

HOUSE BILL 88

A2

5lr0501

By: **Montgomery County Delegation**

Introduced and read first time: January 23, 2015

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Refillable Wine Containers**

3 **MC 19–15**

4 FOR the purpose of establishing a refillable wine container permit in Montgomery County;
5 authorizing the Montgomery County Board of License Commissioners to issue the
6 permit to a holder of a license that entitles the holder to sell wine for off–premises
7 consumption; specifying that the permit authorizes the permit holder to sell wine for
8 consumption off the licensed premises in a refillable container; specifying certain
9 standards that a refillable container must meet; specifying that the term and hours
10 of sale of the permit are the same as that of the underlying license; authorizing the
11 Comptroller to adopt certain standards regarding refillable containers; authorizing
12 a permit holder to refill a refillable container originating from inside or outside the
13 State if the container meets certain standards; requiring the Board to issue the
14 permit at no cost to the applicant; and generally relating to refillable wine container
15 permits in Montgomery County.

16 BY adding to

17 Article 2B – Alcoholic Beverages

18 Section 8–216.6

19 Annotated Code of Maryland

20 (2011 Replacement Volume and 2014 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

22 That the Laws of Maryland read as follows:

23 **Article 2B – Alcoholic Beverages**

24 **8–216.6.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

3 **(C) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE PERMIT TO A**
4 **HOLDER OF A LICENSE THAT ENTITLES THE HOLDER TO SELL WINE FOR**
5 **OFF-PREMISES CONSUMPTION.**

6 **(D) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO SELL WINE FOR**
7 **CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER.**

8 **(E) TO BE USED AS A REFILLABLE CONTAINER UNDER THIS SECTION, THE**
9 **CONTAINER SHALL:**

10 **(1) HAVE A CAPACITY OF NOT LESS THAN 17 OUNCES AND NOT MORE**
11 **THAN 34 OUNCES;**

12 **(2) BE SEALABLE;**

13 **(3) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF THE**
14 **CONTAINER;**

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

17 **(5) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND**

18 **(6) BEAR A LABEL STATING THAT CLEANING THE CONTAINER IS THE**
19 **RESPONSIBILITY OF THE CONSUMER.**

20 **(F) (1) THE TERM OF A REFILLABLE CONTAINER PERMIT IS THE SAME AS**
21 **THAT OF THE UNDERLYING LICENSE.**

22 **(2) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT ARE**
23 **THE SAME AS THOSE FOR THE UNDERLYING LICENSE.**

24 **(G) (1) THE COMPTROLLER MAY ADOPT STANDARDS REGARDING**
25 **CONTAINERS THAT QUALIFY FOR USE UNDER THIS SECTION AS REFILLABLE**
26 **CONTAINERS FOR WINE, INCLUDING CONTAINERS ORIGINATING FROM OUTSIDE THE**
27 **STATE.**

28 **(2) THE HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL**
29 **A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE THE STATE**

1 THAT MEETS THE STANDARDS ADOPTED BY THE COMPTROLLER UNDER PARAGRAPH
2 (1) OF THIS SUBSECTION.

3 (H) THE BOARD SHALL ISSUE THE REFILLABLE CONTAINER PERMIT AT NO
4 COST TO THE APPLICANT.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2015.