

# HOUSE BILL 1480

A2

7lr3091  
CF SB 837

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By: **Delegate Parrott**

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Penalties**

3 FOR the purpose of providing that ~~for a first offense for selling or providing alcoholic~~  
4 ~~beverages to an individual under the age of 21 years, a license holder or an employee~~  
5 ~~of the license holder is guilty of a misdemeanor and is subject to a certain fine;~~  
6 ~~providing that for each subsequent offense, a license holder or an employee of the~~  
7 ~~license holder who violates a certain provision of law is guilty of a misdemeanor and~~  
8 ~~is subject to a certain fine;~~ in Washington County a violation of the prohibition  
9 against selling or providing alcoholic beverages to an individual under the age of 21  
10 years is a misdemeanor; authorizing the Board of License Commissioners to impose  
11 certain penalties on an employee of a license holder or a license holder who violates  
12 the prohibition; authorizing the Board to suspend or revoke a license under certain  
13 conditions; and generally relating to alcoholic beverages in Washington County.

14 BY repealing and reenacting, without amendments,

15 Article – Alcoholic Beverages

16 Section 31–102

17 Annotated Code of Maryland

18 (2016 Volume and 2016 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Alcoholic Beverages

21 Section 31–2702

22 Annotated Code of Maryland

23 (2016 Volume and 2016 Supplement)

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

3 **Article – Alcoholic Beverages**

4 31-102.

5 This title applies only in Washington County.

6 31-2702.

7 ~~(A) FOR A FIRST OFFENSE, A LICENSE HOLDER OR AN EMPLOYEE OF A~~  
8 ~~LICENSE HOLDER WHO VIOLATES § 6-304 OF THIS ARTICLE IS GUILTY OF A~~  
9 ~~MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$200.~~

10 ~~[(a)] (B)~~ A license holder or an employee of a license holder who is charged with  
11 a violation of § 6-304 of this article:

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

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

15 ~~[(b)] (C)~~ A license holder or an employee of a license holder may not be found  
16 guilty of a violation of § 6-304 of this article if:

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

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

21 ~~[(c)] (D) [If an employee of a license holder violates § 6-304 of this article, the~~  
22 ~~Board may impose on the employee a fine not exceeding \$200] FOR EACH SUBSEQUENT~~  
23 ~~OFFENSE, A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO~~  
24 ~~VIOLATES § 6-304 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON~~  
25 ~~CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.~~

26 **(C) (1) A VIOLATION OF § 6-304 OF THIS ARTICLE IS A MISDEMEANOR.**

27 **(2) IF AN EMPLOYEE OF A LICENSE HOLDER VIOLATES § 6-304 OF**  
28 **THIS ARTICLE, THE BOARD MAY IMPOSE ON THE EMPLOYEE A FINE NOT EXCEEDING:**

29 **(I) FOR A FIRST OFFENSE, \$200; AND**

1                    **(II) FOR EACH SUBSEQUENT OFFENSE, \$500.**

2                    **(3) IF A LICENSE HOLDER VIOLATES § 6-304 OF THIS ARTICLE, THE**  
3 **BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500, SUSPEND OR REVOKE THE**  
4 **LICENSE, OR IMPOSE BOTH A FINE AND SUSPEND OR REVOKE THE LICENSE.**

5                    ~~[(d)] (E)~~        The granting of probation before judgment to a license holder or an  
6 employee of the license holder for a violation of § 6-304 of this article does not bar the Board  
7 from proceeding administratively against the license holder for the violation.

8                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
9 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.