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By: **Delegates Kach, Conroy, and Love**  
Introduced and read first time: February 6, 2006  
Assigned to: Economic Matters

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A BILL ENTITLED

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 changes; and generally relating to selling or furnishing alcoholic beverages in  
8 the State.

9 BY repealing and reenacting, with amendments,  
10 Article 2B - Alcoholic Beverages  
11 Section 12-108(a)  
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:

16 **Article 2B - Alcoholic Beverages**

17 12-108.

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

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

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

25 (2) Any licensee or any employee of the licensee who is charged with a  
26 violation of this subsection shall receive a summons to appear in court on a certain  
27 day to answer the charges placed against that person. The person charged may not be  
28 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)    [If the person is a resident of the State of Maryland, the] THE  
11 licensee or employee of the licensee may accept, as proof of a person's age:

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

15                                 2.     A UNITED STATES MILITARY IDENTIFICATION CARD.

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

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