

March 11, 1982

Honorable Catherine I. Riley
326 House Office Building
Annapolis, Maryland 21401

Re: House Bill 1518

Dear Delegate Riley:

You have requested advice of counsel on the constitutionality of House Bill 1518. This bill would amend § 86(j) of Article 2B of the Maryland Code to provide that:

"(1) IN HARFORD COUNTY IF THE PREMISES CONSTITUTE A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, DISCO, OR PLACE OF PUBLIC ENTERTAINMENT, OR ON PREMISES OPEN TO THE GENERAL PUBLIC OR PREMISES IN ANY WAY LICENSED BY THE STATE OF MARYLAND OR HARFORD COUNTY, IT IS UNLAWFUL FOR ANY PERSON, CORPORATION, CLUB OR ORGANIZATION TO GIVE OR ALLOW TO BE CONSUMED ON HIS OR ITS PREMISES OR ON PREMISES UNDER HIS OR ITS POSSESSION OR CONTROL ANY ALCOHOLIC BEVERAGES OTHER THAN AS SPECIFICALLY PERMITTED OR PROVIDED IN THIS ARTICLE. THIS DOES NOT APPLY TO THE ROOM OF A REGISTERED GUEST IN ANY HOTEL, MOTEL, OR HOSPICE OR TO EVENTS AND ACTIVITIES CONDUCTED ON THE PREMISES OF A BONA FIDE FRATERNAL, RELIGIOUS, PATRIOTIC, EDUCATIONAL OR CHARITABLE ORGANIZATION OR CORPORATION, VOLUNTEER FIRE COMPANY, BONA FIDE CATERING ESTABLISHMENT, CIVIC AND COMMUNITY ASSOCIATION FACILITIES, SWIM CLUBS, OR SIMILAR ASSOCIATIONS HOLDING FUNCTIONS ON AN INFREQUENT BASIS.

(2) THE SHERIFF'S DEPARTMENT OF HARFORD COUNTY SHALL ADOPT UNIFORM RULES FOR THE ADMINISTRATION OF EXCEPTIONS SPECIFIED IN (1).

(3) ANY OWNER, OPERATOR, MANAGER OR EMPLOYEE OF PREMISES OR PLACES SUBJECT TO THE PROHIBITIONS OF THIS SUBSECTION WHO SHALL KNOWINGLY PERMIT SUCH CONSUMPTION IN VIOLATION OF THIS SUBSECTION SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF SHALL BE FINED NOT MORE THAN \$1,000.00."

Specifically, you have asked whether the exceptions contained in the last sentence of subsection (j)(1) of the bill would violate the equal protection clause of the