

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 868  
Economic Matters

(Delegate Hayes, *et al.*)  
Education, Health, and Environmental Affairs

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**Baltimore City - Alcoholic Beverages - Penalties for Sales to Underage Persons**

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This bill increases the maximum fine, from \$500 to \$1,000, that the Baltimore City Board of License Commissioners may impose for a first offense of selling alcoholic beverages to an underage person.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State finances or operations.

**Local Effect:** Baltimore City alcoholic beverages fine revenue may increase to the extent the board imposes a fine in excess of the current maximum fine of \$500 for affected violations. Expenditures are not directly affected.

**Small Business Effect:** None, assuming compliance with the law.

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**Analysis**

**Current Law:** An alcoholic beverages licensee in any Maryland jurisdiction, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time to (1) a person younger than age 21 for the underage person's own use or for the use of any other person or (2) any person who, at the time of the sale or delivery, is visibly under the influence of any alcoholic beverage.

For any violation that is cause for suspension under the alcoholic beverage laws affecting Baltimore City, the board may (1) for a first offense, impose a fine of up to \$500 or suspend the license, or both or (2) for any subsequent offense, impose a fine of up to \$3,000 or suspend the license, or both.

A licensee or employee of the licensee who is charged with selling or furnishing any alcoholic beverages to an underage person may not be found guilty of the violation if the person satisfactorily establishes that due caution was used to establish the age of that person.

**Background:** According to the Comptroller's *Alcohol and Tobacco Tax Annual Report* for 2014, in fiscal 2014, based on reports received, there were 43 retail license violations in Baltimore City for the sale of an alcoholic beverage to a minor. There were 475 such violations statewide in fiscal 2014.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Comptroller's Office, Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2015  
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