

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1105
Economic Matters

(Prince George's County Delegation)

Education, Health, and Environmental Affairs

Prince George's County - Alcoholic Beverages Sales - Prohibition on Use of Self-Scanning Cash Registers
PG 311-13

This bill prohibits a retail alcoholic beverages licensee in Prince George's County from selling alcoholic beverages by means of a self-scanning cash register, or other automated system operated by a customer on a self-service basis, that is capable of recovering stored information related to the sale price of individual retail items. Violators are subject to a maximum fine of \$1,000 for a first offense; \$2,500 for a second offense; and \$2,500 or suspension or revocation of their license for a third or subsequent offense. The bill must be construed to apply only prospectively.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: None.

Local Effect: Prince George's County revenues will increase minimally from fines imposed in circuit court cases.

Small Business Effect: Minimal overall, but potentially significant negative impact on businesses that have their license suspended or revoked after third or subsequent offense.

Analysis

Current Law/Background: There are no provisions in State law specifically prohibiting the use of self-scanning cash registers for the purchase of alcoholic

beverages. However, under the Alcoholic Beverages Article, a licensee or any employee of a licensee may not sell any alcoholic beverage to a person under the age of 21 or to a person who is visibly under the influence of alcohol. A licensee who violates these prohibitions is guilty of a misdemeanor, unless the licensee can prove that due caution was used (such as through the acceptance of a purchaser's Maryland issued driver's license or identification card, or a U.S. military identification card).

According to the Comptroller's *Alcohol and Tobacco Tax Annual Report* for fiscal 2012, statewide, there were 463 violations of the prohibition on sales to minors or intoxicated persons under the Alcoholic Beverages Article. Of these violations, 456 involved minors and 7 involved sales to intoxicated persons. In Prince George's County, there were nine violations of these offenses in fiscal 2012.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2013
ns/hlb Revised - Enrolled Bill/Updated Information - April 29, 2013

Analysis by: Trevor S. Owen

Direct Inquiries to:
(410) 946-5510
(301) 970-5510