

SENATE BILL 392

A2

3lr1402
CF 3lr1418

By: **Cecil County Senators**

Introduced and read first time: January 28, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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)
24 Annotated Code of Maryland
25 (2011 Replacement Volume and 2012 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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Article 2B – Alcoholic Beverages

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7–101.

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

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

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

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

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

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1. BE SEALABLE;

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

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

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4. DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND

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5. BEAR A LABEL STATING THAT:

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

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

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

1 1. COMPLETE THE FORM THAT THE BOARD
2 PROVIDES; AND

3 2. PAY AN ANNUAL LICENSE FEE OF \$50.

4 (VI) THE TERM OF A REFILLABLE CONTAINER LICENSE
5 ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE
6 THAT THE APPLICANT HOLDS.

7 (VII) RECEIPTS COLLECTED UNDER A REFILLABLE
8 CONTAINER LICENSE ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE
9 DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER §
10 11-508(B)(3) OF THIS ARTICLE.

11 (VIII) THE HOURS OF SALE FOR A REFILLABLE CONTAINER
12 LICENSE BEGIN AND END AT THE SAME TIME AS THOSE FOR THE LICENSE
13 ALREADY HELD BY THE PERSON TO WHICH THE REFILLABLE CONTAINER
14 LICENSE IS ISSUED.

15 (IX) A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE
16 CONTAINER THAT BEARS THE IDENTIFYING MARK OF THE LICENSE HOLDER.

17 (X) THE BOARD SHALL ADOPT REGULATIONS TO CARRY
18 OUT THIS PARAGRAPH.

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