

# SENATE BILL 354

A2

5lr2336

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By: **Senator Hershey**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 13, 2015

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

1 AN ACT concerning

2 **Queen Anne's County Alcoholic Beverages Act of 2015**

3 FOR the purpose of establishing a refillable container permit for draft beer in Queen Anne's  
4 County; authorizing the Queen Anne's County Board of License Commissioners to  
5 issue the permit to a holder of a certain license under certain circumstances and  
6 conditions; specifying that the permit authorizes the permit holder to sell draft beer  
7 for consumption off the licensed premises in a refillable container under certain  
8 circumstances and conditions; requiring an applicant to complete a certain form and  
9 to pay a certain fee before the Board issues a refillable container permit; specifying  
10 certain hours of sale; restricting a permit holder to refill only certain containers that  
11 meet certain standards; authorizing the Board to adopt certain regulations;  
12 providing that a certain distance restriction does not apply to an establishment in  
13 Queen Anne's County for which a Class B (on-sale) hotel and restaurant alcoholic  
14 beverages license of any type is proposed; repealing a certain distance restriction in  
15 Queen Anne's County concerning a certain alcoholic beverages license; defining a  
16 certain term; and generally relating to alcoholic beverages licenses in Queen Anne's  
17 County.

18 BY repealing and reenacting, with amendments,  
19 Article 2B – Alcoholic Beverages  
20 Section 8–103 and 9–218(b)  
21 Annotated Code of Maryland  
22 (2011 Replacement Volume and 2014 Supplement)

23 BY adding to

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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 Article 2B – Alcoholic Beverages  
2 Section 8–218.1  
3 Annotated Code of Maryland  
4 (2011 Replacement Volume and 2014 Supplement)

5 BY repealing and reenacting, without amendments,  
6 Article 2B – Alcoholic Beverages  
7 Section 21–107  
8 Annotated Code of Maryland  
9 (2011 Replacement Volume and 2014 Supplement)

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

12 **Article 2B – Alcoholic Beverages**

13 8–103.

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

16 (i) Baltimore County;

17 (ii) Carroll County;

18 (iii) Harford County;

19 (iv) Howard County;

20 (v) Prince George’s County; [and]

21 **(VI) QUEEN ANNE’S COUNTY; AND**

22 **[(vi)](VII) St. Mary’s County.**

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

24 (b) There is a refillable container permit.

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

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

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

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

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

8 **8-218.1.**

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

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

12 (B) **THERE IS A REFILLABLE CONTAINER PERMIT.**

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

16 (2) **A REFILLABLE CONTAINER PERMIT ENTITLES THE HOLDER TO**  
17 **SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A**  
18 **REFILLABLE CONTAINER THAT MEETS THE STANDARDS UNDER § 21-107 OF THIS**  
19 **ARTICLE.**

20 (3) **BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT,**  
21 **THE APPLICANT SHALL:**

22 (I) **COMPLETE THE FORM THAT THE BOARD PROVIDES; AND**

23 (II) **PAY AN ANNUAL PERMIT FEE OF:**

24 1. **\$500, FOR AN APPLICANT WHOSE ALCOHOLIC**  
25 **BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR**

26 2. **\$50, FOR AN APPLICANT WHOSE ALCOHOLIC**  
27 **BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE.**

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

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

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

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

7 9–218.

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

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

15                   (i)] 500 feet[; or

16                   (ii) For a Class B (on–sale) hotel and restaurant beer, wine and  
17 liquor license, 250 feet].

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

22 21–107.

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

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

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

30                   (2) Be sealable;

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

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

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

4           (6)    Bear a label stating that:

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

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

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

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

11           (2)    Be sealable;

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

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

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

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

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

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

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
26 1, 2015.