

SENATE BILL 1037

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By: **Senator Sydnor**

Introduced and read first time: February 17, 2020

Assigned to: Rules

A BILL ENTITLED

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 2019 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.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) 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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.