

HOUSE BILL 1435

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By: **Delegates Arentz, Jacobs, Mautz, and McComas**

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Retail License Holders – Alcohol Awareness Program**

3 FOR the purpose of requiring that a certain individual who has completed training in an
4 approved alcohol awareness program be present on a licensed premises at certain
5 times; authorizing a trained individual to be absent from the licensed premises for
6 up to a certain time for certain reasons; requiring the local licensing board to require
7 the license holder to keep a log book documenting certain details of the absence in a
8 certain form; altering certain penalties for violations related to alcohol awareness
9 program training; requiring the Alcohol and Tobacco Commission to report to the
10 General Assembly on certain matters on or before a certain date; and generally
11 relating to alcohol awareness programs.

12 BY repealing and reenacting, with amendments,
13 Article – Alcoholic Beverages
14 Section 3–504
15 Annotated Code of Maryland
16 (2016 Volume and 2019 Supplement)

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

19 **Article – Alcoholic Beverages**

20 3–504.

21 (a) In this section, “alcohol awareness program” means a program that:

22 (1) includes instruction on how alcohol affects an individual’s behavior and
23 body;

24 (2) provides education on the dangers of drinking and driving; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) defines effective methods to:

- (i) determine whether a customer is under the legal drinking age;
- (ii) serve customers to minimize the chance of intoxication; and
- (iii) stop service before a customer becomes intoxicated.

(b) (1) This section applies to:

- (i) a licensed premises that sells alcoholic beverages to a customer from a bar or service bar on the premises; and
- (ii) a premises licensed to sell alcoholic beverages for off-premises consumption.

(2) This section does not apply to:

- (i) a temporary license;
- (ii) a Class E (on-sale) water vessel license;
- (iii) a Class F (on-sale) railroad license; or
- (iv) a Class G (on-sale) airplane license.

(c) The Comptroller:

(1) shall approve, certify, and issue an alcohol awareness program permit to each alcohol awareness program that complies with this section; and

(2) may require recertification of the approved alcohol awareness program to ensure compliance with changes in the program.

(d) Before an individual may teach an alcohol awareness program, the individual shall obtain an alcohol awareness instructor's permit.

(e) A holder of any retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program.

(f) (1) (i) For each completion of a certified alcohol awareness program, the alcohol awareness program provider shall issue a certificate of completion that is valid for 4 years from the date of issuance.

(ii) The holder or employee shall complete retraining in an approved alcohol awareness program for each successive 4-year period.

(iii) On request, a valid certificate shall be presented to the proper authority.

(2) Within 5 days after a license holder, an owner of an unlicensed establishment, or an employee of a license holder or owner of an unlicensed establishment is sent a certificate of completion, the alcohol awareness program provider shall inform the appropriate local licensing board of:

(i) the individual's name, address, and certification date; and

(ii) the name and address of the licensed establishment or unlicensed establishment.

(g) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A LICENSE HOLDER, OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER, WHO HAS COMPLETED TRAINING IN AN APPROVED ALCOHOL AWARENESS PROGRAM SHALL BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS ALCOHOLIC BEVERAGES ARE SOLD OR SERVED.

(2) THE INDIVIDUAL CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM MAY BE ABSENT FROM THE LICENSED PREMISES FOR A PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.

(3) A LOCAL LICENSING BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT, IN THE FORM REQUIRED BY THE LOCAL LICENSING BOARD, DOCUMENTS:

(I) EACH TEMPORARY ABSENCE;

(II) THE LENGTH OF TIME OF EACH ABSENCE; AND

(III) THE REASON FOR EACH ABSENCE.

(H) The Comptroller may decertify the alcohol awareness program of an alcohol awareness program provider who violates subsection (c), (d), or (f) of this section.

[h] (I) (1) Each local licensing board shall enforce this section.

(2) A license holder who violates subsection (e) **OR (G)** of this section is subject to:

(i) for the first offense, a **[\$100] \$250** fine; and

(ii) for each subsequent offense, [a fine not to exceed \$500 or] a suspension or revocation of the license [or both].

[(i)] (J) (1) This section does not create or enlarge a civil cause of action or criminal proceeding against a license holder.

(2) Evidence of a violation of this section:

(i) may only be used as evidence before the local licensing board in an action brought before the local licensing board for a violation of this section; and

(ii) may not be introduced in a civil or criminal proceeding.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2021, the Alcohol and Tobacco Commission shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, recommendations on the expansion of the requirement to obtain alcohol awareness training to all bartenders, alcoholic beverages servers, and related others who interact with consumers on licensed premises.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.