

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 461

(Senator Zucker, *et al.*)

Education, Health, and Environmental Affairs

Economic Matters

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

This bill repeals provisions of law applicable in specified counties that prohibit a license holder or employee from knowingly selling or providing an alcoholic beverage to an individual with an intellectual disability or to an individual if a family member or guardian has given written notice to the license holder or employee under certain circumstances.

The bill takes effect July 1, 2018.

Fiscal Summary

State Effect: None.

Local Effect: The bill is not anticipated to materially impact finances or operations in the affected counties.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill's provisions affect Allegany, Carroll, Charles, Harford, Kent, Montgomery, Queen Anne's, and Washington counties.

Current Law: In Allegany, Carroll, Charles, Harford, Kent, Montgomery, Queen Anne's, and Washington counties, an alcoholic beverages license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to (1) a habitual drunkard; (2) an individual with an intellectual disability; or (3) an individual if a family member or guardian has given written notice to the license holder or employee of the license holder

not to sell or provide an alcoholic beverage to the individual because of the individual's physical condition, intemperate habits, or unsound mind.

Generally, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

Additional Information

Prior Introductions: None.

Cross File: HB 287 (Delegate Frick, *et al.*) - Economic Matters.

Information Source(s): Carroll, Charles, Kent, and Montgomery counties; Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2018
md/tso Third Reader - March 12, 2018

Analysis by: Nathan W. McCurdy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510