

# SENATE BILL 392

A2

3lr1402  
CF 3lr1418

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By: **Cecil County Senators**

Introduced and read first time: January 28, 2013

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2013

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

1 AN ACT concerning

2 **Cecil County – Alcoholic Beverages – Refillable Containers**

3 FOR the purpose of creating in Cecil County a refillable container license; authorizing  
4 the Cecil County Board of License Commissioners to issue the license to a  
5 holder of a Class A or Class B alcoholic beverages license; specifying that a  
6 holder of the license may sell draft beer for consumption off the licensed  
7 premises in a certain refillable container; requiring a refillable container to  
8 meet certain requirements; requiring an applicant for a license to complete a  
9 certain form and pay a certain fee; specifying the term of the license; requiring  
10 that receipts collected under the license be included in a certain calculation of  
11 average daily receipts; specifying the hours of sale for the license; allowing a  
12 holder of the license to refill only a refillable container that bears the identifying  
13 mark of the license holder; requiring the Board of License Commissioners to  
14 adopt certain regulations; and generally relating to the creation of a refillable  
15 container license in Cecil County.

16 BY repealing and reenacting, without amendments,  
17 Article 2B – Alcoholic Beverages  
18 Section 7–101(l)(1)  
19 Annotated Code of Maryland  
20 (2011 Replacement Volume and 2012 Supplement)

21 BY adding to  
22 Article 2B – Alcoholic Beverages  
23 Section 7–101(l)(8)

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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.



1 Annotated Code of Maryland  
2 (2011 Replacement Volume and 2012 Supplement)

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

5 **Article 2B – Alcoholic Beverages**

6 7–101.

7 (l) (1) This subsection applies only in Cecil County.

8 (8) (I) **THERE IS A REFILLABLE CONTAINER LICENSE.**

9 (II) **THE BOARD MAY ISSUE A REFILLABLE CONTAINER**  
10 **LICENSE TO A HOLDER OF A CLASS A OR CLASS B ALCOHOLIC BEVERAGES**  
11 **LICENSE.**

12 (III) **SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH,**  
13 **A REFILLABLE CONTAINER LICENSE ENTITLES THE HOLDER TO SELL DRAFT**  
14 **BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE**  
15 **CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE**  
16 **THAN ~~120~~ 128 OUNCES.**

17 (IV) **TO BE USED AS A REFILLABLE CONTAINER UNDER**  
18 **SUBPARAGRAPH (III) OF THIS PARAGRAPH, A CONTAINER SHALL:**

19 1. **BE SEALABLE;**

20 2. **BE BRANDED WITH AN IDENTIFYING MARK OF**  
21 **THE LICENSE HOLDER;**

22 3. **BEAR THE FEDERAL HEALTH WARNING**  
23 **STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27**  
24 **C.F.R. 16.21;**

25 4. **DISPLAY INSTRUCTIONS FOR CLEANING THE**  
26 **CONTAINER; AND**

27 5. **BEAR A LABEL STATING THAT:**

28 **A. CLEANING THE CONTAINER IS THE**  
29 **RESPONSIBILITY OF THE CONSUMER; AND**

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

4                   **(V) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER**  
5 **LICENSE TO AN APPLICANT, THE APPLICANT SHALL:**

6                               **1. COMPLETE THE FORM THAT THE BOARD**  
7 **PROVIDES; AND**

8                               **2. PAY AN ANNUAL LICENSE FEE OF \$50.**

9                   **(VI) THE TERM OF A REFILLABLE CONTAINER LICENSE**  
10 **ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE**  
11 **THAT THE APPLICANT HOLDS.**

12                   **(VII) RECEIPTS COLLECTED UNDER A REFILLABLE**  
13 **CONTAINER LICENSE ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE**  
14 **DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER §**  
15 **11-508(B)(3) OF THIS ARTICLE.**

16                   **(VIII) THE HOURS OF SALE FOR A REFILLABLE CONTAINER**  
17 **LICENSE BEGIN AND END AT THE SAME TIME AS THOSE FOR THE LICENSE**  
18 **ALREADY HELD BY THE PERSON TO WHICH THE REFILLABLE CONTAINER**  
19 **LICENSE IS ISSUED.**

20                   **(IX) A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE**  
21 **CONTAINER THAT BEARS THE IDENTIFYING MARK OF THE LICENSE HOLDER.**

22                   **(X) THE BOARD SHALL ADOPT REGULATIONS TO CARRY**  
23 **OUT THIS PARAGRAPH.**

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