

# HOUSE BILL 61

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(PRE-FILED)

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By: **Delegate Vitale**

Requested: July 24, 2013

Introduced and read first time: January 8, 2014

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Refillable Wine Containers**

3 FOR the purpose of providing that a refillable container license issued to certain  
4 license holders in Anne Arundel County authorizes the sale of wine for  
5 consumption off the licensed premises in refillable containers of a certain  
6 capacity; making certain technical and conforming changes; and generally  
7 relating to alcoholic beverages in Anne Arundel County.

8 BY repealing and reenacting, without amendments,  
9 Article 2B – Alcoholic Beverages  
10 Section 8–202(a) and (b)  
11 Annotated Code of Maryland  
12 (2011 Replacement Volume and 2013 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article 2B – Alcoholic Beverages  
15 Section 8–202(l)  
16 Annotated Code of Maryland  
17 (2011 Replacement Volume and 2013 Supplement)

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

20 **Article 2B – Alcoholic Beverages**

21 8–202.

22 (a) This section applies only in Anne Arundel County.

23 (b) (1) In this section the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Board" means the Board of License Commissioners.

2 (3) "License" means a license for the sale of alcoholic beverages that is  
3 issued by the Board.

4 (1) (1) There is a refillable container license.

5 (2) The Board may issue a refillable container license to a holder of a  
6 Class A license, a Class B license, or a Class D license.

7 (3) Subject to paragraph (4) of this subsection, a refillable container  
8 license entitles the license holder to sell [draft]:

9 (I) **DRAFT** beer for consumption off the licensed premises in a  
10 refillable container with a capacity of not less than 32 ounces and not more than 128  
11 ounces; **AND**

12 (II) **IF THE LICENSE HOLDER IS LICENSED TO SELL WINE,**  
13 **WINE FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE**  
14 **CONTAINER WITH A CAPACITY OF NOT LESS THAN 17 OUNCES AND NOT MORE**  
15 **THAN 34 OUNCES.**

16 (4) To be used as a refillable container under paragraph (3) of this  
17 subsection, a container shall:

18 (i) Be sealable;

19 (ii) Be branded with an identifying mark of a license holder;

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

22 (iv) Display instructions for cleaning the container; and

23 (v) Bear a label stating [that]:

24 1. [Cleaning] **THAT CLEANING** the container is the  
25 responsibility of the consumer; and

26 2. [The contents of the container] **IF THE CONTAINER**  
27 **CONTAINS BEER, THAT THE CONTENTS** are perishable and should be refrigerated  
28 immediately and consumed within 48 hours after purchase.

29 (5) Before the Board issues a refillable container license:

- 1 (i) The applicant shall:
- 2 1. Complete the form that the Board provides; and
- 3 2. Pay an annual license fee of:
- 4 A. \$500 for an applicant whose alcoholic beverages
- 5 license does not have an off-sale privilege; or
- 6 B. \$50 for an applicant whose alcoholic beverages license
- 7 has an off-sale privilege; and
- 8 (ii) An applicant who holds a license without an off-sale
- 9 privilege shall meet the same advertising, posting of notice, and public hearing
- 10 requirements as those for the license that the applicant holds.
- 11 (6) The term of a refillable container license issued to a successful
- 12 applicant is the same as that of the license that the applicant holds.
- 13 (7) The hours of sale for a refillable container license:
- 14 (i) Begin at the same time as those for the license already held
- 15 by the person to whom the refillable container license is issued; and
- 16 (ii) End at midnight.
- 17 (8) A license holder may refill only a refillable container that was
- 18 branded by a license holder.
- 19 (9) The Board shall adopt regulations to carry out this subsection.

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

21 July 1, 2014.