

HOUSE BILL 58

A2

2lr0707
CF SB 45

By: **Delegates Eckardt, Cane, and Haddaway-Riccio**

Introduced and read first time: January 13, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Dorchester County – Alcohol Awareness Program – Certificate of Completion**

3 FOR the purpose of prohibiting the use of a certificate of completion of a certain
4 alcohol awareness program by certain employees or certain employers at more
5 than one licensed establishment in Dorchester County; and generally relating to
6 the use of a certificate of completion of an alcohol awareness program in
7 Dorchester County.

8 BY repealing and reenacting, without amendments,
9 Article 2B – Alcoholic Beverages
10 Section 13–101(a), (b), (c)(1), (d), (e), (f), and (g)
11 Annotated Code of Maryland
12 (2011 Replacement Volume)

13 BY adding to
14 Article 2B – Alcoholic Beverages
15 Section 13–101(h)
16 Annotated Code of Maryland
17 (2011 Replacement Volume)

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

20 **Article 2B – Alcoholic Beverages**

21 13–101.

22 (a) In this section “alcohol awareness program” means a program:

23 (1) That:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) Is approved and certified by the State Comptroller; and
- 2 (ii) Has been issued an alcohol awareness program permit by
3 the State Comptroller;
- 4 (2) That includes instruction on how alcohol affects a person's:
- 5 (i) Body; and
- 6 (ii) Behavior;
- 7 (3) That provides education on the dangers of drinking and driving;
8 and
- 9 (4) That defines effective methods for:
- 10 (i) Serving customers to minimize the chance of intoxication;
- 11 (ii) Ceasing service before the customer becomes intoxicated;
12 and
- 13 (iii) Determining if a customer is under the drinking age.
- 14 (b) (1) The provisions of this section apply to:
- 15 (i) Licensed premises that are operated by selling alcoholic
16 beverages directly to a customer from a bar or service bar on the premises;
- 17 (ii) Premises licensed for off sale;
- 18 (iii) In Montgomery County, a holder of a caterer's license issued
19 under § 6–706.1 of this article; and
- 20 (iv) In Baltimore City, an establishment covered under §
21 20–102(a) of this article.
- 22 (2) This section does not apply to:
- 23 (i) Temporary alcoholic beverages licenses issued under §
24 7–101 of this article;
- 25 (ii) A Class E (on–sale) steamboat alcoholic beverages license;
- 26 (iii) A Class F (on–sale) railroad alcoholic beverages license; or
- 27 (iv) A Class G (on–sale) aircraft alcoholic beverages license.

1 (c) (1) A holder of any class of retail alcoholic beverages license or an
2 employee designated by the holder shall complete training in an approved alcohol
3 awareness program. The training shall be valid for a period of 4 years, and the holder
4 shall complete retraining in an approved program for each successive 4-year period.

5 (d) Any licensee who violates the provisions of subsection (c) of this section is
6 subject to:

7 (1) For the first offense, a \$100 fine; and

8 (2) For each subsequent offense, a fine not to exceed \$500 or a
9 suspension or revocation of the license or both.

10 (e) (1) The State Comptroller:

11 (i) Shall approve and certify each alcohol awareness program
12 that is in compliance with this section; and

13 (ii) May require recertification of the approved program to
14 insure compliance with any changes in the program.

15 (2) Any individual who is authorized or employed to teach an alcohol
16 awareness program must obtain an alcohol awareness instructor's permit.

17 (3) Each local licensing board is responsible for enforcing this section,
18 including the penalty provision.

19 (4) (i) A certificate of completion shall be issued for each
20 completion of a certified program and it shall be valid for 4 years from the date of
21 issuance.

22 (ii) An up-to-date valid certificate shall be presented to the
23 proper authority upon request.

24 (5) (i) Within 5 days after a licensee, bottle club owner, or an
25 employee of a licensee or bottle club owner is sent a certificate of completion, the
26 program provider shall inform the appropriate local licensing board of:

27 1. The individual's name, address, and certification date;
28 and

29 2. The name and address of the licensed establishment.

30 (ii) Any program provider who violates the provisions of this
31 subsection is subject to a decertification of the program by the State Comptroller.

1 (f) (1) This section may not be construed to create or enlarge any civil
2 cause of action or criminal proceeding against a licensee.

3 (2) Evidence of a violation of this section may not be introduced in any
4 civil or criminal proceeding, but may only be used as evidence before the local
5 licensing board in actions brought before the board for violations of this section.

6 (g) The Comptroller may issue regulations to set standards and
7 requirements pertaining to course content, course duration, course format and any
8 other course related activities the Comptroller may require.

9 **(H) (1) THIS SUBSECTION APPLIES ONLY IN DORCHESTER COUNTY.**

10 **(2) A CERTIFICATE OF COMPLETION OF A CERTIFIED ALCOHOL**
11 **AWARENESS PROGRAM HELD BY AN EMPLOYEE OR AN EMPLOYEE'S EMPLOYER**
12 **MAY NOT BE USED AT MORE THAN ONE LICENSED ESTABLISHMENT.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2012.