

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 312 (Montgomery County Senators)
Education, Health, and Environmental Affairs

Montgomery County - Alcoholic Beverages Sales - Prohibition on Use of Self-Scanning Cash Registers

This bill prohibits any licensed retailer of alcoholic beverages in Montgomery County from selling alcoholic beverages through the use of a self-scanning cash register or other automated system that is used on a self-service basis by a customer. Violators are subject to maximum penalties of (1) \$1,000 for a first violation; (2) \$2,500 for a second violation; and (3) for a third violation, \$2,500 or license suspension or revocation.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: None.

Local Effect: Montgomery County revenues may increase minimally from fines imposed by the Montgomery County Board of License Commissioners. The bill's requirements can be handled with existing budgeted resources.

Small Business Effect: Minimal.

Analysis

Current Law/Background: Chapter 667 of 2013 prohibits the sale of alcoholic beverages through the use of a self-scanning cash register in Prince George's County. There are no other provisions in State law that specifically prohibits this practice.

However, under the Alcoholic Beverages Article, a licensee or any employee of a licensee may not sell any alcoholic beverage to a person younger than age 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 2013, statewide, there were 495 violations of the prohibition on sales to minors or intoxicated persons under the Alcoholic Beverages Article. Of these violations, 470 involved minors and 25 involved sales to intoxicated persons. In Montgomery County, there were 121 violations of these offenses in fiscal 2013.

Additional Information

Prior Introductions: None.

Cross File: HB 143 (Montgomery County Delegation) - Economic Matters.

Information Source(s): Montgomery County, Comptroller's Office, Department of Legislative Services

Fiscal Note History: First Reader - January 22, 2014
ncs/lgc

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