

HOUSE BILL 712

A2

7lr2850

By: **Charles County Delegation**

Introduced and read first time: February 2, 2017

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2017

CHAPTER _____

1 AN ACT concerning

2 **Charles County – Alcoholic Beverages – Selling to Underage Individual –**
3 **Penalties**

4 FOR the purpose of altering a certain penalty the Board of License Commissioners for
5 Charles County may impose on a license holder or an employee of a license holder
6 who violates as a first offense the prohibition against selling or providing alcoholic
7 beverages to an individual under the age of 21 years; and generally relating to
8 alcoholic beverages in Charles County.

9 BY repealing and reenacting, without amendments,
10 Article – Alcoholic Beverages
11 Section 6–304 and 18–102
12 Annotated Code of Maryland
13 (2016 Volume and 2016 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Alcoholic Beverages
16 Section 18–2702
17 Annotated Code of Maryland
18 (2016 Volume and 2016 Supplement)

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

21 **Article – Alcoholic Beverages**

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 6–304.

2 A license holder or an employee of the license holder may not sell or provide alcoholic
3 beverages to an individual under the age of 21 years.

4 18–102.

5 This title applies only in Charles County.

6 18–2702.

7 (a) A license holder or an employee of a license holder who is charged with a
8 violation of § 6–304 of this article:

9 (1) shall receive a summons to appear in court on a certain day to answer
10 the charges placed against the license holder or employee; and

11 (2) may not be required to post bail pending trial in any court in the State.

12 (b) A license holder or an employee of a license holder may not be found guilty of
13 a violation of § 6–304 of this article if:

14 (1) the license holder or employee establishes to the satisfaction of the
15 finder of fact that the license holder or employee used due caution to establish that the
16 individual was not under the age of 21 years; and

17 (2) the individual was not a resident of the State.

18 (c) (1) If a license holder or an employee of a license holder violates § 6–304 of
19 this article:

20 (i) the Board may impose on the license holder:

21 1. for the first offense, a fine [not exceeding \$750] **THAT THE**
22 **BOARD DETERMINES** or a suspension of the license not exceeding 3 days or both; and

23 2. for each subsequent offense, a penalty that the Board
24 determines; and

25 (ii) the Board may impose on the employee a fine not exceeding \$500
26 for each offense.

27 (2) When determining the number of days for a suspension of a license for
28 a subsequent offense as provided for in paragraph (1)(i)2 of this subsection, the Board shall
29 consider:

1 (i) the class of license; and

2 (ii) the economic impact that the suspension will have on the
3 business, taking into account the total sales of alcoholic beverages of the licensed
4 establishment before the suspension compared to the estimated total sales during the
5 suspension.

6 (3) A fine imposed under this section shall be imposed subject to § 10-1001
7 of the State Government Article.

8 (d) Fines collected under this section shall be paid into the general fund of the
9 county.

10 (e) The granting of probation before judgment to a license holder or an employee
11 of the license holder for a violation of § 6-304 of this article does not bar the Board from
12 proceeding administratively against the license holder for the violation.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.