

SENATE BILL 461

A1, A2

8lr0639
CF HB 287

By: **Senators Zucker, Ferguson, Guzzone, Manno, Middleton, Pinsky, Smith, Waugh, ~~and Young~~ Young, Conway, Bates, Kagan, Nathan-Pulliam, Robinson, Salling, and Simonaire**

Introduced and read first time: January 26, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2018

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

20 Annotated Code of Maryland

21 (2016 Volume and 2017 Supplement)

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

3 **Article – Alcoholic Beverages**

4 9–102.

5 This title applies only in Allegany County.

6 9–2704.

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

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

12 (1)] a habitual drunkard[;

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

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

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

21 16–102.

22 This title applies only in Carroll County.

23 16–2704.

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

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

29 (1)] a habitual drunkard[;

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

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

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

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

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

11 18-102.

12 This title applies only in Charles County.

13 18-2704.

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

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

19 (1)] a habitual drunkard[;

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

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

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

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

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

30 22-102.

1 This title applies only in Harford County.

2 22–2705.

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

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

8 (1)] a habitual drunkard[;

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

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

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

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

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

19 24–102.

20 This title applies only in Kent County.

21 24–2704.

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

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

27 (1)] a habitual drunkard[;

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

29 (3) an individual if a family member or guardian has given written notice
30 to the license holder or employee of the license holder not to sell or provide an alcoholic

1 beverage to the individual because of the individual's physical condition, intemperate
2 habits, or unsound mind].

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

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

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

8 25–102.

9 This title applies only in Montgomery County.

10 25–2705.

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

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

16 (1)] a habitual drunkard[;

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

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

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

25 27–102.

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

27 27–2704.

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

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

3 (1)] a habitual drunkard[;

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

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

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

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

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

14 31-102.

15 This title applies only in Washington County.

16 31-2704.

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

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

22 (1)] a habitual drunkard[;

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

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

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

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.