
By: Montgomery County Delegation

Introduced and read first time: February 1, 1996

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 1996

CHAPTER ____

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages - Sales to Minors and Intoxicated Persons**

3 **MC 603-96**

4 FOR the purpose of specifying that in Montgomery County, the granting of probation
5 before judgment to a licensee or employee of the licensee for violating the law
6 against selling alcoholic beverages to a minor or intoxicated person does not bar the
7 Board of License Commissioners from proceeding administratively against the
8 licensee for the violation; making a certain technical change; and generally relating
9 to the sale of alcoholic beverages to minors or intoxicated persons in Montgomery
10 County.

11 BY repealing and reenacting, with amendments,
12 Article 2B - Alcoholic Beverages
13 Section 12-108
14 Annotated Code of Maryland
15 (1994 Replacement Volume and 1995 Supplement)

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

18 **Article 2B - Alcoholic Beverages**

19 12-108.

20 (a) (1) A licensee licensed under this article, or any employee of the licensee,
21 may not sell or furnish any alcoholic beverages at any time to a person under 21 years of
22 age:

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1 (i) For the underage person's own use or for the use of any other
2 person; or

3 (ii) To any person who, at the time of the sale, or delivery, is visibly
4 under the influence of any alcoholic beverage.

5 (2) Any licensee or any employee of the licensee who is charged with a
6 violation of this subsection shall receive a summons to appear in court on a certain day to
7 answer the charges placed against that person. The person charged may not be required
8 to post bail bond pending trial in any court of this State.

9 (3) (i) A licensee or employee of the licensee violating any of the
10 provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers the
11 penalties provided by § 16-503 of this article.

12 (ii) A licensee or employee of the licensee who is charged with selling
13 or furnishing any alcoholic beverages to a person under 21 years of age may not be found
14 guilty of a violation of this subsection, if the person establishes to the satisfaction of the
15 jury or the court sitting as a jury that the person used due caution to establish that the
16 person under 21 years of age was not, in fact, a person under 21 years of age if a
17 nonresident of the State.

18 (iii) If the person is a resident of the State of Maryland, the licensee or
19 employee of the licensee may accept, as proof of a person's age, the display of the
20 person's driver's license or identification card as provided for in the Maryland Vehicle
21 Law.

22 (iv) Except as OTHERWISE provided in [subsection (e) of] this
23 section, if any licensee or employee of the licensee is found not guilty, or placed on
24 probation without a verdict, of any alleged violation of this subsection, this finding
25 operates as a complete bar to any proceeding by any alcoholic beverage law enforcement
26 or licensing authorities against the licensee on account of the alleged violation.

27 (b) (1) A licensee under the provisions of this article, or any of his employees,
28 in Worcester County, may not sell or furnish any alcoholic beverages to a person under 21
29 years of age, either for his own use or for the use of any other person, or to any person
30 who at the time of the sale, or delivery, is visibly under the influence of alcoholic
31 beverages.

32 (2) Any licensee or employee of a licensee who is charged with a violation of
33 this subsection may be proceeded against in Worcester County either upon a charging
34 document duly issued by the District Court for Worcester County or by an indictment
35 duly returned by the grand jury of that county. Any licensee violating any of the provisions
36 of this subsection is guilty of a misdemeanor and, upon conviction, shall suffer the
37 penalties provided by § 16-503 of this article. However, a licensee charged with selling or
38 furnishing alcoholic beverages to an underage person may not be found guilty of a
39 violation of this subsection if the person establishes to the satisfaction of the jury or court
40 sitting as a jury that he used due caution to establish that the person was not, in fact,
41 underage. This subsection applies solely to Worcester County and stands in place and
42 stead of subsection (a) of this section as the subsection applies generally to the counties
43 of this State.

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1 (c) (1) This subsection applies only in the following counties:

2 (i) Carroll County;

3 (ii) Frederick County;

4 (iii) Harford County;

5 (iv) Somerset County;

6 (v) Talbot County; and

7 (vi) Wicomico County.

8 (2) A licensee under the provisions of this article, or any of the licensee's
9 employees, may not sell or furnish any alcoholic beverages at any time to a person under
10 21 years of age, either for that person's own use or for the use of any other person, or to
11 any person who, at the time of such sale or delivery, is visibly under the influence of any
12 alcoholic beverage.

13 (3) The Liquor Control Board of Harford County may not find a licensee
14 guilty of violating this section if the licensee or employee of the licensee who is accused of
15 selling or furnishing alcoholic beverages to a person under 21 years of age exercised due
16 caution to establish that the person was not, in fact, a person under 21 years of age.

17 (4) In Harford County, a licensee who is charged with selling or furnishing
18 alcoholic beverages to an underage person may not be found in violation of paragraph (2)
19 of this subsection if the licensee establishes to the satisfaction of the judge, jury, or Liquor
20 Control Board that the licensee used due caution to establish that the person was not, in
21 fact, underage.

22 (5) The provisions of subsection (a) of this section do not apply to the
23 counties which are listed in paragraph (1) of this subsection and the law in these counties
24 shall remain in the same force and effect as if not amended by this section.

25 (d) No licensee, proprietor, or operator of any establishment dispensing alcoholic
26 beverages shall permit the consumption or possession of any alcoholic beverages by a
27 person under the age of twenty-one years upon said premises no matter by whom such
28 alcoholic beverages shall have been purchased or from whom obtained. A violation of this
29 subsection is a misdemeanor punishable by a fine of not more than \$50 in addition to any
30 other penalties provided under this article.

31 (e) Notwithstanding any other provision of this section to the contrary, in Queen
32 Anne's County, if any licensee or employee of the licensee is placed on probation before
33 judgment for any alleged violation of subsection (a) of this section, this finding may not
34 operate as a bar to any proceeding brought by the Board of License Commissioners
35 against the licensee on account of the alleged violation.

36 (f) In Howard [County,] COUNTY AND MONTGOMERY COUNTY, the granting
37 of probation before judgment to a licensee or employee of the licensee for violating
38 subsection (a) of this section does not bar the Board of License Commissioners from
39 proceeding administratively against the licensee for the violation.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.