
By: Harford County Delegation

Introduced and read first time: February 16, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Harford County**
3 **(Alcohol Awareness Training)**

4 FOR the purpose of requiring in Harford County that the Alcohol Awareness Program
5 require that all licensees or supervisors be certified; and generally relating to
6 alcoholic beverages in Harford County.

7 BY repealing and reenacting, with amendments,
8 Article 2B - Alcoholic Beverages
9 Section 13-101
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1995 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article 2B - Alcoholic Beverages
14 Section 13-101
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1995 Supplement)
17 (As enacted by Chapter 253 of the Acts of the General Assembly of 1995)

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

20 **Article 2B - Alcoholic Beverages**

21 13-101.

22 (a) In this section "alcohol awareness program" means a program:

23 (1) That:

24 (i) Is approved and certified by the State Comptroller; and

25 (ii) Has been issued an alcohol awareness program permit by the State
26 Comptroller;

27 (2) That includes instruction on how alcohol affects a person's:

2

1 (i) Body; and

2 (ii) Behavior;

3 (3) That provides education on the dangers of drinking and driving; and

4 (4) That defines effective methods for:

5 (i) Serving customers to minimize the chance of intoxication;

6 (ii) Ceasing service before the customer becomes intoxicated; and

7 (iii) Determining if a customer is under the drinking age.

8 (b) (1) The provisions of this section apply to:

9 (i) Licensed premises that are operated by selling alcoholic beverages
10 directly to a customer from a bar or service bar on the premises;

11 (ii) Premises licensed for off sale; and

12 (iii) In Montgomery County, a holder of a caterer's license issued
13 under § 6-706.1 of this article.

14 (2) This section does not apply to:

15 (i) Temporary alcoholic beverages licenses issued under § 7-101 of
16 this article;

17 (ii) A Class E (on-sale) steamboat alcoholic beverages license;

18 (iii) A Class F (on-sale) railroad alcoholic beverages license; or

19 (iv) A Class G (on-sale) aircraft alcoholic beverages license.

20 (c) (1) A holder of any class of retail alcoholic beverages license or an employee
21 designated by the holder shall complete training in an approved alcoholawareness
22 program. The training shall be valid for a period of 4 years, and the holder shall complete
23 retraining in an approved program for each successive 4-year period.

24 (2) (i) This paragraph applies only in Montgomery County.

25 (ii) The licensee or a person who is employed in a supervisory capacity
26 designated by the licensee shall be certified by an approved alcohol awareness program
27 and shall be present during the hours in which alcohol may be sold.

28 (3) (I) THIS PARAGRAPH APPLIES ONLY IN HARFORD COUNTY.

29 (II) THE LICENSEE OR A PERSON WHO IS EMPLOYED IN A
30 SUPERVISORY CAPACITY DESIGNATED BY THE LICENSEE SHALL BE CERTIFIED BY
31 AN APPROVED ALCOHOL AWARENESS PROGRAM AND SHALL BE PRESENT DURING
32 THE HOURS IN WHICH ALCOHOL MAY BE SOLD.

33 (d) Any licensee who violates the provisions of subsection (c) of this section is
34 subject to:

3

1 (1) For the first offense, a \$100 fine; and

2 (2) For each subsequent offense, a fine not to exceed \$500 or a suspension
3 or revocation of the license or both.

4 (e) (1) The State Comptroller:

5 (i) Shall approve and certify each alcohol awareness program that is
6 in compliance with this section; and

7 (ii) May require recertification of the approved program to insure
8 compliance with any changes in the program.

9 (2) Any individual who is authorized or employed to teach an alcohol
10 awareness program must obtain an alcohol awareness instructor's permit.

11 (3) Each local licensing board is responsible for enforcing this section,
12 including the penalty provision.

13 (4) (i) A certificate of completion shall be issued for each completion of a
14 certified program and it shall be valid for 4 years from the date of issuance.

15 (ii) An up-to-date valid certificate shall be presented to the proper
16 authority upon request.

17 (5) (i) Within 5 days after a licensee or an employee of a licensee is sent
18 a certificate of completion, the program provider shall inform the appropriate local
19 licensing board of:

20 1. The individual's name, address, and certification date; and

21 2. The name and address of the licensed establishment.

22 (ii) Any program provider who violates the provisions of this
23 subsection is subject to a decertification of the program by the State Comptroller.

24 (f) (1) This section may not be construed to create or enlarge any civil cause of
25 action or criminal proceeding against a licensee.

26 (2) Evidence of a violation of this section may not be introduced in any civil
27 or criminal proceeding, but may only be used as evidence before the local licensing board
28 in actions brought before the board for violations of this section.

29 (g) The Comptroller may issue regulations to set standards and requirements
30 pertaining to course content, course duration, course format and any other course related
31 activities the Comptroller may require.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
33 read as follows:

34 **Article 2B - Alcoholic Beverages**

35 13-101.

36 (a) In this section "alcohol awareness program" means a program:

4

1 (1) That:

2 (i) Is approved and certified by the State Comptroller; and

3 (ii) Has been issued an alcohol awareness program permit by the State
4 Comptroller;

5 (2) That includes instruction on how alcohol affects a person's:

6 (i) Body; and

7 (ii) Behavior;

8 (3) That provides education on the dangers of drinking and driving; and

9 (4) That defines effective methods for:

10 (i) Serving customers to minimize the chance of intoxication;

11 (ii) Ceasing service before the customer becomes intoxicated; and

12 (iii) Determining if a customer is under the drinking age.

13 (b) (1) The provisions of this section apply to licensed premises that are
14 operated by selling alcoholic beverages directly to a customer from a bar or service bar on
15 the premises and to premises licensed for off sale.

16 (2) This section does not apply to:

17 (i) Temporary alcoholic beverages licenses issued under § 7-101 of
18 this article;

19 (ii) A Class E (on-sale) steamboat alcoholic beverages license;

20 (iii) A Class F (on-sale) railroad alcoholic beverages license; or

21 (iv) A Class G (on-sale) aircraft alcoholic beverages license.

22 (c) (1) A holder of any class of retail alcoholic beverages license or an employee
23 designated by the holder shall complete training in an approved alcoholawareness
24 program. The training shall be valid for a period of 4 years, and the holder shall complete
25 retraining in an approved program for each successive 4-year period.

26 (2) (i) This paragraph applies only in Montgomery County.

27 (ii) The licensee or a person who is employed in a supervisory capacity
28 designated by the licensee shall be certified by an approved alcohol awareness program
29 and shall be present during the hours in which alcohol may be sold.

30 (3) (I) THIS PARAGRAPH APPLIES ONLY IN HARFORD COUNTY.

31 (II) THE LICENSEE OR A PERSON WHO IS EMPLOYED IN A
32 SUPERVISORY CAPACITY DESIGNATED BY THE LICENSEE SHALL BE CERTIFIED BY
33 AN APPROVED ALCOHOL AWARENESS PROGRAM AND SHALL BE PRESENT DURING
34 THE HOURS IN WHICH ALCOHOL MAY BE SOLD.

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5 or revocation of the license or both.

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7 (i) Shall approve and certify each alcohol awareness program that is
8 in compliance with this section; and

9 (ii) May require recertification of the approved program to insure
10 compliance with any changes in the program.

11 (2) Any individual who is authorized or employed to teach an alcohol
12 awareness program must obtain an alcohol awareness instructor's permit.

13 (3) Each local licensing board is responsible for enforcing this section,
14 including the penalty provision.

15 (4) (i) A certificate of completion shall be issued for each completion of a
16 certified program and it shall be valid for 4 years from the date of issuance.

17 (ii) An up-to-date valid certificate shall be presented to the proper
18 authority upon request.

19 (5) (i) Within 5 days after a licensee or an employee of a licensee is sent
20 a certificate of completion, the program provider shall inform the appropriate local
21 licensing board of:

22 1. The individual's name, address, and certification date; and

23 2. The name and address of the licensed establishment.

24 (ii) Any program provider who violates the provisions of this
25 subsection is subject to a decertification of the program by the State Comptroller.

26 (f) (1) This section may not be construed to create or enlarge any civil cause of
27 action or criminal proceeding against a licensee.

28 (2) Evidence of a violation of this section may not be introduced in any civil
29 or criminal proceeding, but may only be used as evidence before the local licensing board
30 in actions brought before the board for violations of this section.

31 (g) The Comptroller may issue regulations to set standards and requirements
32 pertaining to course content, course duration, course format and any other course related
33 activities the Comptroller may require.

34 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act is
35 contingent on the taking effect of the termination provision specified in Section 2 of
36 Chapter 253 of the Acts of the General Assembly of 1995. If that termination provision

HOUSE BILL 1299

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1 takes effect, Section 1 of this Act shall be void. This Act may not be interpreted to have
2 any effect on that termination provision.

3 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3
4 above, this Act shall take effect October 1, 1996.