

Chapter 317

**(Senate Bill 324)**

AN ACT concerning

**Washington County – Alcoholic Beverages – Serving Underage Individuals – Penalties**

FOR the purpose of repealing in Washington County a certain requirement necessary to establish a defense against selling or providing alcoholic beverages to an individual under the age of 21 years; altering the penalties imposed on an employee of an alcoholic beverages license holder in Washington County who sells or provides alcoholic beverages to an individual under the age of 21 years; making it a misdemeanor under certain circumstances to sell or provide alcoholic beverages to an individual under the age of 21 years in Washington County; prohibiting the Washington County Board of License Commissioners from proceeding administratively against an employee of a license holder who violates the prohibition against selling or providing alcoholic beverages to an individual under the age of 21 years until after the employee is granted probation before judgment or found guilty of the violation; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 6–304 and 31–102  
Annotated Code of Maryland  
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 31–2702  
Annotated Code of Maryland  
(2016 Volume and 2017 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.

31–102.

This title applies only in Washington County.

31-2702.

(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) ~~A violation of § 6-304 of this article~~ **A VIOLATION FOR WHICH A PENALTY IS IMPOSED UNDER PARAGRAPH (2) OF THIS SUBSECTION** is a misdemeanor.

(2) **(I)** If an employee of a license holder violates § 6-304 of this article, ~~the Board may impose on the employee a fine not exceeding~~ **THE EMPLOYEE IS SUBJECT TO:**

~~(i) for a first offense, \$200; and~~

~~(ii) for each subsequent offense, \$500.~~

**1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR A FIRST OFFENSE, A FINE OF \$100;**

**2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR A SECOND OFFENSE, A FINE OF \$250; AND**

**3. FOR EACH SUBSEQUENT OFFENSE, A TERM OF IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

**(II) IF AN EMPLOYEE DOES NOT PAY WITHIN 30 DAYS A FINE IMPOSED UNDER SUBPARAGRAPH (I)1 OR 2 OF THIS PARAGRAPH, THE EMPLOYEE IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

(3) If a license holder violates § 6–304 of this article, the Board may impose a fine not exceeding \$2,500, suspend or revoke the license, or impose both a fine and suspend or revoke the license.

(d) 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.

**(E) THE BOARD MAY NOT PROCEED ADMINISTRATIVELY AGAINST AN EMPLOYEE OF A LICENSE HOLDER FOR A VIOLATION OF § 6–304 OF THIS ARTICLE UNTIL AFTER THE EMPLOYEE IS GRANTED PROBATION BEFORE JUDGMENT OR FOUND GUILTY OF THE VIOLATION.**

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

**Approved by the Governor, April 24, 2018.**