

# HOUSE BILL 432

A2

11r0686

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By: **Montgomery County Delegation**

Introduced and read first time: January 15, 2021

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 4, 2021

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Draft Beer for Off-Site**  
3 **Consumption in Damascus**

4 **MC 12–21**

5 FOR the purpose of authorizing the Board of License Commissioners for Montgomery  
6 County to issue a refillable container permit for draft beer or a nonrefillable  
7 container permit for draft beer to a holder of a Class H beer and wine license if the  
8 licensed establishment is in Damascus; making clarifying changes; and generally  
9 relating to alcoholic beverages in Montgomery County.

10 BY repealing and reenacting, without amendments,

11 Article – Alcoholic Beverages  
12 Section 4–1104, 4–1106, and 25–102  
13 Annotated Code of Maryland  
14 (2016 Volume and 2020 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Alcoholic Beverages  
17 Section 25–806, 25–1103, 25–1104.1, and 25–1603  
18 Annotated Code of Maryland  
19 (2016 Volume and 2020 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

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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 That the Laws of Maryland read as follows:

2 **Article – Alcoholic Beverages**

3 4–1104.

4 (a) There is a refillable container permit.

5 (b) A refillable container permit authorizes the permit holder to:

6 (1) sell draft beer for off–premises consumption in a refillable container  
7 that meets the standards set out in subsection (d) of this section; and

8 (2) sell and refill a refillable container that meets the standards set out in  
9 subsection (d) of this section.

10 (c) (1) The term of a refillable container permit is the same as that of the  
11 underlying license.

12 (2) The hours of sale for a refillable container permit are the same as those  
13 for the underlying license.

14 (3) An applicant who holds an underlying license without an off–sale  
15 privilege shall meet the same advertising, posting of notice, and public hearing  
16 requirements as those for the underlying license.

17 (d) (1) To be used as a refillable container for beer under the authority of a  
18 refillable container permit, a container shall:

19 (i) have a capacity of not less than 32 ounces and not more than 128  
20 ounces;

21 (ii) be sealable;

22 (iii) be branded with an identifying mark of the seller of the  
23 container;

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

26 (v) display instructions for cleaning the container; and

27 (vi) 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 should be  
2 refrigerated immediately and consumed within 48 hours after purchase.

3                   (2)    The Comptroller may adopt standards regarding containers that  
4 qualify for use as refillable containers for beer, including containers originating from  
5 outside the State.

6                   (3)    The holder of a refillable container permit may refill a refillable  
7 container originating from inside or outside the State that meets the standards adopted by  
8 the Comptroller under paragraph (2) of this subsection.

9 4-1106.

10               (a)    There is a nonrefillable container permit.

11               (b)    A nonrefillable container permit authorizes the permit holder to sell draft beer  
12 for off-premises consumption by packaging the beer in a nonrefillable container that meets  
13 the standards set out in subsection (d) of this section.

14               (c)    (1)    The term of a nonrefillable container permit is the same as that of the  
15 underlying license.

16               (2)    The hours of sale for a nonrefillable container permit are the same as  
17 those for the underlying license.

18               (3)    An applicant who holds an underlying license without an off-sale  
19 privilege shall meet the same advertising, posting of notice, and public hearing  
20 requirements as those for the underlying license.

21               (d)    To be used as a nonrefillable container for draft beer under the authority of a  
22 nonrefillable container permit, a container shall:

23                   (1)    be constructed out of aluminum;

24                   (2)    be sealable;

25                   (3)    have a capacity of 32 ounces;

26                   (4)    be branded with the identifying marks of the seller of the container; and

27                   (5)    bear the federal health warning statement required for containers of  
28 alcoholic beverages under 27 C.F.R. § 16.21.

29 25-102.

30               This title applies only in Montgomery County.

1 25–806.

2 (a) There is a Class H beer and wine license.

3 (b) **[The] EXCEPT AS PROVIDED IN § 25–1603(C) OF THIS TITLE, THE** license  
4 authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the  
5 place described in the license, for on–premises consumption.

6 (c) The annual license fee is \$400.

7 25–1103.

8 (a) The Board may issue a refillable container permit for draft beer to a holder of:

9 **(1)** a Class B beer and wine license[.];

10 **(2)** a Class D beer and wine license[, or];

11 **(3)** a Class BD–BWL license; **OR**

12 **(4) IF THE LICENSED PREMISES IS IN DAMASCUS (12TH ELECTION**  
13 **DISTRICT), IN ACCORDANCE WITH § 25–1603 OF THIS TITLE, A CLASS H BEER AND**  
14 **WINE LICENSE.**

15 (b) An applicant for the permit shall complete the form that the Board provides.

16 (c) The hours of sale for the permit begin and end at the same time as those for  
17 the underlying license.

18 (d) The permit may be renewed each year with the renewal of the underlying  
19 license.

20 (e) The Board shall issue the permit at no cost to the applicant.

21 25–1104.1.

22 (a) The Board may issue a nonrefillable container permit for draft beer to a holder  
23 of:

24 **(1)** a Class B beer and wine license[.];

25 **(2)** a Class D beer and wine license[, or];

26 **(3)** a Class BD–BWL license; **OR**

1           **(4) IF THE LICENSED PREMISES IS IN DAMASCUS (12TH ELECTION**  
2 **DISTRICT), IN ACCORDANCE WITH § 25–1603 OF THIS TITLE, A CLASS H BEER AND**  
3 **WINE LICENSE.**

4           (b) An applicant for the permit shall complete the form that the Board provides.

5           (c) The hours of sale for the permit begin and end at the same time as those for  
6 the underlying license.

7           (d) The permit may be renewed each year with the renewal of the underlying  
8 license.

9           (e) The Board shall issue the permit at no cost to the applicant.

10 25–1603.

11           (a) This section applies only to Damascus (12th election district).

12           (b) The Board may issue a 7–day Class C (on–sale) beer, wine, and liquor license  
13 to a volunteer fire department.

14           (c) (1) Subject to paragraph (2) of this subsection:

15                   (i) the Board may issue Class H beer and wine, hotel and restaurant  
16 licenses; and

17                   (ii) the licenses may be renewed or transferred.

18           (2) A license may be issued, transferred, or renewed if:

19                   (i) pool tables, billiard tables, shuffleboards, dart boards, video  
20 games, pinball machines, or recreational devices are not used in the licensed premises; and

21                   (ii) **EXCEPT FOR BEER IN CONTAINERS SOLD FOR**  
22 **OFF–PREMISES CONSUMPTION AS AUTHORIZED UNDER SUBSECTION (D) OF THIS**  
23 **SECTION**, alcoholic beverages served by the license holder are consumed by customers  
24 while the customers are seated.

25           **(D) THE BOARD MAY ISSUE TO THE HOLDER OF A CLASS H BEER AND WINE**  
26 **LICENSE:**

27                   **(1) A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER UNDER §**  
28 **25–1103 OF THIS TITLE; OR**

29                   **(2) A NONREFILLABLE CONTAINER PERMIT FOR DRAFT BEER UNDER**  
30 **§ 25–1104.1 OF THIS TITLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2 1, 2021.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.