

HOUSE BILL 508

A1
SB 577/18 – JPR

9lr1804

By: **Delegates Brooks, Branch, Bromwell, Gaines, Glenn, Hettleman, Jones, Lisanti, Pena–Melnyk, Sample–Hughes, Shetty, Stein, Sydnor, Valderrama, and Walker**

Introduced and read first time: February 4, 2019
Assigned to: Economic Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Prohibited Acts – Defense to Prosecution for Sale to**
3 **Underage Individuals**

4 FOR the purpose of modifying certain elements required to establish a defense to serving
5 an alcoholic beverage to an underage individual; providing that reliance by an
6 establishment or a seller on a certain type of identification scan fulfills an element
7 of a certain defense; and generally relating to defense to prosecution for sale to
8 underage individuals.

9 BY repealing and reenacting, with amendments,
10 Article – Alcoholic Beverages
11 Section 6–306
12 Annotated Code of Maryland
13 (2016 Volume and 2018 Supplement)

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

16 **Article – Alcoholic Beverages**

17 6–306.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(A)** The establishment of the following facts by a seller of alcoholic beverages to
2 an underage individual is prima facie evidence of innocence and a defense to a prosecution
3 for serving alcoholic beverages to an underage individual:

4 (1) the purchaser falsely represented [in writing and supported] with
5 [other] documentary evidence that the purchaser was of legal age to purchase alcoholic
6 beverages;

7 (2) on the basis of the appearance of the purchaser, an ordinary and
8 prudent individual would believe the purchaser to be of legal age to purchase alcoholic
9 beverages; and

10 (3) the sale was made in good faith and in reliance on the [written] **FALSE**
11 representation and appearance of the purchaser.

12 **(B) THE RELIANCE BY AN ESTABLISHMENT OR A SELLER ON THE RESULTS**
13 **OF AN ELECTRONIC IDENTIFICATION SCANNER THAT VERIFIES THE IDENTITY OF AN**
14 **INDIVIDUAL BY BARCODE OR SIMILARLY RELIABLE IDENTIFICATION TECHNOLOGY**
15 **CONSTITUTES REASONABLE AND GOOD FAITH RELIANCE ON THE REPRESENTATION**
16 **OF THE PURCHASER UNDER SUBSECTION (A)(3) OF THIS SECTION.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.