

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 455

(Howard County Delegation)

Economic Matters

Education, Health, and Environmental Affairs

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Howard County - Alcoholic Beverages - Refillable Wine Containers  
Ho. Co. 15-13

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This bill authorizes the holder of a refillable container license in Howard County to sell wine for consumption off the licensed premises in a refillable container with a capacity of not less than 17 ounces and not more than 34 ounces if the holder is licensed to sell wine in Howard County. A refillable container license may be issued at no cost to a license holder. The bill also specifies that only containers that contain beer must bear a label stating that the contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

The bill takes effect July 1, 2013.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** None. Howard County can monitor licenses with existing resources.

**Small Business Effect:** Overall minimal, but potential meaningful for eligible license holders that sell wine in refillable containers.

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Analysis

**Current Law:** Statewide law prohibits any retail dealer, or agent or employee of such retail dealer from refilling any container of alcoholic beverages with any substance whatsoever after such container has once been emptied of its original contents, except in Baltimore City and Howard County.

The General Assembly adopted legislation in 2012 pertaining to refillable beer containers in Baltimore City and Howard County. Chapters 92 and 93 (HB 401/SB 874) authorized the Baltimore City Board of License Commissioners to issue refillable container licenses, and Chapter 412 (HB 1047) allowed the Howard County Board of License Commissioners to issue refillable container permits.

The Howard County Board of License Commissioners is authorized to issue, at no cost to a B-SBW license holder, a refillable container permit to a holder of any class of alcoholic beverages license issued by the board except a Class C license and a Class GC (golf course) license upon completion of the application form provided by the board. The 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 128 ounces.

The refillable container used must:

- be sealable;
- be branded with an identifying mark of the license holder;
- bear the federal health warning statement;
- display instructions for cleaning the container; and
- bear a label stating that cleaning the container is the responsibility of the consumer, and that the contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

The term of and the hours of sale for a refillable container permit issued to an applicant are the same as that of the applicant's alcoholic beverages license, and a holder of a refillable container permit may refill only a refillable container that was branded by the permit holder. Additionally, an applicant who holds an alcoholic beverages license without an off-sale privilege must meet the same advertising, posting of notice, and public hearing requirements as those for the alcoholic beverages license that the applicant holds.

**Background:** There are 270 alcoholic beverages licenses in Howard County. Howard County issued six refillable container permits in 2012.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Howard County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2013  
mlm/hlb Revised - House Third Reader - March 20, 2013

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