~~  
 19 ~~PERMIT holder WHO SELLS THE CONTAINER;~~

20 ~~(iii) Bear the federal health warning statement required for~~  
 21 ~~containers of alcoholic beverages under 21 C.F.R. 16.21;~~

22 ~~(iv) Display instructions for cleaning the container; and~~

23 ~~(v) Bear a label stating that:~~

24 ~~1. Cleaning the container is the responsibility of the~~  
 25 ~~consumer; and~~

26 ~~2. The contents of the container are perishable and~~  
 27 ~~should be refrigerated immediately and consumed within 48 hours after purchase~~  
 28 **MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.**

29 **(5) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL**  
 30 **ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY A REFILLABLE**

1 ~~CONTAINER PERMIT HOLDER~~ MEETS THE STANDARDS UNDER § 21-107 OF THIS  
2 ARTICLE.

3 [(5)] (6) The Board of License Commissioners may adopt regulations  
4 to carry out this subsection.

5 8-213.3.

6 (A) THIS SECTION APPLIES ONLY IN HARFORD COUNTY.

7 (B) THERE IS A REFILLABLE CONTAINER PERMIT.

8 (C) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A  
9 HOLDER OF A CLASS A-1 OR A-2 LICENSE, A CLASS B LICENSE THAT HAS  
10 OFF-SALE PRIVILEGES, OR A CLASS D LICENSE.

11 (D) THE ANNUAL PERMIT FEE IS \$50.

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

13 (1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING  
14 ALCOHOLIC BEVERAGES LICENSE; AND

15 (2) END AT MIDNIGHT.

16 8-217.1.

17 (A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

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

20 (C) THERE IS A REFILLABLE CONTAINER PERMIT.

21 (D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A  
22 HOLDER OF ANY CLASS B BEER, WINE AND LIQUOR LICENSE WITH OFF-SALE  
23 PRIVILEGES.

24 (E) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT TO  
25 AN APPLICANT, THE APPLICANT SHALL:

26 (1) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

27 (2) PAY AN ANNUAL PERMIT FEE THAT THE BOARD ESTABLISHES.

1           **(F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

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

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

6           **(G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**  
7 **SECTION.**

8 9–204.1.

9           (b) This section applies only in Baltimore City.

10           (f) (1) This subsection applies only in the 46th alcoholic beverages  
11 district.

12                   (8) Notwithstanding paragraph (2)(ii) through (iv) of this subsection, a  
13 license specified under this subsection, including a license that allows no sales for  
14 off–premises consumption, may include an off–sale privilege for sales of refillable  
15 containers under a refillable container [license] PERMIT issued in accordance with §  
16 8–203(e) of this article.

17 12–113.

18           (a) For the prevention and detection of fraud by manufacturers,  
19 [wholesalers] WHOLESALERS, and retail dealers, the Comptroller and/or the local  
20 liquor licensing boards shall be empowered to prescribe for use, and to authorize any  
21 of their deputies or inspectors to make use of [such] hydrometers, saccharometers,  
22 weighing and gauging instruments or other means, records or devices for ascertaining  
23 the quantity and/or quality of alcohol in any alcoholic beverage [as] THAT they [may  
24 deem] CONSIDER necessary, and they may [prescribe] ADOPT rules and regulations  
25 to secure a uniform and correct system of inspection, [marking] MARKING, and  
26 gauging of [all such] THOSE beverages.

27           (b) [No] A retail dealer or AN agent or employee of [such] A retail dealer  
28 [shall] MAY NOT tamper with, by the addition to, or the change in any manner  
29 [whatsoever of] the quantity or quality[, of] OF, the contents of any container of  
30 alcoholic beverages after [such] THE container of alcoholic beverages has been sealed  
31 in accordance with the laws of the United States and/or the laws of the State of  
32 Maryland, and while the contents remain in the original container.

33           (c) Except as [provided in §§ 7–101(w)(3) and 8–203(e) of] SPECIFICALLY  
34 AUTHORIZED BY this article WITH RESPECT TO REFILLABLE BEER AND WINE

1 CONTAINERS, [no] A retail dealer, or AN agent or employee of [such] A retail dealer  
2 [shall] MAY NOT refill any container of alcoholic beverages with any substance  
3 [whatsoever] after [such] THE container has once been emptied of its original  
4 contents.

5 (d) (1) [No] A retail dealer [shall] MAY NOT keep or possess any  
6 container or containers of alcoholic beverages that have been tampered with in  
7 violation of subsection (b) of this [section and no] SECTION.

8 (2) A retail dealer [shall] MAY NOT keep or possess any container or  
9 containers of alcoholic beverages that have been refilled in violation of subsection (c) of  
10 this section.

11 (E) [Any] A person [violating] WHO VIOLATES any [of the provisions]  
12 PROVISION of this section [shall be deemed] IS guilty of a misdemeanor and [upon]  
13 ON conviction [thereof shall be] IS subject to a fine [of] not [more than one thousand  
14 dollars (\$1,000.00)] EXCEEDING \$1,000 or [to] imprisonment [for not more than two]  
15 NOT EXCEEDING 2 years [in the house of correction or jail,] or both [fined and  
16 imprisoned in the discretion of the court].

17 **21-107.**

18 (A) **THIS SECTION GOVERNS THE STANDARDS FOR AND USE OF**  
19 **CONTAINERS THAT MAY BE SOLD, FILLED, AND REFILLED UNDER THE**  
20 **AUTHORITY OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS**  
21 **ARTICLE.**

22 (B) **TO BE USED AS A REFILLABLE CONTAINER FOR BEER UNDER THE**  
23 **AUTHORITY OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS**  
24 **ARTICLE, A CONTAINER SHALL:**

25 (1) **HAVE A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT**  
26 **MORE THAN 128 OUNCES;**

27 (2) **BE SEALABLE;**

28 (3) **BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF**  
29 **THE CONTAINER;**

30 (4) **BEAR THE FEDERAL HEALTH WARNING STATEMENT**  
31 **REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.**  
32 **16.21;**

33 (5) **DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND**

1           **(6) BEAR A LABEL STATING THAT:**

2                   **(I) CLEANING THE CONTAINER IS THE RESPONSIBILITY OF**  
3 **THE CONSUMER; AND**

4                   **(II) THE CONTENTS OF THE CONTAINER ARE PERISHABLE**  
5 **AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48**  
6 **HOURS AFTER PURCHASE.**

7           **(C) TO BE USED AS A REFILLABLE CONTAINER FOR WINE UNDER THE**  
8 **AUTHORITY OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS**  
9 **ARTICLE, A CONTAINER SHALL:**

10                   **(1) HAVE A CAPACITY OF NOT LESS THAN 17 OUNCES AND NOT**  
11 **MORE THAN 34 OUNCES;**

12                   **(2) BE SEALABLE;**

13                   **(3) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF**  
14 **THE CONTAINER;**

15                   **(4) BEAR THE FEDERAL HEALTH WARNING STATEMENT**  
16 **REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.**  
17 **16.21;**

18                   **(5) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND**

19                   **(6) BEAR A LABEL STATING THAT CLEANING THE CONTAINER IS**  
20 **THE RESPONSIBILITY OF THE CONSUMER.**

21           **(D) THE COMPTROLLER MAY ADOPT STANDARDS ON CONTAINERS THAT**  
22 **QUALIFY FOR USE UNDER THIS SECTION AS REFILLABLE CONTAINERS FOR BEER**  
23 **AND FOR WINE, RESPECTIVELY, INCLUDING CONTAINERS ORIGINATING FROM**  
24 **OUTSIDE THE STATE.**

25           **(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE**  
26 **HOLDER OF A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS ARTICLE**  
27 **MAY REFILL A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE**  
28 **THE STATE THAT MEETS STANDARDS ADOPTED BY THE COMPTROLLER UNDER**  
29 **THIS SECTION FOR A BEER CONTAINER OR A WINE CONTAINER, AS**  
30 **APPROPRIATE.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.