

# HOUSE BILL 835

A2

5lr2475  
CF SB 633

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By: **Washington County Delegation**

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 3, 2015

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

1 AN ACT concerning

2 **Alcoholic Beverages – Washington County – Refillable Container Permit**

3 FOR the purpose of establishing a refillable container permit in Washington County;  
4 authorizing the Washington County Board of License Commissioners to issue a  
5 refillable container permit to the holders of certain licenses for certain fees and  
6 subject to certain requirements; specifying that the permit entitles the holders to sell  
7 draft beer for consumption off the licensed premises in a certain type of container;  
8 specifying certain standards that a refillable container must meet; specifying that  
9 the permit is the same as that of the underlying license; specifying certain permit  
10 fees; specifying certain advertising, posting of notice, and public hearing  
11 requirements; specifying the hours of sale for the permit; authorizing a permit holder  
12 to refill only a container that meets certain standards; authorizing the Board to  
13 adopt certain regulations; making conforming changes; defining a certain term; and  
14 generally relating to alcoholic beverages in Washington County.

15 BY repealing and reenacting, with amendments,

16 Article 2B – Alcoholic Beverages

17 Section 8–103

18 Annotated Code of Maryland

19 (2011 Replacement Volume and 2014 Supplement)

20 BY adding to

21 Article 2B – Alcoholic Beverages

22 Section 8–222.1

23 Annotated Code 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.



(2011 Replacement Volume and 2014 Supplement)

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

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

**Article 2B – Alcoholic Beverages**

8–103.

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

(i) Baltimore County;

(ii) Carroll County;

(iii) Harford County;

(iv) Howard County;

(v) Prince George’s County; [and]

(vi) St. Mary’s County; AND

**(VII) WASHINGTON COUNTY.**

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

(b) There is a refillable container permit.

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

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

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

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

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

6 8-222.1.

7 (A) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.

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

10 (C) THERE IS A REFILLABLE CONTAINER PERMIT.

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

13 (E) ~~(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A REFILLABLE~~  
 14 ~~CONTAINER PERMIT ENTITLES THE LICENSE HOLDER TO SELL DRAFT BEER FOR~~  
 15 ~~CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER WITH A~~  
 16 ~~CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES.~~

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

20 ~~(F)~~ (1) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT  
 21 TO AN APPLICANT, THE APPLICANT SHALL:

22 ~~(F)~~ (1) COMPLETE THE FORM THAT THE BOARD PROVIDES;  
 23 AND

24 ~~(H)~~ (2) PAY AN ANNUAL PERMIT FEE OF:

25 ~~1.~~ (I) \$500 FOR AN APPLICANT WHOSE ALCOHOLIC  
 26 BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

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

29 ~~(2) AN APPLICANT THAT HOLDS A LICENSE WITHOUT AN OFF-SALE~~  
 30 ~~PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC~~

1 ~~HEARING REQUIREMENTS AS THOSE FOR THE LICENSE THAT THE APPLICANT~~  
 2 ~~HOLDS.~~

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

6 ~~(H)~~ (F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

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

10 (2) END AT MIDNIGHT.

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

14 ~~(J)~~ (G) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS  
 15 SECTION.

16 21-107.

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

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

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

24 (2) Be sealable;

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

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

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

29 (6) Bear a label stating that:

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

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

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

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

6 (2) Be sealable;

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

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

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
21 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.