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

Committee Report: Favorable with amendments
 House action: Adopted
 Read second time: March 20, 2006

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) 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:

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

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

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

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

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

16 (iii) [If the person is a resident of the State of Maryland, the] THE
17 licensee or employee of the licensee may accept, as proof of a person's age:

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

21 2. A UNITED STATES MILITARY IDENTIFICATION CARD.

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

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

31 (II) SUBSECTION (A)(3)(III) OF THIS SECTION APPLIES
32 THROUGHOUT THE STATE.

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

