

HOUSE BILL 1087

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2002 Regular Session
2lr2229
CF 2lr1522

By: **Delegate Eckardt**

Introduced and read first time: February 8, 2002

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 22, 2002

CHAPTER 407

1 AN ACT concerning

2 **Caroline County - Alcoholic Beverages - Sales to Underage Drinkers and**
3 **Intoxicated Persons**

4 FOR the purpose of exempting Caroline County from certain procedures and
5 penalties regarding the charging of a licensee or an employee of a licensee with
6 the sale or furnishing of alcoholic beverages to an underage drinker or to a
7 person who is visibly under the influence of an alcoholic beverage; and generally
8 relating to the sale of alcoholic beverages to underage drinkers or intoxicated
9 persons in Caroline County.

10 BY repealing and reenacting, without amendments,
11 Article 2B - Alcoholic Beverages
12 Section 12-108(a)
13 Annotated Code of Maryland
14 (2001 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article 2B - Alcoholic Beverages
17 Section 12-108(c)
18 Annotated Code of Maryland
19 (2001 Replacement Volume)

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

Article 2B - Alcoholic Beverages

12-108.

(a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time to a person under 21 years of age:

(i) For the underage person's own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

(2) Any licensee or any employee of the licensee who is charged with a violation of this subsection shall receive a summons to appear in court on a certain day to answer the charges placed against that person. The person charged may not be required to post bail bond pending trial in any court of this State.

(3) (i) A licensee or employee of the licensee violating any of the provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers the penalties provided by § 16-503 of this article.

(ii) A licensee or employee of the licensee who is charged with selling or furnishing any alcoholic beverages to a person under 21 years of age may not be found guilty of a violation of this subsection, if the person establishes to the satisfaction of the jury or the court sitting as a jury that the person used due caution to establish that the person under 21 years of age was not, in fact, a person under 21 years of age if a nonresident of the State.

(iii) If the person is a resident of the State of Maryland, the licensee or employee of the licensee may accept, as proof of a person's age, the display of the person's driver's license or identification card as provided for in the Maryland Vehicle Law.

(iv) Except as otherwise provided in this section, if any licensee or employee of the licensee is found not guilty, or placed on probation without a verdict, of any alleged violation of this subsection, this finding operates as a complete bar to any proceeding by any alcoholic beverage law enforcement or licensing authorities against the licensee on account of the alleged violation.

(c) (1) This subsection applies only in the following counties:

(i) CAROLINE COUNTY;

(II) Carroll County;

[(ii)] (III) Frederick County;

[(iii)] (IV) Harford County;

1 [(iv)] (V) Somerset County;

2 [(v)] (VI) Talbot County; and

3 [(vi)] (VII) Wicomico County.

4 (2) A licensee under the provisions of this article, or any of the licensee's
5 employees, may not sell or furnish any alcoholic beverages at any time to a person
6 under 21 years of age, either for that person's own use or for the use of any other
7 person, or to any person who, at the time of such sale or delivery, is visibly under the
8 influence of any alcoholic beverage.

9 (3) The Liquor Control Board of Harford County may not find a licensee
10 guilty of violating this section if the licensee or employee of the licensee who is
11 accused of selling or furnishing alcoholic beverages to a person under 21 years of age
12 exercised due caution to establish that the person was not, in fact, a person under 21
13 years of age.

14 (4) In Harford County, a licensee who is charged with selling or
15 furnishing alcoholic beverages to an underage person may not be found in violation of
16 paragraph (2) of this subsection if the licensee establishes to the satisfaction of the
17 judge, jury, or Liquor Control Board that the licensee used due caution to establish
18 that the person was not, in fact, underage.

19 (5) The provisions of subsection (a) of this section do not apply to the
20 counties which are listed in paragraph (1) of this subsection and the law in these
21 counties shall remain in the same force and effect as if not amended by this section.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect July 1, 2002.