

(PRE-FILED)

CF 6lr1793

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**By: Senator Craig**

Requested: August 23, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 6, 1996

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CHAPTER \_\_\_\_

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       contain a victim impact program with first person experience and that all licensees  
6       ~~or~~ and supervisors be certified by an approved alcohol awareness program; and  
7       generally relating to alcoholic beverages in Harford County.

8 BY repealing and reenacting, with amendments,  
9       Article 2B - Alcoholic Beverages  
10       Section 13-101  
11       Annotated Code of Maryland  
12       (1994 Replacement Volume and 1995 Supplement)

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

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

2

1 **Article 2B - Alcoholic Beverages**

2 13-101.

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

4 (1) That:

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

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

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

9 (i) Body; and

10 (ii) Behavior;

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

12 (4) That defines effective methods for:

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

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

15 (iii) Determining if a customer is under the drinking age;AND

16 (5) IN HARFORD COUNTY, THAT INCLUDES A VICTIM IMPACT PROGRAM  
17 WITH FIRST PERSON EXPERIENCE.

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

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

21 (ii) Premises licensed for off sale; and

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

24 (2) This section does not apply to:

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

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

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

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

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

3

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

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

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

6 ~~(II) THE LICENSEE OR A PERSON WHO IS EMPLOYED IN A~~  
7 ~~SUPERVISORY CAPACITY DESIGNATED BY THE LICENSEE SHALL BE CERTIFIED BY~~  
8 ~~AN APPROVED ALCOHOL AWARENESS PROGRAM AND SHALL BE PRESENT DURING~~  
9 ~~THE HOURS IN WHICH ALCOHOL MAY BE SOLD.~~

10 (II) THE LICENSEE AND PERSONS WHO ARE EMPLOYED BY THE  
11 LICENSEE IN A SUPERVISORY CAPACITY SHALL BE CERTIFIED BY AN APPROVED  
12 ALCOHOL AWARENESS PROGRAM.

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

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

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

18 (e) (1) The State Comptroller:

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

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

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

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

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

29 (ii) An up-to-date valid certificate shall be presented tothe proper  
30 authority upon request.

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

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

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

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

4

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

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

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

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

11 **Article 2B - Alcoholic Beverages**

12 13-101.

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

14 (1) That:

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

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

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

19 (i) Body; and

20 (ii) Behavior;

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

22 (4) That defines effective methods for:

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

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

25 (iii) Determining if a customer is under the drinking age;AND

26 (5) IN HARFORD COUNTY, THAT INCLUDES A VICTIM IMPACT PROGRAM  
27 WITH FIRST PERSON EXPERIENCE.

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

31 (2) This section does not apply to:

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

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

5

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

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

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

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

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

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

12 ~~(II) THE LICENSEE OR A PERSON WHO IS EMPLOYED IN A~~  
13 ~~SUPERVISORY CAPACITY DESIGNATED BY THE LICENSEE SHALL BE CERTIFIED BY~~  
14 ~~AN APPROVED ALCOHOL AWARENESS PROGRAM AND SHALL BE PRESENT DURING~~  
15 ~~THE HOURS IN WHICH ALCOHOL MAY BE SOLD.~~

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17 LICENSEE IN A SUPERVISORY CAPACITY SHALL BE CERTIFIED BY AN APPROVED  
18 ALCOHOL AWARENESS PROGRAM.

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

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

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

24 (e) (1) The State Comptroller:

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

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

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

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

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

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

6

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

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

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

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

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

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

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

16                   SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act is  
17 contingent on the taking effect of the termination provision specified in Section 2 of  
18 Chapter 253 of the Acts of the General Assembly of 1995. If that termination provision  
19 takes effect, Section 1 of this Act shall be void. This Act may not be interpreted to have  
20 any effect on that termination provision.

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