

SENATE BILL 323

A2

8lr2709
CF 8lr1205

By: **Washington County Senators**

Introduced and read first time: January 24, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of altering the penalties in Washington County for an employee of a
5 license holder who violates the prohibition against selling or providing alcoholic
6 beverages to an individual under the age of 21 years; providing that a certain repeat
7 offender is subject to a certain term of imprisonment; and generally relating to
8 alcoholic beverages in Washington County.

9 BY repealing and reenacting, without amendments,
10 Article – Alcoholic Beverages
11 Section 6–304 and 31–102
12 Annotated Code of Maryland
13 (2016 Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Alcoholic Beverages
16 Section 31–2702
17 Annotated Code of Maryland
18 (2016 Volume and 2017 Supplement)

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

21 **Article – Alcoholic Beverages**

22 6–304.

23 A license holder or an employee of the license holder may not sell or provide alcoholic
24 beverages to an individual under the age of 21 years.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 31-102.

2 This title applies only in Washington County.

3 31-2702.

4 (a) A license holder or an employee of a license holder who is charged with a
5 violation of § 6-304 of this article:

6 (1) shall receive a summons to appear in court on a certain day to answer
7 the charges placed against the license holder or employee; and

8 (2) may not be required to post bail pending trial in any court in the State.

9 (b) A license holder or an employee of a license holder may not be found guilty of
10 a violation of § 6-304 of this article if:

11 (1) the license holder or employee establishes to the satisfaction of the
12 finder of fact that the license holder or employee used due caution to establish that the
13 individual was not under the age of 21 years; and

14 (2) the individual was not a resident of the State.

15 (c) (1) A violation of § 6-304 of this article is a misdemeanor.

16 (2) [If an] **AN** employee of a license holder **WHO** violates § 6-304 of this
17 article[, the Board may impose on the employee a fine not exceeding] **IS SUBJECT TO:**

18 (i) for a first offense, [**\$200**] **A FINE NOT EXCEEDING \$100;** [and]

19 (ii) for [each subsequent offense, **\$500**] **A SECOND OFFENSE:**

20 **1. A FINE NOT EXCEEDING \$250;**

21 **2. AN ORDER THAT THE EMPLOYEE SUCCESSFULLY**
22 **TAKE OR RETAKE AN APPROVED ALCOHOL AWARENESS PROGRAM; OR**

23 **3. BOTH A FINE AND AN ORDER; AND**

24 **(III) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT**
25 **NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

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

1 (d) The granting of probation before judgment to a license holder or an employee
2 of the license holder for a violation of § 6-304 of this article does not bar the Board from
3 proceeding administratively against the license holder for the violation.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2018.