

Chapter 138

(House Bill 712)

AN ACT concerning

Charles County – Alcoholic Beverages – Selling to Underage Individual – Penalties

FOR the purpose of altering a certain penalty the Board of License Commissioners for Charles County may impose on a license holder or an employee of a license holder who violates as a first offense the prohibition against selling or providing alcoholic beverages to an individual under the age of 21 years; and generally relating to alcoholic beverages in Charles County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 6–304 and 18–102
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 18–2702
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

6–304.

A license holder or an employee of the license holder may not sell or provide alcoholic beverages to an individual under the age of 21 years.

18–102.

This title applies only in Charles County.

18–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

(c) (1) If a license holder or an employee of a license holder violates § 6–304 of this article:

(i) the Board may impose on the license holder:

1. for the first offense, a fine [not exceeding \$750] **THAT THE BOARD DETERMINES** or a suspension of the license not exceeding 3 days or both; and

2. for each subsequent offense, a penalty that the Board determines; and

(ii) the Board may impose on the employee a fine not exceeding \$500 for each offense.

(2) When determining the number of days for a suspension of a license for a subsequent offense as provided for in paragraph (1)(i)2 of this subsection, the Board shall consider:

(i) the class of license; and

(ii) the economic impact that the suspension will have on the business, taking into account the total sales of alcoholic beverages of the licensed establishment before the suspension compared to the estimated total sales during the suspension.

(3) A fine imposed under this section shall be imposed subject to § 10–1001 of the State Government Article.

(d) Fines collected under this section shall be paid into the general fund of the county.

(e) The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6-304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.