

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 334
Economic Matters

(Delegate Beitzel)

Education, Health, and Environmental Affairs

**Garrett County - Alcoholic Beverages - Wine and Beer Tasting License - Off-Site
Retail Delivery Procedures - Fees**

This bill requires the Garrett County Board of License Commissioners to charge a \$100 issuing fee for a wine and beer tasting license, a \$10 fee for a duplicate license, and a \$200 fee, plus publication and notice costs, to transfer a license. The bill also authorizes the county licensing board to issue a delivery option that enables a licensee or employee of a licensee to make an off-site retail delivery of alcoholic beverages if certain procedures are followed and the licensee pays an annual \$150 fee for the delivery option and a \$150 issuing fee. The board is required to adopt regulations to implement the delivery option.

The bill takes effect July 1, 2009.

Fiscal Summary

State Effect: None.

Local Effect: Garrett County revenues increase by \$100 in FY 2010, as a result of one new licensee paying the issuing fee created by the bill. Future year revenue increases depend on the number of additional new wine and beer tasting licensees and the number of licenses that obtain the off-site delivery option. County expenditures are not affected.

Small Business Effect: None.

Analysis

Bill Summary: To be eligible for the off-site delivery option, the licensee or the employee of the licensee making the deliveries must be at least 21 years of age and certified by an approved alcohol awareness program. The deliverer and purchaser must endorse a form certifying that: (1) the person who received the delivery is at least 21 years of age and has documented proof of age; (2) the person receiving the delivery knows that it is a criminal offense for alcoholic beverages to be furnished to a person under 21 years of age; and (3) the deliverer examined the purchaser's identification. The delivery forms must be submitted to the county licensing board by a certain day each month.

Current Law: A license holder may transfer the holder's place of business to another location or sell or assign the license if: (1) an application for transfer or sale is completed; (2) all retail sales, amusement, admission, and withholding taxes are paid to the Comptroller; (3) a bulk transfer permit is obtained if the stock of alcoholic beverages is to be transferred; (4) the new location or assignee is approved by the local board; and (5) a \$20 fee and publication and notice costs are paid to the local collecting agent.

In general, the retail delivery to a purchaser of any alcoholic beverages is prohibited unless: (1) the delivery is made from the retail premises of the license holder by the license holder or an employee of the license holder, so long as the licensed holder is licensed in the jurisdiction where the delivery is made; (2) the retail licensee obtains a letter from the local licensing authority authorizing the license holder to make deliveries; and (3) the licensee complies with any applicable regulations. Howard and Montgomery counties have specific statutory requirements pertaining to deliveries.

Unless otherwise specified in statute, the fee for a duplicate license is \$1.

Local Fiscal Effect: Garrett County advises that the provisions in the bill regarding the delivery option codify current county regulations. Two establishments have pursued the delivery option with the county. However, the county has a total of 20 package stores. Garrett County cannot reliably determine the number of stores that will pursue the delivery option in future years.

The issuing fee for a wine and beer tasting license is a one-time fee imposed by the county upon the original issuance of a license. A new wine and beer tasting licensee would pay \$200 in fees (\$100 issuing fee and \$100 license fee), as opposed to current licensees who did not pay an issuing fee. The county knows of one person interested in obtaining a wine and beer tasting license.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 20, 2009
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