

~~(H) WORCESTER COUNTY.~~

~~(2) A licensee under the provisions of this article, or any of [his] THE LICENSEE'S employees, [in Worcester County,] may not sell or furnish any alcoholic beverages to a person under 21 years of age, either for [his] THAT PERSON'S own use or for the use of any other person, or to any person who at the time of the sale, or delivery, is visibly under the influence of alcoholic beverages.~~

~~[(2)](3) Any licensee or employee of a licensee who is charged with a violation of this subsection may be proceeded against [in Worcester County] either upon a charging document duly issued by the District Court for [Worcester County] THE APPROPRIATE COUNTY or by an indictment duly returned by the grand jury of that County.~~

~~(4) Any licensee violating any of the provisions of this subsection is guilty of a misdemeanor and, upon conviction, shall suffer the penalties provided by § 200 of this article. However, a licensee charged with selling or furnishing alcoholic beverages to an underaged person may not be found guilty of a violation of this subsection if the person establishes to the satisfaction of the jury or court sitting as a jury that [he] THE LICENSEE used due caution to establish that the person was not, in fact, underaged. This subsection [applies solely to Worcester County and] stands in place and stead of subsection (a) of this section as the subsection applies generally to the counties of this State.~~

(c) (1) This subsection applies only in the following counties:

- (i) Carroll County;
- (ii) Frederick County;
- (iii) ~~[~~Harford County;
- (iv)~~]~~ Somerset County;
- ~~[(v)](IV)~~ Talbot County; and
- ~~[(vi)](V)~~ Wicomico County.

(2) A licensee under the provisions of this article, or any of the licensee's employees, may not sell or furnish any alcoholic beverages at any time to a person under 21 years of age, either for that person's own use or for the use of any other person, or to any person who, at the time of such sale or delivery, is visibly under the influence of any alcoholic beverage.

(3) IN HARFORD COUNTY, A LICENSEE WHO IS CHARGED WITH SELLING OR FURNISHING ALCOHOLIC BEVERAGES TO AN UNDERAGE PERSON MAY NOT BE FOUND IN VIOLATION OF PARAGRAPH (2) OF THIS SUBSECTION IF THE LICENSEE ESTABLISHES TO THE SATISFACTION OF THE JUDGE, JURY, OR LIQUOR CONTROL BOARD THAT THE LICENSEE USED DUE CAUTION TO ESTABLISH THAT THE PERSON WAS NOT, IN FACT, UNDERAGE.