

SENATE BILL 354

A2

5lr2336

By: **Senator Hershey**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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
24 Article 2B – Alcoholic Beverages
25 Section 8–218.1
26 Annotated Code of Maryland
27 (2011 Replacement Volume and 2014 Supplement)

28 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article 2B – Alcoholic Beverages
2 Section 21–107
3 Annotated Code of Maryland
4 (2011 Replacement Volume and 2014 Supplement)

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

7 **Article 2B – Alcoholic Beverages**

8 8–103.

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

11 (i) Baltimore County;

12 (ii) Carroll County;

13 (iii) Harford County;

14 (iv) Howard County;

15 (v) Prince George’s County; [and]

16 **(VI) QUEEN ANNE’S COUNTY; AND**

17 **[(vi)](VII) St. Mary’s County.**

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

19 (b) There is a refillable container permit.

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

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

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

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

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

3 **8-218.1.**

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

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

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

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

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

15 (3) **BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT,**
16 **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 (4) **THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

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

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

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

3 9–218.

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

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

11 (i)] 500 feet[; or

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

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

18 21–107.

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

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

26 (2) Be sealable;

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

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

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

31 (6) Bear a label stating that:

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

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

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

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

7 (2) Be sealable;

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

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

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

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2015.