

Chapter 253

(Senate Bill 392)

AN ACT concerning

Cecil County – Alcoholic Beverages – Refillable Containers

FOR the purpose of creating in Cecil County a refillable container license; authorizing the Cecil County Board of License Commissioners to issue the license to a holder of a Class A or Class B alcoholic beverages license; specifying that a holder of the license may sell draft beer for consumption off the licensed premises in a certain refillable container; requiring a refillable container to meet certain requirements; requiring an applicant for a license to complete a certain form and pay a certain fee; specifying the term of the license; requiring that receipts collected under the license be included in a certain calculation of average daily receipts; specifying the hours of sale for the license; allowing a holder of the license to refill only a refillable container that bears the identifying mark of the license holder; requiring the Board of License Commissioners to adopt certain regulations; and generally relating to the creation of a refillable container license in Cecil County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7–101(l)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 7–101(l)(8)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

Article 2B – Alcoholic Beverages

7–101.

- (l) (1) This subsection applies only in Cecil County.
- (8) (1) **THERE IS A REFILLABLE CONTAINER LICENSE.**

(II) THE BOARD MAY ISSUE A REFILLABLE CONTAINER LICENSE TO A HOLDER OF A CLASS A OR CLASS B ALCOHOLIC BEVERAGES LICENSE.

(III) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, A REFILLABLE CONTAINER 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 ~~120~~ 128 OUNCES.

(IV) TO BE USED AS A REFILLABLE CONTAINER UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, A CONTAINER SHALL:

- 1. BE SEALABLE;**
- 2. BE BRANDED WITH AN IDENTIFYING MARK OF THE LICENSE HOLDER;**
- 3. BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;**
- 4. DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND**
- 5. BEAR A LABEL STATING THAT:**
 - A. CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER; AND**
 - B. THE CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48 HOURS AFTER PURCHASE.**

(V) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER LICENSE TO AN APPLICANT, THE APPLICANT SHALL:

- 1. COMPLETE THE FORM THAT THE BOARD PROVIDES; AND**
- 2. PAY AN ANNUAL LICENSE FEE OF \$50.**

(VI) THE TERM OF A REFILLABLE CONTAINER LICENSE ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE APPLICANT HOLDS.

(VII) RECEIPTS COLLECTED UNDER A REFILLABLE CONTAINER LICENSE ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER § 11-508(B)(3) OF THIS ARTICLE.

(VIII) THE HOURS OF SALE FOR A REFILLABLE CONTAINER LICENSE BEGIN AND END AT THE SAME TIME AS THOSE FOR THE LICENSE ALREADY HELD BY THE PERSON TO WHICH THE REFILLABLE CONTAINER LICENSE IS ISSUED.

(IX) A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER THAT BEARS THE IDENTIFYING MARK OF THE LICENSE HOLDER.

(X) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS PARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

Approved by the Governor, May 2, 2013.