

HOUSE BILL 88

A2

5lr0501

By: **Montgomery County Delegation**

Introduced and read first time: January 23, 2015

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2015

CHAPTER _____

1 AN ACT concerning

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

3 **MC 19–15**

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

18 BY repealing and reenacting, with amendments,

19 Article 2B – Alcoholic Beverages

20 Section 8–103

21 Annotated Code of Maryland

22 (2011 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article 2B – Alcoholic Beverages
 3 Section 8–216.6
 4 Annotated Code of Maryland
 5 (2011 Replacement Volume and 2014 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article 2B – Alcoholic Beverages
 8 Section 21–107(a) and (c) through (e)
 9 Annotated Code of Maryland
 10 (2011 Replacement Volume and 2014 Supplement)

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

13 **Article 2B – Alcoholic Beverages**

14 8–103.

15 (a) (1) This section applies with respect to draft beer in the following
 16 jurisdictions:

- 17 (i) Baltimore County;
 18 (ii) Carroll County;
 19 (iii) Harford County;
 20 (iv) Howard County;
 21 (v) Prince George’s County; and
 22 (vi) St. Mary’s County.

23 (2) This section applies with respect to wine in THE FOLLOWING
 24 JURISDICTIONS:

- 25 (I) Howard County; AND
 26 (II) MONTGOMERY COUNTY.

27 (b) There is a refillable container permit.

28 (c) With respect to the alcoholic beverages authorized for the local jurisdiction
 29 under subsection (a) of this section, a refillable container permit entitles the permit holder
 30 to sell draft beer or wine, respectively, for consumption off the licensed premises in a
 31 refillable container that meets the standards under § 21–107 of this article.

1 (d) The term of a refillable container permit is the same as that of the underlying
2 alcoholic beverages license.

3 (e) Except as otherwise specifically provided, the hours of sale for a refillable
4 container permit are the same as those for the underlying alcoholic beverages license.

5 (f) An applicant who holds an underlying alcoholic beverages license without an
6 off-sale privilege shall meet the same advertising, posting of notice, and public hearing
7 requirements as those for the underlying license.

8 (g) A holder of a refillable container permit may refill only a refillable container
9 that meets the standards under § 21-107 of this article.

10 **8-216.6.**

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

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

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

16 (D) **THE PERMIT AUTHORIZES THE PERMIT HOLDER TO SELL WINE FOR**
17 **CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER THAT**
18 **MEETS THE STANDARDS ESTABLISHED UNDER § 21-107 OF THIS ARTICLE.**

19 (E) ~~**TO BE USED AS A REFILLABLE CONTAINER UNDER THIS SECTION, THE**~~
20 ~~**CONTAINER SHALL:**~~

21 ~~**(1) HAVE A CAPACITY OF NOT LESS THAN 17 OUNCES AND NOT MORE**~~
22 ~~**THAN 34 OUNCES;**~~

23 ~~**(2) BE SEALABLE;**~~

24 ~~**(3) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF THE**~~
25 ~~**CONTAINER;**~~

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

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

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

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

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

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

~~(2) THE HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE THE STATE THAT MEETS THE STANDARDS ADOPTED BY THE COMPTROLLER UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

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

21-107.

(a) This section governs the standards for and use of containers that may be sold, filled, and refilled under the authority of a refillable container permit issued under this article.

(c) To be used as a refillable container for wine under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 17 ounces and not more than 34 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

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

(5) Display instructions for cleaning the container; and

(6) Bear a label stating that cleaning the container is the responsibility of the consumer.

1 (d) The Comptroller may adopt standards on containers that qualify for use under
2 this section as refillable containers for beer and for wine, respectively, including containers
3 originating from outside the State.

4 (e) Notwithstanding any other provision of this article, the holder of a refillable
5 container permit issued under this article may refill a refillable container originating from
6 inside or outside the State that meets standards adopted by the Comptroller under this
7 section for a beer container or a wine container, as appropriate.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.