

SENATE BILL 324

A2

8lr2707
CF HB 1202

By: **Washington County Senators**

Introduced and read first time: January 24, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Serving Underage Individuals –**
3 **Penalties**

4 FOR the purpose of repealing in Washington County a certain requirement necessary to
5 establish a defense against selling or providing alcoholic beverages to an individual
6 under the age of 21 years; altering the penalties imposed on an employee of an
7 alcoholic beverages license holder in Washington County who sells or provides
8 alcoholic beverages to an individual under the age of 21 years; making it a
9 misdemeanor under certain circumstances to sell or provide alcoholic beverages to
10 an individual under the age of 21 years in Washington County; prohibiting the
11 Washington County Board of License Commissioners from proceeding
12 administratively against an employee of a license holder who violates the prohibition
13 against selling or providing alcoholic beverages to an individual under the age of 21
14 years until after the employee is granted probation before judgment or found guilty
15 of the violation; and generally relating to alcoholic beverages in Washington County.

16 BY repealing and reenacting, without amendments,
17 Article – Alcoholic Beverages
18 Section 6–304 and 31–102
19 Annotated Code of Maryland
20 (2016 Volume and 2017 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Alcoholic Beverages
23 Section 31–2702

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 Annotated Code of Maryland
2 (2016 Volume and 2017 Supplement)

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

5 **Article – Alcoholic Beverages**

6 6–304.

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

9 31–102.

10 This title applies only in Washington County.

11 31–2702.

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

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

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

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

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

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

23 (c) (1) ~~A violation of § 6–304 of this article~~ **A VIOLATION FOR WHICH A**
24 **PENALTY IS IMPOSED UNDER PARAGRAPH (2) OF THIS SUBSECTION** is a misdemeanor.

25 (2) **(I)** If an employee of a license holder violates § 6–304 of this article,
26 ~~the Board may impose on the employee a fine not exceeding~~ **THE EMPLOYEE IS SUBJECT**
27 **TO:**

28 (i) ~~for a first offense, \$200; and~~

29 (ii) ~~for each subsequent offense, \$500.~~

1 **1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
2 **PARAGRAPH, FOR A FIRST OFFENSE, A FINE OF \$100;**

3 **2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
4 **PARAGRAPH, FOR A SECOND OFFENSE, A FINE OF \$250; AND**

5 **3. FOR EACH SUBSEQUENT OFFENSE, A TERM OF**
6 **IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR**
7 **BOTH.**

8 **(II) IF AN EMPLOYEE DOES NOT PAY WITHIN 30 DAYS A FINE**
9 **IMPOSED UNDER SUBPARAGRAPH (I)1 OR 2 OF THIS PARAGRAPH, THE EMPLOYEE IS**
10 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING**
11 **\$1,000 OR BOTH.**

12 (3) If a license holder violates § 6–304 of this article, the Board may impose
13 a fine not exceeding \$2,500, suspend or revoke the license, or impose both a fine and
14 suspend or revoke the license.

15 (d) The granting of probation before judgment to a license holder or an employee
16 of the license holder for a violation of § 6–304 of this article does not bar the Board from
17 proceeding administratively against the license holder for the violation.

18 **(E) THE BOARD MAY NOT PROCEED ADMINISTRATIVELY AGAINST AN**
19 **EMPLOYEE OF A LICENSE HOLDER FOR A VIOLATION OF § 6–304 OF THIS ARTICLE**
20 **UNTIL AFTER THE EMPLOYEE IS GRANTED PROBATION BEFORE JUDGMENT OR**
21 **FOUND GUILTY OF THE VIOLATION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.