

CHAPTER 905

(House Bill 1115)

AN ACT to repeal and re-enact, with amendments, Section 139 of Article 2B of the Annotated Code of Maryland (1957 Edition), title "Alcoholic Beverages," subtitle "Taxation," and to add new Sections 139 (b), 139 (c), and 139 (d) to said Article, title "Alcoholic Beverages," subtitle "Taxation," to follow immediately after Section 139 thereof, to generally amend the alcoholic beverage provisions dealing with prevention and detection of fraud to include "Retail Dealers" and "The Local Liquor Licensing Boards" therein; making it unlawful to tamper with the contents of or refill alcoholic beverage containers; and making it unlawful to possess containers of alcoholic beverages which have been tampered with or refilled.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 139 of Article 2B of the Annotated Code of Maryland (1957 Edition), title "Alcoholic Beverages," subtitle "Taxation," be and it is hereby repealed and re-enacted, with amendments, and that new Sections 139 (b), 139 (c) and 139 (d) be and they are hereby added to said Article of the Code, title "Alcoholic Beverages," subtitle "Taxation," to follow immediately after Section 139 thereof, and all to read as follows:

139.

(a) For the prevention and detection of fraud by manufacturers [and] , wholesalers [,] and retail dealers, the Comptroller and/or the local liquor licensing boards shall be empowered to prescribe for use, and to authorize any of [his] their deputies or inspectors to make use of such hydrometers, saccharometers, weighing and gauging instruments or other means, records or devices for ascertaining the quantity and/or quality of alcohol in any alcoholic beverage as [he] they may deem necessary, and [he] they may prescribe rules and regulations to secure a uniform and correct system of inspection, marking and gauging of all such beverages.

(b) *No retail dealer or agent or employee of such retail dealer shall tamper with, by the addition to, or the change in any manner whatsoever of the quantity or quality, of the contents of any container of alcoholic beverages after such container of alcoholic beverages has been sealed in accordance with the laws of the United States and/or the laws of the State of Maryland, and while the contents remain in the original container.*

(c) *No retail dealer, or agent or employee of such retail dealer shall refill any container of alcoholic beverages with any substance whatsoever after such container has once been emptied of its original contents.*

(d) *No retail dealer shall keep or possess any container or containers of alcoholic beverages that have been tampered with in violation of subsection (b) of this section and no retail dealer shall keep or possess any container or containers of alcoholic beverages that have been refilled in violation of subsection (c) of this section. Any person violating any of the provisions of this section shall be*