

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 508
Economic Matters

(Delegate Brooks, *et al.*)

Judicial Proceedings

Alcoholic Beverages - Prohibited Acts - Defense to Prosecution for Sale to Underage Individuals

This bill establishes that reliance on an electronic identification scanner to verify the identity of an individual constitutes a reasonable and good faith reliance on the representation of the purchaser for the purposes of a prima facie defense to prosecution for the sale of alcoholic beverages to an underage individual. The bill also removes the requirement that a false representation made by a purchaser be made in writing when establishing a prima facie defense to prosecution for the same offense. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: State law prohibits the sale or providing of any alcoholic beverage to (1) a person who is younger than age 21 or (2) any person who, at the time of the sale or delivery, is visibly under the influence of any alcoholic beverage. The holder of an alcoholic beverages license, or his or her employee, who violates this provision is guilty of a misdemeanor and subject to various penalties, which include a fine of up to \$1,000, up to two years of imprisonment, and suspension or revocation of an alcoholic beverages license.

A seller of alcoholic beverages to an underage individual may establish prima facie evidence of innocence and a defense to prosecution if:

- the purchaser falsely represented in writing and supported with other documentary evidence that the purchaser was of legal age to purchase alcoholic beverages;
- on the basis of the appearance of the purchaser, an ordinary and prudent individual would believe the purchaser to be of legal age to purchase alcoholic beverages; and
- the sale was made in good faith and in reliance on the written representation and appearance of the purchaser.

Additional Information

Prior Introductions: SB 577 of 2018 passed the Senate and was referred to the House Economic Matters Committee, but no further action was taken.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2019
sb/tso Third Reader - March 19, 2019

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