

# 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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## A BILL ENTITLED

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; defining a certain term; and generally relating to alcoholic  
14 beverages in Washington County.

15 BY adding to

16 Article 2B – Alcoholic Beverages

17 Section 8–222.1

18 Annotated Code of Maryland

19 (2011 Replacement Volume and 2014 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article 2B – Alcoholic Beverages

22 Section 21–107

23 Annotated Code of Maryland

24 (2011 Replacement Volume and 2014 Supplement)

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

27 **Article 2B – Alcoholic Beverages**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-222.1.

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

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

5 (C) THERE IS A REFILLABLE CONTAINER PERMIT.

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

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

12 (2) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (1)  
13 OF THIS SUBSECTION, A CONTAINER SHALL MEET THE STANDARDS UNDER § 21-107  
14 OF THIS ARTICLE.

15 (F) (1) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT  
16 TO AN APPLICANT, THE APPLICANT SHALL:

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

18 (II) PAY AN ANNUAL PERMIT FEE OF:

19 1. \$500 FOR AN APPLICANT WHOSE ALCOHOLIC  
20 BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

21 2. \$50 FOR AN APPLICANT WHOSE ALCOHOLIC  
22 BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE.

23 (2) AN APPLICANT THAT HOLDS A LICENSE WITHOUT AN OFF-SALE  
24 PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC  
25 HEARING REQUIREMENTS AS THOSE FOR THE LICENSE THAT THE APPLICANT  
26 HOLDS.

27 (G) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO A  
28 SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE  
29 APPLICANT HOLDS.

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

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

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

6           **(I) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL ONLY A**  
7 **REFILLABLE CONTAINER THAT MEETS THE STANDARDS UNDER § 21-107 OF THIS**  
8 **ARTICLE.**

9           **(J) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

10 21-107.

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

14           (b) To be used as a refillable container for beer 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 32 ounces and not more than 128  
17 ounces;

18                   (2) Be sealable;

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

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

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

23                   (6) Bear a label stating that:

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

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

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

- 1 (1) Have a capacity of not less than 17 ounces and not more than 34 ounces;
- 2 (2) Be sealable;
- 3 (3) Be branded with an identifying mark of the seller of the container;
- 4 (4) Bear the federal health warning statement required for containers of  
5 alcoholic beverages under 27 C.F.R. 16.21;
- 6 (5) Display instructions for cleaning the container; and
- 7 (6) Bear a label stating that cleaning the container is the responsibility of  
8 the consumer.

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
17 1, 2015.