

**ENROLLED BILL**

-- *Economic Matters/Education, Health, and Environmental Affairs* --

Introduced by **Delegates Kach, Conroy, and Love**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Alcoholic Beverages - Proof of Age - United States Military Identification**  
3 **Card**

4 FOR the purpose of allowing an alcoholic beverages licensee or employee of a licensee  
5 to accept a United States military identification card as proof of age before  
6 selling or furnishing alcoholic beverages to a person; making certain stylistic  
7 and technical changes; and generally relating to selling or furnishing alcoholic  
8 beverages in the State.

9 BY repealing and reenacting, with amendments,  
10 Article 2B - Alcoholic Beverages  
11 Section 12-108(a) (b)(2), and (c)(5)  
12 Annotated Code of Maryland  
13 (2005 Replacement Volume)

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

1

**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] THE  
24 licensee or employee of the licensee may accept, as proof of a person's age:

25 1. [the display of] IF THE PERSON IS A RESIDENT OF THE  
26 STATE, the person's driver's license or identification card as provided for in the  
27 Maryland Vehicle Law; OR

28 2. A UNITED STATES MILITARY IDENTIFICATION CARD.

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

34 (b) (2) Any licensee or employee of a licensee who is charged with a violation  
35 of this subsection may be proceeded against in Worcester County either upon a  
36 charging document duly issued by the District Court for Worcester County or by an  
37 indictment duly returned by the grand jury of that county. Any licensee violating any of  
38 the provisions of this subsection is guilty of a misdemeanor and, upon conviction, shall

1 suffer the penalties provided by § 16-503 of this article. However, a licensee charged  
2 with selling or furnishing alcoholic beverages to an underaged person may not be  
3 found guilty of a violation of this subsection if the person establishes to the satisfaction  
4 of the jury or court sitting as a jury that he used due caution to establish that the  
5 person was not, in fact, underaged. This subsection applies solely to Worcester County  
6 and stands in place and stead of subsection (a)(1), (2), AND (3)(I), (II), AND (IV) of this  
7 section as [the subsection applies] THOSE PROVISIONS APPLY generally to the  
8 counties of this State.

9 (c) (5) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
10 PARAGRAPH, THE provisions of subsection (a) of this section do not apply to the  
11 counties which are listed in paragraph (1) of this subsection and the law in these  
12 counties shall remain in the same force and effect as if not amended by this section.

13 (II) SUBSECTION (A)(3)(III) OF THIS SECTION APPLIES  
14 THROUGHOUT THE STATE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2006.