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By: **Delegate Edwards**  
Introduced and read first time: February 12, 1998  
Assigned to: Economic Matters

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 27, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

10 BY repealing and reenacting, without amendments,  
11 Article 2B - Alcoholic Beverages  
12 Section 12-108(a)  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article 2B - Alcoholic Beverages  
17 Section 12-108(f)  
18 Annotated Code of Maryland  
19 (1996 Replacement Volume and 1997 Supplement)

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

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**Article 2B - Alcoholic Beverages**

2 12-108.

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

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

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

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

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

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

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

27 (iv) Except as otherwise provided in this section, if any licensee or  
28 employee of the licensee is found not guilty, or placed on probation without a verdict,  
29 of any alleged violation of this subsection, this finding operates as a complete bar to  
30 any proceeding by any alcoholic beverage law enforcement or licensing authorities  
31 against the licensee on account of the alleged violation.

32 (f) (1) This subsection applies in the following jurisdictions:

33 (i) Dorchester County;

34 (II) GARRETT COUNTY;

35 [(ii)] (III) Howard County; and

36 [(iii)] (IV) Montgomery County.

1           (2)       The granting of probation before judgment to a licensee or employee  
2 of the licensee for violating subsection (a) of this section does not bar the Board of  
3 License Commissioners from proceeding administratively against the licensee for the  
4 violation.

5       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 1998.