

Chapter 305

(Senate Bill 461)

AN ACT concerning

Selling or Providing Alcoholic Beverages to Individuals With Intellectual Disabilities and Others – Repeal of Prohibition

FOR the purpose of repealing provisions of law in Allegany, Carroll, Charles, Harford, Kent, Montgomery, Queen Anne’s, and Washington counties that prohibit a license holder or employee from knowingly selling or providing an alcoholic beverage to an individual with an intellectual disability or to an individual if a family member or guardian has given written notice to the license holder or employee under certain circumstances; and generally relating to a license holder or employee selling or providing alcoholic beverages to individuals.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 9–102, 16–102, 18–102, 22–102, 24–102, 25–102, 27–102, and 31–102

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 9–2704, 16–2704, 18–2704, 22–2705, 24–2704, 25–2705, 27–2704, and 31–2704

Annotated Code of Maryland

(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

9–102.

This title applies only in Allegany County.

9–2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to[:

(1)] a habitual drunkard[;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual's physical condition, intemperate habits, or unsound mind].

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

16-102.

This title applies only in Carroll County.

16-2704.

(a) In this section, "knowingly" means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to[:

(1)] a habitual drunkard[;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual's physical condition, intemperate habits, or unsound mind].

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding \$50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

18-102.

This title applies only in Charles County.

18-2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to[:

(1)] a habitual drunkard[;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind].

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding \$50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

22-102.

This title applies only in Harford County.

22-2705.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to[:

(1)] a habitual drunkard[;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual's physical condition, intemperate habits, or unsound mind].

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding \$50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

24-102.

This title applies only in Kent County.

24-2704.

(a) In this section, "knowingly" means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to[:

(1)] a habitual drunkard[;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual's physical condition, intemperate habits, or unsound mind].

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding \$50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

25-102.

This title applies only in Montgomery County.

25-2705.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to[:

(1)] a habitual drunkard[;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind].

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

27-102.

This title applies only in Queen Anne’s County.

27-2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to[:

(1)] a habitual drunkard[;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind].

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding \$50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

31-102.

This title applies only in Washington County.

31-2704.

(a) In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to[:

(1)] a habitual drunkard[;

(2) an individual with an intellectual disability; or

(3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder not to sell or provide an alcoholic beverage to the individual because of the individual’s physical condition, intemperate habits, or unsound mind].

(c) A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding \$50; and

(2) for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding \$100 or both.

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

Approved by the Governor, April 24, 2018.