

---

**By: Montgomery County Delegation**

Introduced and read first time: January 31, 1997

Assigned to: Economic Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 31, 1997

---

## CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages - ~~Class A Beer, Wine and Liquor Licenses~~**  
3 **Dispensaries and Retail Outlets**  
4 **MC 715-97**

5 FOR the purpose of establishing a Class A beer, wine and liquor license in Montgomery  
6 County; ~~restricting the issuance of the license to the Director of the Department of~~  
7 ~~Liquor Control or an individual with whom the Director has contracted to operate~~  
8 ~~a retail outlet for the sale of beer, wine and liquor; establishing an annual fee for~~  
9 ~~the license; establishing an exception to the requirement that the Board of License~~  
10 ~~Commissioners for Montgomery County obtain certain criminal background~~  
11 ~~information from an applicant for an alcoholic beverages license; establishing an~~  
12 ~~exception to the requirement that an applicant for an alcoholic beverages license in~~  
13 ~~Montgomery County submit certain personal information with the application;~~  
14 ~~providing for the issuance and renewal of a Class A beer, wine and liquor license on~~  
15 ~~the death of the Director of the Department of Liquor Control holding the license~~  
16 ~~for the benefit of the Department under this Act; establishing the hours and days on~~  
17 ~~which the privileges conferred on a Class A beer, wine and liquor license may be~~  
18 ~~exercised; making a conforming change; and generally relating to a Class A beer,~~  
19 ~~wine and liquor license prohibiting the Director of the Montgomery County~~  
20 ~~Department of Liquor Control from contracting with persons to operate certain~~  
21 ~~retail liquor stores, except for certain stores operating as of a certain date, and~~  
22 ~~subject to certain limitations; prohibiting the County Department of Liquor Control~~  
23 ~~from selling alcoholic beverages to different licensees or classes at different prices;~~  
24 ~~allowing certain products and prohibiting certain other products to be sold in~~  
25 ~~certain retail liquor stores; authorizing disciplinary actions, including the issuance~~  
26 ~~of certain citations, to certain persons for certain violations; and generally relating~~  
27 ~~to liquor sales in Montgomery County.~~

2

1 BY repealing and reenacting, without amendments,

2 Article 2B - Alcoholic Beverages

3 Section 15-203(a)

4 Annotated Code of Maryland

5 (1996 Replacement Volume)

6 BY repealing and reenacting, with amendments,

7 Article 2B - Alcoholic Beverages

8 ~~Section 6-101(e), 9-101(a)(1), 10-103(b), 10-104(e), and 11-516(d)~~

9 Section 15-203(d)

10 Annotated Code of Maryland

11 (1996 Replacement Volume)

12 BY adding to

13 Article 2B - Alcoholic Beverages

14 ~~Section 40-506(e)~~ 2-301(g)

15 Annotated Code of Maryland

16 (1996 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article 2B - Alcoholic Beverages**

20 2-301.

21 (G) (1) THIS SUBSECTION APPLIES IN MONTGOMERY COUNTY.

22 (2) THE DEPARTMENT OF LIQUOR CONTROL MAY SELL ITS INVENTORY  
23 THROUGH COUNTY LIQUOR DISPENSARIES AT WHOLESALE AND RETAIL AND  
24 THROUGH RETAIL OUTLETS OPERATED BY INDIVIDUALS WITH WHOM THE  
25 DEPARTMENT CONTRACTS UNDER § 15-203(D) OF THIS ARTICLE.

26 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS ARTICLE  
27 MAY NOT BE INTERPRETED TO PROHIBIT THE SALE OF ALCOHOLIC BEVERAGES IN  
28 WHOLE CASES OR IN INDIVIDUAL BOTTLES BY THE DIRECTOR OF THE DEPARTMENT  
29 OF LIQUOR CONTROL, THROUGH COUNTY LIQUOR DISPENSARIES SELLING AT  
30 WHOLESALE OR RETAIL, TO A LICENSEE IN MONTGOMERY COUNTY.

31 (4) THE DEPARTMENT OF LIQUOR CONTROL MAY NOT SELL  
32 ALCOHOLIC BEVERAGES AT DIFFERENT PRICES TO DIFFERENT LICENSEES OR  
33 CLASSES OF LICENSEES.

34 ~~6-101.~~

35 ~~(e) (1) This [section does not apply] SUBSECTION APPLIES ONLY in~~  
36 ~~Montgomery County.~~

37 ~~(2) A CLASS A BEER, WINE AND LIQUOR LICENSE MAY ONLY BE ISSUED~~  
38 ~~TO THE DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL OR AN INDIVIDUAL~~

3

~~1 WITH WHOM THE DIRECTOR OR THE DEPARTMENT HAS CONTRACTED TO OPERATE  
2 A RETAIL OUTLET FOR THE SALE OF BEER, WINE AND LIQUOR.~~

~~3 (3) THE ANNUAL FEE FOR THE LICENSE IS \$500.~~

~~4 9-101.~~

5 (a) A license may not be issued to a partnership, to a corporation, or to a limited  
6 liability company, but only to individuals authorized to act for a partnership, corporation,  
7 or limited liability company who shall assume all responsibilities as individuals, and be  
8 subject to all of the penalties, conditions and restrictions imposed upon licensees under  
9 the provisions of the Tax—General Article that relate to the alcoholic beverage tax and  
10 the provisions of this article. If the application is made for a partnership, the license shall  
11 be applied for and be issued to all the partners as individuals, all of whom shall have  
12 resided in the city or county in which the place of business is located for at least 2 years  
13 prior to the application.

14 (1) (i) Subject to subparagraph (ii) of this paragraph, in Baltimore and  
15 Montgomery Counties, if the application is made for a partnership, the license shall be  
16 applied for and issued to at least 2 general partners as individuals, at least one of whom  
17 is a registered voter of the county where the application is made and resides there at the  
18 time of the application. If there is only one general partner, the license shall be issued to  
19 that partner as an individual, if that partner is a registered voter of the county where the  
20 application is made and resides there at the time of application.

21 (ii) In Baltimore County, the provisions of this paragraph may not be  
22 construed to waive any of the requirements under §§ 9-102 and 9-301 of this article.

23 (III) IN MONTGOMERY COUNTY, THE PROVISIONS OF THIS  
24 SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE ISSUANCE OF A CLASS A  
25 BEER, WINE AND LIQUOR LICENSE TO THE DIRECTOR OF THE DEPARTMENT OF  
26 LIQUOR CONTROL UNDER § 6-101(Q) OF THIS ARTICLE.

~~27 40-103.~~

28 (b) Except as otherwise provided in this subtitle, every new application for a  
29 license shall be made to the Board of License Commissioners upon forms prescribed by  
30 the Comptroller and sworn to by the applicant. Every application for a license shall  
31 contain the following statements:

32 (1) The class of license desired;

33 (2) The name and residence of the applicant and how long he has resided at  
34 that address;

35 (3) Except in Baltimore and Howard Counties, a statement that the  
36 applicant is a citizen of the United States;

37 (4) (i) Except as provided in subparagraph (ii) of this paragraph, a  
38 statement that the applicant has been for two years next preceding the filing of his  
39 application a resident of the county or of the City of Baltimore in which he proposes to  
40 operate under the license applied for. The Board of License Commissioners of Prince

4

1 ~~George's County shall apply the residency requirements as specified in § 9-101 of this~~  
 2 ~~article;~~

3 ~~(ii) In Dorchester County the residency requirement is 1 year;~~

4 ~~(iii) In Carroll County, in addition to the applicant's residential~~  
 5 ~~statement required under this section, the license shall remain valid only for as long as~~  
 6 ~~the resident applicant remains a resident of the county;~~

7 ~~(5) The age and sex of the applicant;~~

8 ~~(6) Except in Baltimore and Howard Counties, the place of birth of the~~  
 9 ~~applicant, and if a naturalized citizen, when and where he was naturalized;~~

10 ~~(7) The particular place for which a license is desired, designating the same~~  
 11 ~~by street and number if practicable; if not, by such other apt description as definitely~~  
 12 ~~locates it and also a description of the portion of the building in which the business will~~  
 13 ~~be conducted;~~

14 ~~(8) The name of the owner of the premises upon which the business sought~~  
 15 ~~to be licensed is to be carried on;~~

16 ~~(9) (i) A statement that the applicant has never been convicted of a~~  
 17 ~~felony and a further statement as to whether he has ever been adjudged guilty of violating~~  
 18 ~~the laws governing the sale of alcoholic beverages or for the prevention of gambling in the~~  
 19 ~~State of Maryland.~~

20 ~~(ii) In Worcester County a statement that the applicant has never~~  
 21 ~~offered a plea of nolo contendere to a felony indictment which was accepted by a court.~~

22 ~~(iii) In Wicomico County a statement that the applicant consents to the~~  
 23 ~~board investigating the applicant's criminal record.~~

24 ~~(iv) 1. In Prince George's and Worcester Counties, a signed~~  
 25 ~~statement by the applicant that the applicant has not been convicted of a felony or if the~~  
 26 ~~application is being made for the use of a corporation, that the applicant and none of the~~  
 27 ~~stockholders of that corporation have been convicted of a felony; and~~

28 ~~2. In Worcester County, that the owner of the corporation has~~  
 29 ~~not been convicted of a felony;~~

30 ~~(10) A statement that the applicant has a pecuniary interest in the business to~~  
 31 ~~be conducted under said license;~~

32 ~~(11) A statement that the applicant has not had a license for the sale of~~  
 33 ~~alcoholic beverages revoked;~~

34 ~~(12) A statement that the applicant, or person on behalf of whom the~~  
 35 ~~application is filed, is not pecuniarily interested in any other place of business in said~~  
 36 ~~county or City of Baltimore where or for which a license has been applied for, granted or~~  
 37 ~~issued under this article, except as otherwise permitted in this article;~~

38 ~~(13) (i) 1. A statement as to whether the applicant has ever been~~  
 39 ~~adjudged guilty of any offense against the laws of the State or of the United States.~~



1                                   1. ~~The Board of License Commissioners shall:~~

2                                    A. ~~Obtain criminal records of alcoholic beverages license~~

3 ~~applicants from the Criminal Justice Information System Central Repository of the~~

4 ~~Department of Public Safety and Correctional Services;~~

5                                    B. ~~Require applicants for alcoholic beverages licenses in the~~

6 ~~County to be fingerprinted; and~~

7                                    C. ~~Forward the fingerprints through the Criminal Justice~~

8 ~~Information System Central Repository of the Department of Public Safety and~~

9 ~~Correctional Services for transmittal to the Federal Bureau of Investigation for a national~~

10 ~~criminal history records check; and~~

11                                   2. ~~Applicants for license renewal may not be subject to these~~

12 ~~provisions.~~

13                                   (vi) 1. ~~The provisions of this subparagraph apply only in Cecil~~

14 ~~County, Charles County, and Dorchester County.~~

15                                   2. ~~The Boards of License Commissioners shall:~~

16                                    A. ~~Obtain criminal records of new alcoholic beverages license~~

17 ~~applicants from the Criminal Justice Information System Central Repository of the~~

18 ~~Department of Public Safety and Correctional Services;~~

19                                    B. ~~Require applicants for new alcoholic beverages licenses to be~~

20 ~~fingerprinted; and~~

21                                    C. ~~Forward the fingerprints through the Criminal Justice~~

22 ~~Information System Central Repository of the Department of Public Safety and~~

23 ~~Correctional Services for transmittal to the Federal Bureau of Investigation (F.B.I.) for a~~

24 ~~national criminal history records check. Applications for license renewal are not subject~~

25 ~~to these provisions.~~

26                                    3. ~~The County Commissioners may set a fee to cover the cost of~~

27 ~~obtaining the fingerprints and the Maryland and national criminal history records check.~~

28                                    4. ~~The Boards shall keep all criminal records in a sealed~~

29 ~~envelope available only to the members of the Boards and the Clerks to the Boards.~~

30                                    5. ~~The hearing for a new applicant and the issuance of a license~~

31 ~~may not be delayed due to the failure of the F.B.I. to provide the requested criminal~~

32 ~~history records check by the date of the scheduled hearing.~~

33                                   (vii) 1. ~~The provisions of this subparagraph apply only in Wicomico~~

34 ~~County.~~

35                                    2. ~~The Board of License Commissioners shall:~~

36                                    A. ~~Obtain criminal records of license applicants from the~~

37 ~~Criminal Justice Information System Central Repository of the Department of Public~~

38 ~~Safety and Correctional Services;~~

7

1 ~~B. Require applicants for licenses to be fingerprinted; and~~

2 ~~C. Forward the fingerprints through the Department of Public~~  
3 ~~Safety and Correctional Services for transmittal to the Federal Bureau of Investigation~~  
4 ~~for a national criminal history records check;~~

5 ~~(viii) In Harford County:~~

6 ~~1. The Liquor Control Board shall:~~

7 ~~A. Obtain criminal records of alcoholic beverages license~~  
8 ~~applicants from the Criminal Justice Information System Central Repository of the~~  
9 ~~Department of Public Safety and Correctional Services;~~

10 ~~B. Require applicants for alcoholic beverages licenses in the~~  
11 ~~County to be fingerprinted; and~~

12 ~~C. Forward the fingerprints through the Criminal Justice~~  
13 ~~Information System Central Repository of the Department of Public Safety and~~  
14 ~~Correctional Services for transmittal to the Federal Bureau of Investigation for a national~~  
15 ~~criminal history records check; and~~

16 ~~2. Applicants for license renewal may not be subject to these~~  
17 ~~provisions.~~

18 ~~(ix) In Carroll County:~~

19 ~~1. The Board of License Commissioners shall:~~

20 ~~A. Obtain criminal records of alcoholic beverages license~~  
21 ~~applicants from the Criminal Justice Information System Central Repository of the~~  
22 ~~Department of Public Safety and Correctional Services;~~

23 ~~B. Require applicants for alcoholic beverages licenses in the~~  
24 ~~County to be fingerprinted; and~~

25 ~~C. Forward the fingerprints through the Criminal Justice~~  
26 ~~Information System Central Repository of the Department of Public Safety and~~  
27 ~~Correctional Services for transmittal to the Federal Bureau of Investigation for a national~~  
28 ~~criminal history records check; and~~

29 ~~2. Applicants for license renewal may not be subject to these~~  
30 ~~provisions.~~

31 ~~(14) A statement as to whether the applicant has ever held a license for the~~  
32 ~~sale of alcoholic beverages, and if so, in what state and at what location therein;~~

33 ~~(15) A statement that no person except the applicant is in any way~~  
34 ~~pecuniarily interested in said license or in the business to be conducted thereunder during~~  
35 ~~the continuance of the license applied for, and a further statement that no manufacturer,~~  
36 ~~brewer, distiller, or wholesaler, directly or indirectly, has any financial interest in the~~  
37 ~~premises or business of the applicant and that the applicant will not thereafter convey or~~  
38 ~~grant to any such manufacturer, brewer, distiller or wholesaler any such interest, except~~  
39 ~~as otherwise permitted in this article; and that the applicant has at the time of making the~~

8

1 application no indebtedness or other financial obligations and will not thereafter incur  
 2 any such indebtedness or other financial obligation, directly or indirectly, to any  
 3 manufacturer, brewer, distiller or wholesaler other than for the purchase of alcoholic  
 4 beverages;

5                   (16) A statement that the applicant will, if granted a license, conform to all  
 6 laws and regulations relating to the business in which the applicant proposes to engage;

7                   (17) (i) A statement duly executed and acknowledged by the owner of the  
 8 premises in which the business is to be conducted assenting to the granting of the license  
 9 applied for, and authorizing the Comptroller, his duly authorized deputies, inspectors and  
 10 clerks, the board of license commissioners of the county or city in which the place of  
 11 business is located, its duly authorized agents and employees, any peace officer of that  
 12 city or county, and any peace officer of any incorporated municipality in which the  
 13 business is to be conducted, to inspect and search, without warrant, the premises upon  
 14 which the business is to be conducted, and any and all parts of the building in which the  
 15 business is to be conducted, at any and all hours.

16                   (ii) In Montgomery County, a statement and acknowledgment is not  
 17 required where the applicant for a license is the lessee of the entire building in which the  
 18 business is to be conducted for the entire term of the license to be issued.

19                   (iii) In Baltimore City, a statement and acknowledgment by the owner  
 20 is not required when the applicant is applying for a license pursuant to § 9-204.1(d) of  
 21 this article if the applicant files an affidavit that the applicant is the lessee of the premises  
 22 and accompanies the affidavit with a copy of the executed lease;

23                   (18) (i) A certificate signed by at least ten citizens who are owners of real  
 24 estate and registered voters of the precinct in which the business is to be conducted,  
 25 stating the length of time each has been acquainted with the applicant, or in the case of  
 26 a corporation with the individuals making the application; that they have examined the  
 27 application of the applicant and that they have good reason to believe that all the  
 28 statements contained in this application are true, and that they are of the opinion that the  
 29 applicant is a suitable person to obtain the license. The certificate must have a statement  
 30 that the signers of it are familiar with the premises upon which the proposed business is  
 31 to be conducted, and that they believe the premises are suitable for the conduct of the  
 32 business of a retail dealer in alcoholic beverages.

33                   (ii) In Baltimore County, persons who are owners of real estate and  
 34 registered voters of Baltimore County and who reside within 1 mile of the premises for  
 35 which a license is sought shall be those persons signing the certificate.

36                   (iii) In St. Mary's County, persons owning real estate within 5 miles of  
 37 the premises for which a license is sought shall be among those persons signing the  
 38 certificate.

39                   (iv) This certificate is not necessary for applications filed in Dorchester  
 40 County, Prince George's County, Montgomery County and Anne Arundel County.



9

1 ~~10-104.~~

2           ~~(q) (1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~  
 3 ~~IN Montgomery County the application for an alcoholic beverage license shall be~~  
 4 ~~accompanied by clear and recent photographs of the applicant or applicants and the~~  
 5 ~~person who will be actively in charge of the business to be conducted under the license. In~~  
 6 ~~addition, the applicant or applicants and the person who will be actively in charge of the~~  
 7 ~~business to be conducted under the license shall have their fingerprints taken. The~~  
 8 ~~provisions of this subsection shall not apply to applications for special and temporary~~  
 9 ~~licenses issued pursuant to § 7-101 of this article.~~

10           ~~(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE~~  
 11 ~~DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL WHEN APPLYING FOR A~~  
 12 ~~CLASS A BEER, WINE AND LIQUOR LICENSE UNDER § 6-101(Q) OF THIS ARTICLE.~~

13 ~~40-506.~~

14           ~~(E) (1) IN MONTGOMERY COUNTY, NOTWITHSTANDING ANY PROVISIONS~~  
 15 ~~TO THE CONTRARY IN THIS ARTICLE, ON THE DEATH OF THE DIRECTOR OF THE~~  
 16 ~~DEPARTMENT OF LIQUOR CONTROL HOLDING A CLASS A BEER, WINE AND LIQUOR~~  
 17 ~~LICENSE FOR THE BENEFIT OF THE DEPARTMENT OF LIQUOR CONTROL UNDER §~~  
 18 ~~6-101(Q) OF THIS ARTICLE, THE BOARD OF LICENSE COMMISSIONERS SHALL ISSUE A~~  
 19 ~~NEW LICENSE TO THE SUCCESSOR DIRECTOR OF THE DEPARTMENT OF LIQUOR~~  
 20 ~~CONTROL WITHOUT THE NECESSITY OF A HEARING OR ANY FURTHER~~  
 21 ~~PROCEEDINGS FOR THE BALANCE OF THE CURRENT LICENSE YEAR.~~

22           ~~(2) ON THE EXPIRATION OF A LICENSE ISSUED UNDER PARAGRAPH (1)~~  
 23 ~~OF THIS SUBSECTION, A RENEWAL LICENSE MAY BE ISSUED TO THE SUCCESSOR~~  
 24 ~~DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL IN ACCORDANCE WITH §~~  
 25 ~~40-301 OF THIS ARTICLE.~~

26 ~~41-516.~~

27           ~~(d) (1) The privileges conferred on a Class A (off-sale) beer [license and]~~  
 28 ~~LICENSE, Class A (off-sale) beer and light wine [license] LICENSE, AND A CLASS A~~  
 29 ~~(OFF-SALE) BEER, WINE AND LIQUOR LICENSE may be exercised from 6 a.m. to 1 a.m.~~  
 30 ~~the day following for every day including Sunday.~~

31           ~~(2) The privileges conferred on a Class B and Class D beer license and the~~  
 32 ~~privileges conferred on a Class B and Class D beer and light wine license may be~~  
 33 ~~exercised from 6 a.m. to 1 a.m. the day following for every day including Sunday for off~~  
 34 ~~sale.~~

35 15-203.

36           (a) (1) The liquor control boards may establish and maintain stores to be known  
 37 as "county liquor dispensaries", for the sale of any sparkling or fortified wine and any  
 38 other alcoholic beverages containing more than 14 percent of alcohol by volume, in sealed  
 39 packages or containers. These packages or containers may not be opened nor their  
 40 contents consumed upon the premises where sold.

41           (2) In Montgomery County they may sell any alcoholic beverages.

10

1 (3) In the following counties they may sell any alcoholic beverages except  
2 beer:

3 (i) Somerset; and

4 (ii) Worcester.

5 (d) (1) THIS SUBSECTION APPLIES IN MONTGOMERY COUNTY.

6 (2) [In Montgomery County the] THE County liquor dispensaries may be  
7 established at one or more locations determined by the Director of the Department of  
8 Liquor Control with the approval of the County Executive.

9 (3) THE DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL MAY  
10 NOT ENTER INTO A CONTRACT WITH AN INDIVIDUAL TO OPERATE A RETAIL  
11 OUTLET FOR THE SALE OF BEER, WINE AND LIQUOR UNLESS:

12 (I) THE BOARD OF LICENSE COMMISSIONERS DETERMINES THAT  
13 THE INDIVIDUAL IS FIT TO OPERATE THE RETAIL OUTLET; AND

14 (II) THE DIRECTOR HAD A CONTRACT WITH AN INDIVIDUAL TO  
15 OPERATE THE RETAIL OUTLET ON JANUARY 1, 1997.

16 (4) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE  
17 DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL MAY NOT CONTRACT WITH  
18 A PERSON TO OPERATE A COUNTY LIQUOR DISPENSARY OR A RETAIL OUTLET FOR  
19 THE SALE OF BEER, WINE, AND LIQUOR.

20 (5) IN COUNTY RETAIL DISPENSARY STORES AND IN RETAIL OUTLETS  
21 OPERATED UNDER CONTRACT WITH THE DIRECTOR OF THE DEPARTMENT OF  
22 LIQUOR CONTROL ONLY THE FOLLOWING ITEMS MAY BE SOLD:

23 (I) NONCHILLED BEER;

24 (II) WINE;

25 (III) LIQUOR;

26 (IV) ICE; AND

27 (V) BOTTLED WATER.

28 (6) FOR PURPOSES OF ENFORCING THE PROVISIONS OF THIS ARTICLE  
29 RELATING TO THE SALE OF ALCOHOLIC BEVERAGES TO MINORS AND ARTICLE 27, §§  
30 400 THROUGH 403A OF THE CODE:

31 (I) A MANAGER OF A COUNTY LIQUOR DISPENSARY, AND AN  
32 INDIVIDUAL WITH WHOM THE DIRECTOR OF THE DEPARTMENT OF LIQUOR  
33 CONTROL CONTRACTS TO OPERATE A RETAIL OUTLET UNDER PARAGRAPH (3) OF  
34 THIS SUBSECTION, SHALL BE DEEMED LICENSEES;

35 (II) AN EMPLOYEE OF A COUNTY LIQUOR DISPENSARY, AND AN  
36 EMPLOYEE OF THE RETAIL OUTLET UNDER PARAGRAPH (3) OF THIS SUBSECTION,  
37 SHALL BE DEEMED EMPLOYEES OF A LICENSEE; AND

1                           (III) AN INDIVIDUAL LISTED IN ITEM (I) OR (II) OF THIS  
2 PARAGRAPH WHO VIOLATES ANY PROVISION OF THIS ARTICLE RELATING TO THE  
3 SALE OF ALCOHOLIC BEVERAGES TO MINORS, OR ARTICLE 27, §§ 400 THROUGH 403A  
4 OF THE CODE;

5                           1. IS SUBJECT TO THE PENALTIES AUTHORIZED BY LAW,  
6 INCLUDING A CIVIL CITATION ISSUED UNDER § 16-408 OF THIS ARTICLE AND  
7 ARTICLE 27, § 402 OF THE CODE; AND

8                           2. IS SUBJECT TO FINE AND SUSPENSION OR REVOCATION  
9 OF EMPLOYMENT BY THE BOARD OF LICENSE COMMISSIONERS IN THE SAME  
10 MANNER AS A LICENSEE OR EMPLOYEE OF A LICENSEE IS SUBJECT TO FINE AND  
11 SUSPENSION OR REVOCATION FOR A VIOLATION.

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 1997.