Article - Alcoholic Beverages

§13–101.

(a) In this section "alcohol awareness program" means a program:

(1) That:

(i) Is approved and certified by the State Comptroller; and

(ii) Has been issued an alcohol awareness program permit by the State Comptroller;

(2) That includes instruction on how alcohol affects a person's:

(i) Body; and

(ii) Behavior;

(3) That provides education on the dangers of drinking and driving; and

(4) That defines effective methods for:

(i) Serving customers to minimize the chance of intoxication;

(ii) Ceasing service before the customer becomes intoxicated; and

(iii) Determining if a customer is under the drinking age.

(b) (1) The provisions of this section apply to:

(i) Licensed premises that are operated by selling alcoholic beverages directly to a customer from a bar or service bar on the premises;

(ii) Premises licensed for off sale;

(iii) In Montgomery County, a holder of a caterer's license issued under § 6–706.1 of this article; and

(iv) In Baltimore City, an establishment covered under § 20–102(a) of this article.

(2) This section does not apply to:

(i) Temporary alcoholic beverages licenses issued under § 7–101 of this article;

(ii) A Class E (on–sale) steamboat alcoholic beverages license;

(iii) A Class F (on–sale) railroad alcoholic beverages license; or

(iv) A Class G (on–sale) aircraft alcoholic beverages license.

(c) (1) A holder of any class of retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program. The training shall be valid for a period of 4 years, and the holder shall complete retraining in an approved program for each successive 4–year period.

(2) (i) This paragraph applies only in the following jurisdictions:

1. Howard County;

2. Montgomery County;

3. Kent County;

4. Washington County;

5. Caroline County;

6. Frederick County; and

7. Except as provided in subparagraph (ii) of this paragraph, Wicomico County and Worcester County.

(ii) This paragraph does not apply to a licensee in Wicomico County or Worcester County with a Class C license.

(iii) The licensee or a person who is employed in a supervisory capacity designated by the licensee:

1. Shall be certified by an approved alcohol awareness program; and

2. Except as otherwise provided in subparagraph (iv) of this paragraph, be present during the hours in which alcohol may be sold.

(iv) 1. In Howard County, Kent County, Washington County, Wicomico County, and Worcester County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a bona fide personal or business reason or an emergency, if the absence lasts for not more than 2 hours.

2. In Caroline County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a bona fide emergency, if the absence lasts for not more than 2 hours.

3. In Frederick County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for an emergency that meets standards that the Board of License Commissioners sets by regulation, if the absence lasts for not more than 2 hours.

4. The Board of License Commissioners shall require the licensee to keep a log book on the licensed premises that contains documentation of each temporary absence, the length of time of the absence, and the reason for the absence, in the form required by the Board of License Commissioners.

(3) (i) This paragraph applies only in Harford County.

(ii) The licensee or a person who is employed in a supervisory capacity designated by the licensee shall be certified by an approved alcohol awareness program and shall be present during the hours in which alcohol may be sold.

(4) (i) This paragraph applies only to an establishment covered under § 20–102(a) of this article, in Baltimore City.

(ii) Any bottle club owner or person who is employed in a supervisory capacity designated by the owner shall be certified by an approved alcohol awareness program and shall be present during the hours in which alcohol is served or consumed.

(d) Any licensee who violates the provisions of subsection (c) of this section is subject to:

(1) For the first offense, a $100 fine; and

(2) For each subsequent offense, a fine not to exceed $500 or a suspension or revocation of the license or both.

(e) (1) The State Comptroller:

(i) Shall approve and certify each alcohol awareness program that is in compliance with this section; and

(ii) May require recertification of the approved program to insure compliance with any changes in the program.

(2) Any individual who is authorized or employed to teach an alcohol awareness program must obtain an alcohol awareness instructor's permit.

(3) Each local licensing board is responsible for enforcing this section, including the penalty provision.

(4) (i) A certificate of completion shall be issued for each completion of a certified program and it shall be valid for 4 years from the date of issuance.

(ii) An up–to–date valid certificate shall be presented to the proper authority upon request.

(5) (i) Within 5 days after a licensee, bottle club owner, or an employee of a licensee or bottle club owner is sent a certificate of completion, the program provider

shall inform the appropriate local licensing board of:

1. The individual's name, address, and certification date; and

2. The name and address of the licensed establishment.

(ii) Any program provider who violates the provisions of this subsection is subject to a decertification of the program by the State Comptroller.

(f) (1) This section may not be construed to create or enlarge any civil cause of action or criminal proceeding against a licensee.

(2) Evidence of a violation of this section may not be introduced in any civil or criminal proceeding, but may only be used as evidence before the local licensing board in actions brought before the board for violations of this section.

(g) The Comptroller may issue regulations to set standards and requirements pertaining to course content, course duration, course format and any other course related activities the Comptroller may require.

(h) (1) This subsection applies only in Dorchester County.

(2) A certificate of completion of a certified alcohol awareness program held by an employee or an employee's employer may not be used at more than one licensed establishment.