

# HOUSE BILL 756

A2

5lr2425

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By: **Delegates Arentz, Ghrist, and Jacobs**

Introduced and read first time: February 13, 2015

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2015

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

1 AN ACT concerning

2 ~~Alcoholic Beverages – Queen Anne’s County – Refillable Container Permit~~  
3 Alcoholic Beverages – Charles County and Queen Anne’s County

4 FOR the purpose of establishing ~~a~~ refillable container permit in permits for draft beer in  
5 Charles County and Queen Anne’s County; authorizing the Charles County Board of  
6 License Commissioners and the Queen Anne’s County Board of License  
7 Commissioners to issue a refillable container permit to the holders of certain licenses  
8 ~~for certain fees and subject to certain requirements~~; the permits to holders of certain  
9 licenses under certain circumstances and conditions; specifying that the permit  
10 ~~entitles the holder~~ authorizes the permit holders to sell draft beer for consumption  
11 off the licensed premises in a ~~certain type of container~~; specifying certain standards  
12 ~~that a refillable container must meet~~; specifying that the term of the permit is the  
13 ~~same as that of the underlying license~~; specifying certain permit fees; specifying  
14 certain advertising, posting of notice, and public hearing requirements; specifying  
15 the hours of sale for the permit; authorizing a permit holder to refill only a container  
16 ~~that meets certain standards~~; authorizing the Board to adopt certain regulations  
17 refillable container under certain circumstances and conditions; requiring an  
18 applicant to complete a certain form and to pay a certain fee before the Board of  
19 License Commissioners of Charles County or the Board of License Commissioners of  
20 Queen Anne’s County issues a refillable container permit; specifying certain hours  
21 of sale; restricting permit holders to refill only certain containers that meet certain  
22 standards; authorizing the Board of License Commissioners of Charles County and  
23 the Board of License Commissioners of Queen Anne’s County to adopt certain  
24 regulations; providing that a certain distance restriction does not apply to an  
25 establishment in Queen Anne’s County for which a Class B (on-sale) hotel and

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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 restaurant alcoholic beverages license of any type is proposed; repealing a certain  
 2 distance restriction in Queen Anne's County concerning a certain alcoholic beverages  
 3 license; defining a certain term; and generally relating to alcoholic beverages in  
 4 Charles County and in Queen Anne's County.

5 BY repealing and reenacting, with amendments,

6 Article 2B – Alcoholic Beverages

7 Section 8–103 and 9–218(b)

8 Annotated Code of Maryland

9 (2011 Replacement Volume and 2014 Supplement

10 BY adding to

11 Article 2B – Alcoholic Beverages

12 Section 8–209 and 8–218.1

13 Annotated Code of Maryland

14 (2011 Replacement Volume and 2014 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article 2B – Alcoholic Beverages

17 Section 21–107

18 Annotated Code of Maryland

19 (2011 Replacement Volume and 2014 Supplement)

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

21 That the Laws of Maryland read as follows:

22 **Article 2B – Alcoholic Beverages**

23 8–103.

24 (a) (1) This section applies with respect to draft beer in the following  
 25 jurisdictions:

26 (i) Baltimore County;

27 (ii) Carroll County;

28 (iii) **CHARLES COUNTY;**

29 (IV) Harford County;

30 [(iv)](V) Howard County;

31 [(v)](VI) Prince George's County; [and]

32 (VII) **QUEEN ANNE'S COUNTY; AND**

1            ~~[(vi)](VIII)~~ St. Mary's County.

2            (2) This section applies with respect to wine in Howard County.

3            (b) There is a refillable container permit.

4            (c) With respect to the alcoholic beverages authorized for the local jurisdiction  
5 under subsection (a) of this section, a refillable container permit entitles the permit holder  
6 to sell draft beer or wine, respectively, for consumption off the licensed premises in a  
7 refillable container that meets the standards under § 21-107 of this article.

8            (d) The term of a refillable container permit is the same as that of the underlying  
9 alcoholic beverages license.

10           (e) Except as otherwise specifically provided, the hours of sale for a refillable  
11 container permit are the same as those for the underlying alcoholic beverages license.

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

15           (g) A holder of a refillable container permit may refill only a refillable container  
16 that meets the standards under § 21-107 of this article.

17 **8-209.**

18           (A) **THIS SECTION APPLIES ONLY IN CHARLES COUNTY.**

19           (B) **IN THIS SECTION, "BOARD" MEANS THE CHARLES COUNTY BOARD OF**  
20 **LICENSE COMMISSIONERS.**

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

22           (D) **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A**  
23 **HOLDER OF A CLASS A, CLASS B, OR CLASS D ALCOHOLIC BEVERAGES LICENSE.**

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

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

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

28           (I) **\$500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES**  
29 **LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR**

1 (II) \$50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES  
 2 LICENSE HAS AN OFF-SALE PRIVILEGE.

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

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

7 (2) END AT MIDNIGHT.

8 (G) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

9 8-218.1.

10 (A) (1) THIS SECTION APPLIES ONLY IN QUEEN ANNE'S COUNTY.

11 ~~(B)~~ (2) IN THIS SECTION, "BOARD" MEANS THE QUEEN ANNE'S COUNTY  
 12 BOARD OF LICENSE COMMISSIONERS.

13 ~~(C)~~ (B) THERE IS A REFILLABLE CONTAINER PERMIT.

14 ~~(D)~~ (C) (1) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT  
 15 TO A HOLDER OF A CLASS A, CLASS B, CLASS C, OR CLASS D ALCOHOLIC  
 16 BEVERAGES LICENSE.

17 ~~(E) (1) (2) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A A~~  
 18 ~~REFILLABLE CONTAINER PERMIT ENTITLES THE LICENSE HOLDER TO SELL DRAFT~~  
 19 ~~BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE~~  
 20 ~~CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN~~  
 21 ~~128 OUNCES THAT MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.~~

22 ~~(2) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (1)~~  
 23 ~~OF THIS SUBSECTION, A CONTAINER SHALL MEET THE STANDARDS UNDER § 21-107~~  
 24 ~~OF THIS ARTICLE.~~

25 ~~(F) (1) (3)~~ BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER  
 26 PERMIT TO AN APPLICANT, THE APPLICANT SHALL:

27 (I) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

28 (II) PAY AN ANNUAL PERMIT FEE OF:

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

3                   2.     **\$50** FOR AN APPLICANT WHOSE ALCOHOLIC  
4 BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE.

5                   ~~(2) AN APPLICANT THAT HOLDS A LICENSE WITHOUT AN OFF-SALE~~  
6 ~~PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC~~  
7 ~~HEARING REQUIREMENTS AS THOSE FOR THE LICENSE THAT THE APPLICANT~~  
8 ~~HOLDS.~~

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

12                  ~~(H)~~ (4) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

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

16                   ~~(2)~~ (II) END AT MIDNIGHT.

17                   ~~(I) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL ONLY A~~  
18 ~~REFILLABLE CONTAINER THAT MEETS THE STANDARDS UNDER § 21-107 OF THIS~~  
19 ~~ARTICLE.~~

20                   ~~(J)~~ (5) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS  
21 SECTION.

22 9-218.

23                   (b) (1) (I) SUBPARAGRAPH (II) OF THIS PARAGRAPH DOES NOT APPLY  
24 TO AN ESTABLISHMENT FOR WHICH A CLASS B (ON-SALE) HOTEL AND RESTAURANT  
25 LICENSE OF ANY TYPE IS PROPOSED.

26                   (II) In Queen Anne's County, the distance restriction requirement  
27 between an establishment proposed for licensure and a secondary or elementary school,  
28 church or other place of worship, public library, or a youth center that is sponsored or  
29 conducted by any governmental agency shall be[:

30                   (i) 500 feet[; or

31                   (ii) For a Class B (on-sale) hotel and restaurant beer, wine and  
32 liquor license, 250 feet].

1                   (2) Any distance restriction required under paragraph (1) of this subsection  
2 shall be measured from the nearest point of the building of the establishment for which a  
3 license is proposed to the nearest point of the property line of the school, place of worship,  
4 library, or youth center.

5 21–107.

6           (a) This section governs the standards for and use of containers that may be sold,  
7 filled, and refilled under the authority of a refillable container permit issued under this  
8 article.

9           (b) To be used as a refillable container for beer under the authority of a refillable  
10 container permit issued under this article, a container shall:

11                   (1) Have a capacity of not less than 32 ounces and not more than 128  
12 ounces;

13                   (2) Be sealable;

14                   (3) Be branded with an identifying mark of the seller of the container;

15                   (4) Bear the federal health warning statement required for containers of  
16 alcoholic beverages under 27 C.F.R. 16.21;

17                   (5) Display instructions for cleaning the container; and

18                   (6) Bear a label stating that:

19                           (i) Cleaning the container is the responsibility of the consumer; and

20                           (ii) The contents of the container are perishable and should be  
21 refrigerated immediately and consumed within 48 hours after purchase.

22           (c) To be used as a refillable container for wine under the authority of a refillable  
23 container permit issued under this article, a container shall:

24                   (1) Have a capacity of not less than 17 ounces and not more than 34 ounces;

25                   (2) Be sealable;

26                   (3) Be branded with an identifying mark of the seller of the container;

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

29                   (5) Display instructions for cleaning the container; and

1                   (6)    Bear a label stating that cleaning the container is the responsibility of  
2 the consumer.

3           (d)    The Comptroller may adopt standards on containers that qualify for use under  
4 this section as refillable containers for beer and for wine, respectively, including containers  
5 originating from outside the State.

6           (e)    Notwithstanding any other provision of this article, the holder of a refillable  
7 container permit issued under this article may refill a refillable container originating from  
8 inside or outside the State that meets standards adopted by the Comptroller under this  
9 section for a beer container or a wine container, as appropriate.

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 ~~October~~ July 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.