

# HOUSE BILL 475

A2

5lr1572

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By: ~~Delegate Impallaria~~ Harford County Delegation

Introduced and read first time: February 9, 2015

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2015

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

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:

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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.



**Article 2B – Alcoholic Beverages**

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2 1–102.

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

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

5 (ii) “Beer” includes:

6 1. Beer;

7 2. Ale;

8 3. Porter;

9 4. Stout;

10 5. Hard cider; and

11 6. Alcoholic beverages that contain:

12 A. 6% or less alcohol by volume, derived primarily from the  
13 fermentation of grain, with not more than 49% of the beverage’s overall alcohol content by  
14 volume obtained from flavors and other added nonbeverage ingredients containing alcohol;  
15 or16 B. More than 6% alcohol by volume, derived primarily from  
17 the fermentation of grain, with not more than 1.5% of the beverage’s overall alcohol content  
18 by volume obtained from flavors and other added nonbeverage ingredients containing  
19 alcohol.20 (9–1) “Hard cider” means a beverage derived primarily from apples, apple  
21 concentrate and water, pears, or pear concentrate and water, containing no other fruit  
22 product, and containing at least one-half of 1% and less than 7% of alcohol by volume.23 (28) “Wine” means any fermented beverage, including light wines, and  
24 wines the alcoholic content of which has been fortified by the addition of alcohol, spirits or  
25 other ingredients.

26 8–103.

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

29 (i) Baltimore County;

- 1 (ii) Carroll County;
- 2 (iii) Harford County;
- 3 (iv) Howard County;
- 4 (v) Prince George's County; and
- 5 (vi) St. Mary's County.

6 (2) This section applies with respect to ~~wine~~.

7 ~~(I)~~ ~~WINE~~ in THE FOLLOWING JURISDICTIONS:

8 (I) HARFORD COUNTY; AND

9 (II) Howard County;~~AND~~

10 ~~(II) WINE, INCLUDING MEAD, IN HARFORD COUNTY.~~

11 (b) There is a refillable container permit.

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

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

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

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

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

25 8-213.3.

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

27 (b) There is a refillable container permit.

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

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

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

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

7 (2) End at midnight.]

8 21-107.

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

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

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

16 (2) Be sealable;

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

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

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

21 (6) Bear a label stating that:

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

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

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

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

28 (2) Be sealable;

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

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

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

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
15 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.