

Chapter 589

(Senate Bill 955)

AN ACT concerning

Alcoholic Beverages – Refillable Containers – Class 5 Manufacturer’s License

FOR the purpose of authorizing the State Comptroller to issue a refillable container permit to a holder of a Class 5 manufacturer’s license; providing for the renewal of the permit; authorizing a holder of a refillable container permit to sell draft beer in certain refillable containers for consumption off the licensed premises; specifying the hours of sale for the permit; providing that a holder of the permit may refill only a refillable container that was branded by the permit holder; authorizing the Comptroller to adopt certain regulations; and generally relating to the issuance of a refillable container permit to a holder of a Class 5 manufacturer’s license.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 2–206

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

Article 2B – Alcoholic Beverages

2–206.

(a) A Class 5 manufacturer’s license:

(1) Is a brewery license; and

(2) Authorizes the holder to:

(i) Establish and operate in this State a plant for brewing and bottling malt beverages at the location described in the license;

(ii) Import beer from holders of nonresident dealer’s permits;
and

(iii) Sell and deliver beer to any wholesale licensee in this State, or person outside of this State, authorized to acquire it.

(b) A licensee may:

(1) Serve to a person of legal drinking age who participates in a guided tour of the facility or attends a scheduled promotional event or other organized activity at the licensed premises, not more than six samples of beer brewed at the licensed premises, with each sample consisting of not more than 3 ounces from a single style of beer; and

(2) Sell beer brewed at the brewery for off-premises consumption to anyone who participates in a guided tour of the brewery or attends a scheduled promotional event or other organized activity at the licensed premises, subject to the following restrictions:

(i) The purchase is limited to 288 ounces of beer per person; and

(ii) The person has attained the legal drinking age.

(c) (1) The Office of the Comptroller may issue a special brewery promotional event permit to a holder of a Class 5 manufacturer's license.

(2) The permit authorizes the holder to conduct on the premises of the brewery a promotional event at which the holder may:

(i) Provide samples of not more than 3 fluid ounces per brand to consumers; and

(ii) Sell beer produced by the holder to persons who participate in the event.

(3) The beer at the event shall be sold by the glass and for consumption on the premises only.

(4) A holder of a Class 5 manufacturer's license may not be issued more than 12 permits in a calendar year.

(5) A single promotional event may not exceed 3 consecutive days.

(6) The permit fee is \$25 per event.

(7) To obtain a permit, a person, at least 15 days before the event, shall file with the Office of the Comptroller an application that the Office provides.

(D) (1) (I) THE COMPTROLLER MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS 5 MANUFACTURER'S LICENSE:

1. ON COMPLETION OF AN APPLICATION FORM THAT THE COMPTROLLER PROVIDES; AND

2. AT NO COST TO THE HOLDER OF THE CLASS 5 MANUFACTURER'S LICENSE.

(II) A REFILLABLE CONTAINER PERMIT MAY BE RENEWED EACH YEAR CONCURRENTLY WITH THE RENEWAL OF THE CLASS 5 MANUFACTURER'S LICENSE.

(2) A REFILLABLE CONTAINER PERMIT AUTHORIZES THE HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER THAT:

(I) HAS A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES; AND

(II) MEETS THE REQUIREMENTS UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (2) OF THIS SUBSECTION, A CONTAINER SHALL:

(I) BE SEALABLE;

(II) BE BRANDED WITH AN IDENTIFYING MARK OF THE LICENSE HOLDER;

(III) BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;

(IV) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND

(V) BEAR A LABEL STATING THAT:

1. CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER; AND

2. CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48 HOURS AFTER PURCHASE.

(4) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS SUBSECTION ARE THE SAME AS THE HOURS WHEN A GUIDED TOUR, A PROMOTIONAL EVENT, OR OTHER ORGANIZED ACTIVITY AT THE LICENSED PREMISES AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION MAY BE CONDUCTED.

(5) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY THE PERMIT HOLDER.

(6) THE COMPTROLLER MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

Approved by the Governor, May 16, 2013.