

SENATE BILL 354

A2

(5lr2336)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Economic Matters* —

Introduced by **Senator Hershey**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ***Alcoholic Beverages – Charles County and Queen Anne’s County*** ~~**Alcoholic**~~
3 ~~**Beverages Act of 2015**~~

4 FOR the purpose of establishing a refillable container ~~permit~~ *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 the ~~permit~~ *permits* to ~~a holder of a certain license~~ *holders of*
8 *certain licenses* under certain circumstances and conditions; specifying that the
9 permit authorizes the permit ~~holder~~ *holders* to sell draft beer for consumption off the
10 licensed premises in a refillable container under certain circumstances and
11 conditions; requiring an applicant to complete a certain form and to pay a certain fee
12 before the Board *of License Commissioners of Charles County or the Board of License*
13 *Commissioners of Queen Anne’s County* issues a refillable container permit;
14 specifying certain hours of sale; restricting a ~~permit holder~~ *permit holders* to refill
15 only certain containers that meet certain standards; authorizing the Board *of License*

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.

Italics indicate opposite chamber/conference committee amendments.



1 Commissioners of Charles County and the Board of License Commissioners of Queen
 2 Anne's County to adopt certain regulations; providing that a certain distance
 3 restriction does not apply to an establishment in Queen Anne's County for which a
 4 Class B (on-sale) hotel and restaurant alcoholic beverages license of any type is
 5 proposed; repealing a certain distance restriction in Queen Anne's County
 6 concerning a certain alcoholic beverages license; defining a certain term; and
 7 generally relating to alcoholic beverages licenses in Charles County and in Queen
 8 Anne's County.

9 BY repealing and reenacting, with amendments,
 10 Article 2B – Alcoholic Beverages
 11 Section 8–103 and 9–218(b)
 12 Annotated Code of Maryland
 13 (2011 Replacement Volume and 2014 Supplement)

14 BY adding to
 15 Article 2B – Alcoholic Beverages
 16 Section ~~8–209~~ and 8–218.1
 17 Annotated Code of Maryland
 18 (2011 Replacement Volume and 2014 Supplement)

19 BY repealing and reenacting, without amendments,
 20 Article 2B – Alcoholic Beverages
 21 Section 21–107
 22 Annotated Code of Maryland
 23 (2011 Replacement Volume and 2014 Supplement)

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

26 **Article 2B – Alcoholic Beverages**

27 8–103.

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

30 (i) Baltimore County;

31 (ii) Carroll County;

32 (iii) **CHARLES COUNTY;**

33 **(IV)** Harford County;

34 ~~(iv)~~ **(V)** Howard County;

1 ~~(v)~~ (VI) Prince George’s County; [and]

2 ~~(vi)~~ (VII) **QUEEN ANNE’S COUNTY; AND**

3 [(vi)]~~(vii)~~ (VIII) St. Mary’s County.

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

5 (b) There is a refillable container permit.

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

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

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

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

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

19 **8–209.**

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

21 **(B) IN THIS SECTION, “BOARD” MEANS THE CHARLES COUNTY BOARD OF**
22 **LICENSE COMMISSIONERS.**

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

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

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

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

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

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

9 **(II) END AT MIDNIGHT.**

10 **(5) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS**
11 **SECTION.**

12 9-218.

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

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

20 **(i) 500 feet[; or**

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

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

27 21-107.

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

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

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

5 (2) Be sealable;

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

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

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

10 (6) Bear a label stating that:

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

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

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

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

17 (2) Be sealable;

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.