

# SENATE BILL 213

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CF 5lr2097

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By: **Senators Young, Edwards, Hough, Nathan–Pulliam, and Norman**

Introduced and read first time: February 2, 2015

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Legal Drinking Age – Active Duty Members of the Armed Forces**

3 FOR the purpose of authorizing a certain holder of an alcoholic beverages license or a  
4 certain employee to sell or furnish beer or wine for consumption on the premises of  
5 a bar or restaurant to an active duty member of the armed forces of the United States  
6 who is at least a certain age and who displays a certain armed forces identification  
7 card; and generally relating to the legal drinking age in the State for active duty  
8 members of the armed forces of the United States.

9 BY repealing and reenacting, with amendments,  
10 Article 2B – Alcoholic Beverages  
11 Section 12–108(a)  
12 Annotated Code of Maryland  
13 (2011 Replacement Volume and 2014 Supplement)

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

16 **Article 2B – Alcoholic Beverages**

17 12–108.

18 (a) (1) **(I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
19 **PARAGRAPH, A** licensee licensed under this article, or any employee of the licensee, may  
20 not sell or furnish any alcoholic beverages at any time:

21 **[(i)] 1.** To a person under 21 years of age for the underage  
22 person's own use or for the use of any other person; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                    [(ii)] 2. To any person who, at the time of the sale, or delivery, is  
2 visibly under the influence of any alcoholic beverage.

3                    (ii) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW UNDER**  
4 **THIS ARTICLE, A LICENSEE LICENSED UNDER THIS ARTICLE, OR ANY EMPLOYEE OF**  
5 **THE LICENSEE, MAY SELL OR FURNISH BEER OR WINE FOR CONSUMPTION ON THE**  
6 **PREMISES OF A BAR OR RESTAURANT TO A PERSON WHO:**

7                    1. **IS AT LEAST 18 YEARS OLD;**

8                    2. **IS AN ACTIVE DUTY MEMBER OF THE ARMED FORCES**  
9 **OF THE UNITED STATES; AND**

10                    3. **AT THE TIME THE BEER OR WINE IS SOLD OR**  
11 **FURNISHED, DISPLAYS A VALID ARMED FORCES IDENTIFICATION CARD ISSUED TO**  
12 **THE PERSON BY THE UNITED STATES DEPARTMENT OF DEFENSE.**

13                    (2) Any licensee or any employee of the licensee who is charged with a  
14 violation of this subsection shall receive a summons to appear in court on a certain day to  
15 answer the charges placed against that person. The person charged may not be required to  
16 post bail bond pending trial in any court of this State.

17                    (3) (i) A licensee or employee of the licensee violating any of the  
18 provisions of this subsection is guilty of a misdemeanor and, upon conviction, is subject to:

19                    1. The penalties provided by § 16-503 of this article; and

20                    2. In Calvert County, if the violator is:

21                    A. A licensee, a fine not exceeding \$200; or

22                    B. An employee of a licensee, a fine not exceeding \$250.

23                    (ii) A licensee or employee of the licensee who is charged with selling  
24 or furnishing any alcoholic beverages to a person under 21 years of age may not be found  
25 guilty of a violation of this subsection, if the person establishes to the satisfaction of the  
26 jury or the court sitting as a jury that the person used due caution to establish that the  
27 person under 21 years of age was not, in fact, a person under 21 years of age if a nonresident  
28 of the State.

29                    (iii) The licensee or employee of the licensee may accept, as proof of a  
30 person's age:

31                    1. If the person is a resident of the State, the person's driver's  
32 license or identification card as provided for in the Maryland Vehicle Law; or

