

# HOUSE BILL 287

A1, A2

8lr0609  
CF SB 461

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By: Delegates Frick, Barkley, Buckel, Ebersole, Fennell, C. Howard, Kramer, Lam, Luedtke, Proctor, Rosenberg, Turner, Waldstreicher, and ~~P. Young~~ P. Young, Adams, Arentz, Aumann, Branch, Brooks, Carey, Clippinger, Glenn, S. Howard, Impallaria, Jameson, Lisanti, Mautz, W. Miller, Valderrama, and Wilson

Introduced and read first time: January 22, 2018

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Selling or Providing Alcoholic Beverages to Individuals With Intellectual**  
3 **Disabilities and Others – Repeal of Prohibition**

4 FOR the purpose of repealing provisions of law in Allegany, Carroll, Charles, Harford,  
5 Kent, Montgomery, Queen Anne’s, and Washington counties that prohibit a license  
6 holder or employee from knowingly selling or providing an alcoholic beverage to an  
7 individual with an intellectual disability or to an individual if a family member or  
8 guardian has given written notice to the license holder or employee under certain  
9 circumstances; and generally relating to a license holder or employee selling or  
10 providing alcoholic beverages to individuals.

11 BY repealing and reenacting, without amendments,  
12 Article – Alcoholic Beverages  
13 Section 9–102, 16–102, 18–102, 22–102, 24–102, 25–102, 27–102, and 31–102  
14 Annotated Code of Maryland  
15 (2016 Volume and 2017 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Alcoholic Beverages  
18 Section 9–2704, 16–2704, 18–2704, 22–2705, 24–2704, 25–2705, 27–2704, and  
19 31–2704

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2016 Volume and 2017 Supplement)

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

5 **Article – Alcoholic Beverages**

6 9–102.

7 This title applies only in Allegany County.

8 9–2704.

9 (a) In this section, “knowingly” means the knowledge a reasonable individual  
10 would have under ordinary circumstances based on the habits, appearance, or personal  
11 reputation of an individual.

12 (b) A license holder or an employee of a license holder may not knowingly sell or  
13 provide an alcoholic beverage to[:

14 (1)] a habitual drunkard[;

15 (2) an individual with an intellectual disability; or

16 (3) an individual if a family member or guardian has given written notice  
17 to the license holder or employee of the license holder not to sell or provide an alcoholic  
18 beverage to the individual because of the individual’s physical condition, intemperate  
19 habits, or unsound mind].

20 (c) A license holder who violates this section is guilty of a misdemeanor and on  
21 conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000  
22 or both.

23 16–102.

24 This title applies only in Carroll County.

25 16–2704.

26 (a) In this section, “knowingly” means the knowledge a reasonable individual  
27 would have under ordinary circumstances based on the habits, appearance, or personal  
28 reputation of an individual.

29 (b) A license holder or an employee of a license holder may not knowingly sell or  
30 provide an alcoholic beverage to[:

1           (1)] a habitual drunkard[;

2           (2) an individual with an intellectual disability; or

3           (3) an individual if a family member or guardian has given written notice  
4 to the license holder or employee of the license holder not to sell or provide an alcoholic  
5 beverage to the individual because of the individual's physical condition, intemperate  
6 habits, or unsound mind].

7           (c) A license holder who violates this section is guilty of a misdemeanor and on  
8 conviction is subject to:

9           (1) for a first offense, a fine not exceeding \$50; and

10           (2) for each subsequent offense, imprisonment not exceeding 30 days or a  
11 fine not exceeding \$100 or both.

12 18-102.

13           This title applies only in Charles County.

14 18-2704.

15           (a) In this section, "knowingly" means the knowledge a reasonable individual  
16 would have under ordinary circumstances based on the habits, appearance, or personal  
17 reputation of an individual.

18           (b) A license holder or an employee of a license holder may not knowingly sell or  
19 provide an alcoholic beverage to[:

20           (1)] a habitual drunkard[;

21           (2) an individual with an intellectual disability; or

22           (3) an individual if a family member or guardian has given written notice  
23 to the license holder or employee of the license holder not to sell or provide an alcoholic  
24 beverage to the individual because of the individual's physical condition, intemperate  
25 habits, or unsound mind].

26           (c) A license holder who violates this section is guilty of a misdemeanor and on  
27 conviction is subject to:

28           (1) for a first offense, a fine not exceeding \$50; and

29           (2) for each subsequent offense, imprisonment not exceeding 30 days or a  
30 fine not exceeding \$100 or both.

1 22-102.

2 This title applies only in Harford County.

3 22-2705.

4 (a) In this section, “knowingly” means the knowledge a reasonable individual  
5 would have under ordinary circumstances based on the habits, appearance, or personal  
6 reputation of an individual.

7 (b) A license holder or an employee of a license holder may not knowingly sell or  
8 provide an alcoholic beverage to[:

9 (1)] a habitual drunkard[;

10 (2) an individual with an intellectual disability; or

11 (3) an individual if a family member or guardian has given written notice  
12 to the license holder or employee of the license holder not to sell or provide an alcoholic  
13 beverage to the individual because of the individual’s physical condition, intemperate  
14 habits, or unsound mind].

15 (c) A license holder who violates this section is guilty of a misdemeanor and on  
16 conviction is subject to:

17 (1) for a first offense, a fine not exceeding \$50; and

18 (2) for each subsequent offense, imprisonment not exceeding 30 days or a  
19 fine not exceeding \$100 or both.

20 24-102.

21 This title applies only in Kent County.

22 24-2704.

23 (a) In this section, “knowingly” means the knowledge a reasonable individual  
24 would have under ordinary circumstances based on the habits, appearance, or personal  
25 reputation of an individual.

26 (b) A license holder or an employee of a license holder may not knowingly sell or  
27 provide an alcoholic beverage to[:

28 (1)] a habitual drunkard[;

29 (2) an individual with an intellectual disability; or

1           (3)    an individual if a family member or guardian has given written notice  
2 to the license holder or employee of the license holder not to sell or provide an alcoholic  
3 beverage to the individual because of the individual's physical condition, intemperate  
4 habits, or unsound mind].

5           (c)    A license holder who violates this section is guilty of a misdemeanor and on  
6 conviction is subject to:

7           (1)    for a first offense, a fine not exceeding \$50; and

8           (2)    for each subsequent offense, imprisonment not exceeding 30 days or a  
9 fine not exceeding \$100 or both.

10 25-102.

11           This title applies only in Montgomery County.

12 25-2705.

13           (a)    In this section, "knowingly" means the knowledge a reasonable individual  
14 would have under ordinary circumstances based on the habits, appearance, or personal  
15 reputation of an individual.

16           (b)    A license holder or an employee of a license holder may not knowingly sell or  
17 provide an alcoholic beverage to[:

18           (1)]    a habitual drunkard[;

19           (2)    an individual with an intellectual disability; or

20           (3)    an individual if a family member or guardian has given written notice  
21 to the license holder or employee of the license holder not to sell or provide an alcoholic  
22 beverage to the individual because of the individual's physical condition, intemperate  
23 habits, or unsound mind].

24           (c)    A license holder who violates this section is guilty of a misdemeanor and on  
25 conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000  
26 or both.

27 27-102.

28           This title applies only in Queen Anne's County.

29 27-2704.

1 (a) In this section, “knowingly” means the knowledge a reasonable individual  
2 would have under ordinary circumstances based on the habits, appearance, or personal  
3 reputation of an individual.

4 (b) A license holder or an employee of a license holder may not knowingly sell or  
5 provide an alcoholic beverage to[:

6 (1)] a habitual drunkard[;

7 (2) an individual with an intellectual disability; or

8 (3) an individual if a family member or guardian has given written notice  
9 to the license holder or employee of the license holder not to sell or provide an alcoholic  
10 beverage to the individual because of the individual’s physical condition, intemperate  
11 habits, or unsound mind].

12 (c) A license holder who violates this section is guilty of a misdemeanor and on  
13 conviction is subject to:

14 (1) for a first offense, a fine not exceeding \$50; and

15 (2) for each subsequent offense, imprisonment not exceeding 30 days or a  
16 fine not exceeding \$100 or both.

17 31–102.

18 This title applies only in Washington County.

19 31–2704.

20 (a) In this section, “knowingly” means the knowledge a reasonable individual  
21 would have under ordinary circumstances based on the habits, appearance, or personal  
22 reputation of an individual.

23 (b) A license holder or an employee of a license holder may not knowingly sell or  
24 provide an alcoholic beverage to[:

25 (1)] a habitual drunkard[;

26 (2) an individual with an intellectual disability; or

27 (3) an individual if a family member or guardian has given written notice  
28 to the license holder or employee of the license holder not to sell or provide an alcoholic  
29 beverage to the individual because of the individual’s physical condition, intemperate  
30 habits, or unsound mind].

1 (c) A license holder who violates this section is guilty of a misdemeanor and on  
2 conviction is subject to:

3 (1) for a first offense, a fine not exceeding \$50; and

4 (2) for each subsequent offense, imprisonment not exceeding 30 days or a  
5 fine not exceeding \$100 or both.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
7 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.