

SENATE BILL 569

Unofficial Copy
A1

1998 Regular Session
8lr0626

By: **Senator Colburn**

Introduced and read first time: February 6, 1998

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Sales of Alcoholic Beverages to Minors**

3 FOR the purpose of providing that an alcoholic beverages licensee may not be found
4 guilty of selling or giving alcoholic beverages to individuals under 21 years of
5 age if the licensee can establish evidence of certain circumstances; and generally
6 relating to the sale of alcoholic beverages to minors.

7 BY repealing and reenacting, with amendments,
8 Article 2B - Alcoholic Beverages
9 Section 12-108(a)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1997 Supplement)

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

14 **Article 2B - Alcoholic Beverages**

15 12-108.

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

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

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

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

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

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

10 (III) A LICENSEE WHO IS CHARGED WITH SELLING OR FURNISHING
11 ANY ALCOHOLIC BEVERAGES TO A PERSON UNDER 21 YEARS OF AGE MAY NOT BE
12 FOUND GUILTY OF A VIOLATION OF THIS SUBSECTION, IF THE PERSON ESTABLISHES
13 TO THE SATISFACTION OF THE JURY OR THE COURT SITTING AS A JURY THAT THE
14 LICENSEE:

15 1. WAS NOT PRESENT AT THE TIME THE PERSON UNDER 21
16 YEARS OF AGE OBTAINED THE ALCOHOLIC BEVERAGES; AND

17 2. HAD, IN GOOD FAITH, ESTABLISHED PROCEDURES,
18 TRAINING, AND PENALTIES FOR THE EMPLOYEES OF THE LICENSEE FOR THE
19 PREVENTION OF SELLING OR FURNISHING ALCOHOLIC BEVERAGES TO A PERSON
20 UNDER 21 YEARS OF AGE.

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

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

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