

## CHAPTER 178

(House Bill 1250)

AN ACT to repeal and re-enact, with amendments, Section 121(b) of Article 2B of the Annotated Code of Maryland (1968 Replacement Volume and 1972 Supplement), title "Alcoholic Beverages," subtitle "Restrictions Upon Licensees," to eliminate the prohibition against sale of alcoholic beverages to midshipmen or students of the Naval Academy within the City of Annapolis or its environs.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 121(b) of Article 2B of the Annotated Code of Maryland (1968 Replacement Volume and 1972 Supplement), title "Alcoholic Beverages," subtitle "Restrictions Upon Licensees," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

121.

(b) It shall not be lawful for any person, whether licensed to sell spirituous, fermented or intoxicating liquor or not, to sell, give directly or indirectly, dispose of, barter, furnish, hand over or deliver, within the corporate limits of the City of Annapolis, or within five miles thereof, any spirituous, fermented or intoxicating liquors, wines or cordials of any kind, or in any quantity whatever, to any youth, or minor under the age of twenty-one years, either for his or her own use or for the use of any other person, either with or without the written order or consent of the parent or guardian of such minor; Inor to any midshipman or student connected with or attached to the Naval Academy at Annapolis, or under orders to join or leave the said Academy, or preparing for admission to said Academy, either for his own use or for the use of any other person; and any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in jail for not less than ten days, nor more than sixty days, or be both fined and imprisoned in the discretion of the court; but if any minor shall wilfully represent that he is of full age and thereby shall obtain any spirituous liquors, and the person selling the same shall be able to prove at his or her trial such misrepresentation, and that he or she used due caution in ascertaining the age of such minor before disposing of the liquor as aforesaid to said minor and that in the exercise of reasonable caution he was deceived by the use of documentary evidence and that for such reason he was unable to ascertain that the minor was in fact a minor, then the person so selling to such minor, shall be acquitted of the said charge, the minor obtaining spirituous liquor by such misrepresentation of his or her age shall be guilty of a misdemeanor and upon trial and conviction shall be sentenced to pay a fine of not less than ten dollars, nor more than twenty dollars and the costs of his prosecution. Any fines or costs shall be paid pursuant to the provisions of Article 38, § 4.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect [July] June 1, 1973.

Approved April 26, 1973.

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