

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 694

(Senators Young and Hough)

Education, Health, and Environmental Affairs

Economic Matters

Frederick County - Alcohol Awareness Program - Absence From Licensed Premises

This bill expands the reasons that an individual certified by an approved alcohol awareness program may be absent from the licensed premises to include a personal or business reason, in addition to an emergency, if (1) the personal or business reason meets standards set in regulation by the Frederick County Board of License Commissioners and (2) the absence is for less than two hours.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: None.

Local Effect: The Frederick County Board of License Commissioners can handle any additional enforcement activity with existing resources.

Small Business Effect: The new authorization may allow small businesses to remain open for business when specified employees need to temporarily leave work for a personal or business reason.

Analysis

Current Law: Generally, for a premises that is licensed to sell alcoholic beverages with off-sale privileges or a premises that is licensed with on-sale privileges and sells alcoholic beverages directly to a customer from a bar or service bar, the license holder or specified employees must complete training in an approved alcohol awareness program in order to

obtain and retain their alcoholic beverages license. Howard, Kent, Montgomery, Washington, and Wicomico counties have stricter requirements, and in those counties, any holder of any class of retail alcoholic beverages license or an employee designated by the holder must complete such a training. The training program must be approved and certified by the Comptroller, and it must provide information on how alcohol affects a person's body and behavior, the dangers of drinking and driving, refusing service before a customer becomes intoxicated, and determining if a customer is old enough to legally consume alcohol. The training is valid for four years.

In Caroline, Frederick, Howard, Kent, Montgomery, Washington, Wicomico, and Worcester counties, the licensee or a supervisor authorized by the licensee is required to be certified and present at the licensed establishment at all times when alcohol is served, with specified exceptions. This requirement does not apply to a holder of a Class C license in Wicomico County or Worcester County. In Howard, Kent, Washington, Wicomico, and Worcester counties, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a personal or business reason or an emergency, if the absence lasts for no more than two hours. In Caroline and Frederick counties, the person certified by an approved alcohol awareness program may be absent from the licensed premises for an emergency, if the absence lasts for no more than two hours.

In Caroline, Frederick, Howard, Kent, Montgomery, Washington, Wicomico, and Worcester counties, the Board of License Commissioners must require the license holder to keep a log book, in the form that the board requires, on the licensed premises that documents each temporary absence. A license holder who violates these requirements is subject to a \$100 fine for the first offense, and for each subsequent offense, a fine of up to \$500, or a suspension or revocation of the license, or both.

Background: In fiscal 2015, 310 alcoholic beverages licenses were issued in Frederick County.

Additional Information

Prior Introductions: None.

Cross File: HB 844 (Frederick County Delegation) - Economic Matters.

Information Source(s): Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2016
md/hlb

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