

# HOUSE BILL 990

A2

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By: **Delegate James**

Introduced and read first time: February 6, 2014

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of creating in Harford County a refillable container permit;  
4 authorizing the Board of License Commissioners to issue the permit to a holder  
5 of a Class A–1 or A–2 alcoholic beverages license, to certain holders of Class B  
6 alcoholic beverages licenses, or to a holder of a Class D alcoholic beverages  
7 license; specifying that a holder of the permit may sell draft beer for  
8 consumption off the licensed premises in a certain refillable container; requiring  
9 a refillable container to meet certain requirements; prohibiting a holder of the  
10 permit from affixing certain corrective labels or warnings to a refillable  
11 container; allowing a holder of a permit to refill only certain refillable  
12 containers; requiring a holder of a permit to seal the refillable container at the  
13 time of each refill; providing for a certain annual fee for the permit; specifying  
14 the term of and hours of sale for the permit; authorizing the Board to adopt  
15 certain regulations; and generally relating to the establishment of a refillable  
16 container permit in Harford County.

17 BY adding to

18 Article 2B – Alcoholic Beverages

19 Section 8–213.3

20 Annotated Code of Maryland

21 (2011 Replacement Volume and 2013 Supplement)

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

24 **Article 2B – Alcoholic Beverages**

25 **8–213.3.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) THIS SECTION APPLIES ONLY IN HARFORD COUNTY.**

2           **(B) THERE IS A REFILLABLE CONTAINER PERMIT.**

3           **(C) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A**  
4 **HOLDER OF A CLASS A-1 OR A-2 LICENSE, A CLASS B LICENSE THAT HAS**  
5 **OFF-SALE PRIVILEGES, OR A CLASS D LICENSE.**

6           **(D) SUBJECT TO SUBSECTION (E) OF THIS SECTION, A REFILLABLE**  
7 **CONTAINER PERMIT AUTHORIZES THE HOLDER TO SELL DRAFT BEER FOR**  
8 **CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER**  
9 **WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128**  
10 **OUNCES.**

11           **(E) TO BE USED AS A REFILLABLE CONTAINER UNDER SUBSECTION (D)**  
12 **OF THIS SECTION, A CONTAINER SHALL:**

13                   **(1) BE SEALABLE;**

14                   **(2) BE BRANDED WITH AN IDENTIFYING MARK OF THE PERMIT**  
15 **HOLDER WHO SELLS THE CONTAINER;**

16                   **(3) BEAR THE FEDERAL HEALTH WARNING STATEMENT**  
17 **REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R.**  
18 **16.21;**

19                   **(4) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND**

20                   **(5) BEAR A LABEL STATING THAT:**

21                           **(i) CLEANING THE CONTAINER IS THE RESPONSIBILITY OF**  
22 **THE CONSUMER; AND**

23                           **(ii) THE CONTENTS OF THE CONTAINER ARE PERISHABLE**  
24 **AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48**  
25 **HOURS AFTER PURCHASE.**

26           **(F) (1) ALL LABELS AND WARNINGS REQUIRED UNDER SUBSECTION**  
27 **(E) OF THIS SECTION SHALL BE PREPRINTED ON THE REFILLABLE CONTAINER.**

28                   **(2) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY NOT**  
29 **AFFIX A CORRECTIVE LABEL OR WARNING TO THE REFILLABLE CONTAINER.**

1           **(G) A HOLDER OF A REFILLABLE CONTAINER PERMIT:**

2                   **(1) MAY REFILL ONLY A REFILLABLE CONTAINER THAT WAS**  
3 **BRANDED BY A REFILLABLE CONTAINER PERMIT HOLDER IN THE COUNTY; AND**

4                   **(2) SHALL SEAL THE REFILLABLE CONTAINER AT THE TIME OF**  
5 **EACH REFILL.**

6           **(H) THE ANNUAL PERMIT FEE IS \$50.**

7           **(I) THE TERM OF AND THE HOURS OF SALE FOR A REFILLABLE**  
8 **CONTAINER PERMIT ARE THE SAME AS THOSE FOR THE UNDERLYING LICENSE.**

9           **(J) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS**  
10 **SECTION.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 July 1, 2014.