

SENATE BILL 299

A2

51r2088

By: **Harford County Senators**

Introduced and read first time: February 5, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2015

CHAPTER _____

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Refillable Wine Container Permits**

3 FOR the purpose of ~~authorizing the Harford County Liquor Control Board to issue a~~
4 ~~refillable container permit for wine; providing that the permit authorizes the permit~~
5 ~~holder to sell wine for consumption off the licensed premises in a refillable container~~
6 ~~under certain circumstances; specifying that the Board may issue a permit for draft~~
7 ~~beer or wine or both to license holders who hold certain licenses under certain~~
8 ~~circumstances; establishing a refillable wine container permit in Harford County;~~
9 authorizing the Harford County Liquor Control Board to issue a refillable container
10 permit for wine to a holder of a certain license under certain circumstances and
11 conditions; specifying that this Act applies in the county to wine, including mead;
12 providing that the permit authorizes the permit holder to sell wine for off-premises
13 consumption in a refillable container under certain circumstances and conditions;
14 making a clarifying change; and generally relating to refillable container permits for
15 wine in Harford County.

16 BY repealing and reenacting, without amendments,
17 Article 2B – Alcoholic Beverages
18 Section 1–102(a)(1), (3), (9–1), and (28) and 21–107
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2014 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 2B – Alcoholic Beverages
23 Section 8–103 and 8–213.3

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 Annotated Code of Maryland
2 (2011 Replacement Volume and 2014 Supplement)

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

5 **Article 2B – Alcoholic Beverages**

6 1–102.

7 (a) (1) In this article the following words have the meanings indicated.

8 (3) (i) “Beer” means any brewed alcoholic beverage.

9 (ii) “Beer” includes:

10 1. Beer;

11 2. Ale;

12 3. Porter;

13 4. Stout;

14 5. Hard cider; and

15 6. Alcoholic beverages that contain:

16 A. 6% or less alcohol by volume, derived primarily from the
17 fermentation of grain, with not more than 49% of the beverage’s overall alcohol content by
18 volume obtained from flavors and other added nonbeverage ingredients containing alcohol;
19 or

20 B. More than 6% alcohol by volume, derived primarily from
21 the fermentation of grain, with not more than 1.5% of the beverage’s overall alcohol content
22 by volume obtained from flavors and other added nonbeverage ingredients containing
23 alcohol.

24 (9–1) “Hard cider” means a beverage derived primarily from apples, apple
25 concentrate and water, pears, or pear concentrate and water, containing no other fruit
26 product, and containing at least one–half of 1% and less than 7% of alcohol by volume.

27 (28) “Wine” means any fermented beverage, including light wines, and
28 wines the alcoholic content of which has been fortified by the addition of alcohol, spirits or
29 other ingredients.

30 8–103.

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

- 3 (i) Baltimore County;
- 4 (ii) Carroll County;
- 5 (iii) Harford County;
- 6 (iv) Howard County;
- 7 (v) Prince George's County; and
- 8 (vi) St. Mary's County.

9 (2) This section applies with respect to ~~wine in HARFORD COUNTY AND~~
10 ~~Howard County~~ **[wine]**:

11 **(I) WINE in Howard County; AND**

12 **(II) WINE, INCLUDING MEAD, IN HARFORD COUNTY.**

13 (b) There is a refillable container permit.

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

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

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

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

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

27 8-213.3.

28 (a) This section applies only in Harford County.

(b) There is a refillable container permit.

(c) ~~(1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LIQUOR CONTROL Board may issue a refillable container permit FOR DRAFT BEER OR WINE OR BOTH to a holder of a Class A-1 or A-2 license, a Class B license that has off-sale privileges, or a Class D license.~~

~~(2) (I) A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER MAY BE ISSUED ONLY TO A LICENSE HOLDER THAT IS OTHERWISE AUTHORIZED TO SELL DRAFT BEER.~~

~~(II) A REFILLABLE CONTAINER PERMIT FOR WINE MAY BE ISSUED ONLY TO A LICENSE HOLDER THAT IS OTHERWISE AUTHORIZED TO SELL WINE.~~

(d) The annual permit fee is \$50.

~~(e) The hours of sale for a refillable container permit:~~

~~(1) Begin at the same time as those for the underlying alcoholic beverages license; and~~

~~(2) End at midnight.~~

21-107.

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

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

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

(2) Be sealable;

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

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

(5) Display instructions for cleaning the container; and

(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.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.