

HOUSE BILL 475

A2

5lr1572

By: **Delegate Impallaria**

Introduced and read first time: February 9, 2015

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing a refillable wine container permit in Harford County;
4 authorizing the Harford County Liquor Control Board to issue a refillable container
5 permit for wine to a holder of a certain license under certain circumstances and
6 conditions; specifying that this Act applies in the County to wine, including mead;
7 providing that the permit authorizes the permit holder to sell wine for off-premises
8 consumption in a refillable container under certain circumstances and conditions;
9 making a clarifying change; and generally relating to refillable container permits for
10 wine in Harford County.

11 BY repealing and reenacting, without amendments,
12 Article 2B – Alcoholic Beverages
13 Section 1–102(a)(1), (3), (9–1), and (28) and 21–107
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 2B – Alcoholic Beverages
18 Section 8–103 and 8–213.3
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2014 Supplement)

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

23 **Article 2B – Alcoholic Beverages**

24 1–102.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (ii) “Beer” includes:

3 1. Beer;

4 2. Ale;

5 3. Porter;

6 4. Stout;

7 5. Hard cider; and

8 6. Alcoholic beverages that contain:

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

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

17 (9–1) “Hard cider” means a beverage derived primarily from apples, apple
18 concentrate and water, pears, or pear concentrate and water, containing no other fruit
19 product, and containing at least one-half of 1% and less than 7% of alcohol by volume.

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

23 8–103.

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

26 (i) Baltimore County;

27 (ii) Carroll County;

28 (iii) Harford County;

29 (iv) Howard County;

1 (v) Prince George’s County; and

2 (vi) St. Mary’s County.

3 (2) This section applies with respect to[wine]:

4 (I) WINE in Howard County; AND

5 (II) WINE, INCLUDING MEAD, IN HARFORD COUNTY.

6 (b) There is a refillable container permit.

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

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

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

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

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

20 8–213.3.

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

22 (b) There is a refillable container permit.

23 (c) The Board may issue a refillable container permit to a holder of a Class A–1
24 or A–2 license, a Class B license that has off–sale privileges, or a Class D license.

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

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

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

1 (2) End at midnight.]

2 21-107.

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

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

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

10 (2) Be sealable;

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

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

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

15 (6) Bear a label stating that:

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

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

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

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

22 (2) Be sealable;

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

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

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

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2015.