

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 430
Economic Matters

(Delegate Walkup, *et al.*)

Education, Health, and Environmental Affairs

Kent County - Special Maryland Wine License Privilege

This bill authorizes the Kent County Board of License Commissioners to issue a special Maryland wine license privilege to a holder of a Class B (on-sale) beer and wine license or a Class B (on-sale) beer, wine, and liquor license for use on a premises that qualifies as a restaurant. The special Maryland wine license privilege authorizes the licensee to sell bottled wine for off-sale consumption and exempts the sale of the bottled wine from counting against the minimum requirement that 60% of the average daily receipts of the Class B alcoholic beverages licensee be food sales. The annual license privilege fee is \$100.

The bill is effective June 1, 2003.

Fiscal Summary

State Effect: None.

Local Effect: Kent County revenues would increase by \$100 for each special Maryland wine license privilege issued. County expenditures would not be affected.

Small Business Effect: Minimal. Small business restaurants in Kent County that are holders of a Class B (on-sale) beer and wine license or a Class B (on-sale) beer, wine, and liquor license would be positively impacted due to the ability to sell bottles of wine to its customers.

Analysis

Current Law: Generally, Class B beer and wine licensees and Class B beer, wine, and liquor licensees are authorized to keep for sale and sell at retail any alcoholic beverages that they are licensed to sell on the licensed premises or elsewhere as authorized by the local board of license commissioners. However, most jurisdictions in Maryland expressly prohibit Class B beer and wine licensees and Class B beer, wine, and liquor licensees from selling alcoholic beverages for off-premise consumption.

There is no provision of law authorizing the Kent County Board of License Commissioners to issue a license privilege similar to the proposed Kent County special Maryland wine license privilege that would permit the sale of bottles of wine for off-premise consumption. Additionally, no other jurisdiction offers a similar privilege to its licensees.

Background: According to the Comptroller of Maryland, as of April 30, 2002 in Kent County there are 7 Class B (on-sale) beer and wine licensees and 23 Class B (on-sale) beer, wine, and liquor licensees. All 30 of these licensees would be eligible to obtain a special Maryland wine license. It is currently unknown how many Class B (on-sale) beer and wine licensees and Class B (on-sale) beer, wine, and liquor licensees would obtain a special Maryland wine license.

Additional Information

Prior Introductions: None.

Cross File: None. But HB 430 is exactly the same as the cross-filed bills HB 915/SB 486.

Information Source(s): Kent County, Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2003
mld/hlb Revised - House Third Reader - March 22, 2003

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