

Department of Legislative Services
 Maryland General Assembly
 2007 Special Session

FISCAL AND POLICY NOTE

Senate Bill 562 (Senator Madaleno, *et al.*)
 Budget and Taxation

**Alcoholic Beverage Tax - Special Fund for Adult and Adolescent Addiction
 Treatment and Prevention Services**

This bill increases the State tax rates for alcoholic beverages from \$1.50 to \$4.50 per gallon for distilled spirits, from 40 cents to \$1.20 per gallon for wine, and from 9 cents to 27 cents per gallon for beer. For distilled spirits that contain a percentage of alcohol greater than 100 proof, the additional tax is raised from 1.5 cents to 4.5 cents per gallon for each proof over 100 proof.

The bill requires that 100% of the additional taxes be distributed to a special fund for the purpose of providing additional funding for the Alcohol and Drug Abuse Administration to support adult and adolescent addiction, treatment, and prevention services.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: Special fund revenues and expenditures could increase by \$57.5 million in FY 2009. Future year revenues are estimated to increase by 2.5% annually. Any expenses associated with printing new tax forms and postage are assumed to be minimal and could be absorbed within existing budgeted resources.

| (\$ in millions) | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
|------------------|---------|---------|---------|---------|---------|
| SF Revenue | \$57.5 | \$58.9 | \$60.4 | \$61.9 | \$63.4 |
| SF Expenditure | 57.5 | 58.9 | 60.4 | 61.9 | 63.4 |
| Net Effect | \$0 | \$0 | \$0 | \$0 | \$0 |

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: State tax rates for alcoholic beverages in Maryland are \$1.50 per gallon for distilled spirits, 40 cents per gallon for wine, and 9 cents per gallon for beer.

Background: Compared to other states, Maryland has relatively low tax rates on alcoholic beverages. The tax on distilled spirits has not increased since 1955, and the tax on beer and wine was last increased in 1972. **Exhibit 1** shows alcoholic beverage tax rates in all 50 states and the District of Columbia as of January 2007.

State Revenues: As a result of the tax increases on alcoholic beverages, special fund revenues would increase by \$57.5 million in fiscal 2009 based on the following facts and assumptions:

- 10.0 million gallons of distilled spirits are projected to be purchased in Maryland in fiscal 2009, including distilled spirits of over 100 proof; due to the tax increase, sales could decrease by 6.0%.
- 13.7 million gallons of wine are projected to be purchased in Maryland in fiscal 2009; due to the tax increase, sales could decrease by 1.3%.
- 108.1 million gallons of beer are projected to be purchased in Maryland in fiscal 2009; due to the tax increase, sales could decrease by 0.6%.

Future year revenues are expected to increase by approximately 2.5% annually, based on the forecast of the Bureau of Revenue Estimates.

To the extent that the tax increases proposed by the bill result in a higher incidence of cross-border sales activity than is accounted for in the estimate, revenues would in turn be lower than estimated. This would most likely apply to the sale of distilled spirits, since these sales are likely to be more price sensitive than the others.

State Expenditures: The bill requires the revenue generated from the tax increase to be used to provide funding for adult and adolescent addiction, treatment, and prevention services within the Alcohol and Drug Abuse Administration. The proposed fiscal 2009 State budget for the Alcohol and Drug Abuse Administration includes \$130.5 million for addiction treatment services and \$6.4 million for addition prevention services.

Any expenditure associated with printing new tax forms and postage is assumed to be minimal and could be absorbed within existing budgeted resources.

Small Business Effect: The alcoholic beverage tax increase would result in a decline in sales for all retailers and wholesalers of alcoholic beverages. Those businesses located near the State's borders, particularly those in Montgomery and Prince George's counties, could be more adversely affected as customers in those areas could cross the border with the District of Columbia to purchase alcoholic beverages, where the taxes will be considerably lower. Also, small businesses that import beer into the State would be required to prepay the tax.

Additional Information

Prior Introductions: Similar bills were introduced as HB 757/SB 422 in 2007. The bills were not acted upon by either the House Ways and Means Committee or the Senate Budget and Taxation Committee.

Cross File: HB 1310 (Delegate Bronrott, *et al.*) – Ways and Means.

Information Source(s): Comptroller's Office, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2008
mll/hlb

Analysis by: Michael Sanelli

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

Exhibit 1
Alcoholic Beverage Taxes by State
January 2007

| State | Distilled Spirits¹ (\$ per Gallon) | Wine² (\$ per Gallon) | Beer³ (\$ per Gallon) |
|-----------------|---|--|--|
| Alabama | * | \$1.70 | \$0.53 |
| Alaska | \$12.80 | 2.50 | 1.07 |
| Arizona | 3.00 | .84 | 0.16 |
| Arkansas | 2.50 | .75 | 0.23 |
| California | 3.30 | .20 | 0.20 |
| Colorado | 2.28 | .32 | 0.08 |
| Connecticut | 4.50 | .60 | 0.19 |
| Delaware | 5.46 | .97 | 0.16 |
| Florida | 6.50 | 2.25 | 0.48 |
| Georgia | 3.79 | 1.51 | 0.48 |
| Hawaii | 5.98 | 1.38 | 0.93 |
| Idaho | * | .45 | 0.15 |
| Illinois | 4.50 | .73 | 0.185 |
| Indiana | 2.68 | .47 | 0.115 |
| Iowa | * | 1.75 | 0.19 |
| Kansas | 2.50 | .30 | 0.18 |
| Kentucky | 1.92 | .50 | 0.08 |
| Louisiana | 2.50 | .11 | 0.32 |
| Maine | * | .60 | 0.35 |
| Maryland | 1.50 | .40 | 0.09 |
| Massachusetts | 4.05 | .55 | 0.11 |
| Michigan | * | .51 | 0.20 |
| Minnesota | 5.03 | .30 | 0.15 |
| Mississippi | * | .35 | 0.43 |
| Missouri | 2.00 | .30 | 0.06 |
| Montana | * | 1.06 | 0.14 |
| Nebraska | 3.75 | .95 | 0.31 |
| Nevada | 3.60 | .70 | 0.16 |
| New Hampshire | * | ** | 0.30 |
| New Jersey | 4.40 | .70 | 0.12 |
| New Mexico | 6.06 | 1.70 | 0.41 |
| New York | 6.44 | .19 | 0.11 |
| North Carolina | * | .79 | 0.53 |
| North Dakota | 2.50 | .50 | 0.16 |
| Ohio | * | .30 | 0.18 |

| State | Distilled Spirits¹ (\$ per Gallon) | Wine² (\$ per Gallon) | Beer³ (\$ per Gallon) |
|----------------------|--|---|---|
| Oklahoma | 5.56 | .72 | 0.40 |
| Oregon | * | .67 | 0.08 |
| Pennsylvania | * | ** | 0.08 |
| Rhode Island | 3.75 | .60 | 0.10 |
| South Carolina | 2.72 | .90 | 0.77 |
| South Dakota | 3.93 | .93 | 0.28 |
| Tennessee | 4.40 | 1.21 | 0.14 |
| Texas | 2.40 | .20 | 0.19 |
| Utah | * | ** | 0.41 |
| Vermont | * | .55 | 0.265 |
| Virginia | * | 1.51 | 0.26 |
| Washington | * | .87 | 0.261 |
| West Virginia | * | 1.00 | 0.18 |
| Wisconsin | 3.25 | .25 | 0.06 |
| Wyoming | * | ** | 0.02 |
| District of Columbia | 1.50 | .30 | 0.09 |
| U.S. Median | 3.75 | .69 | \$0.188 |

¹22 states and the District of Columbia have different rates for products with certain percentages of alcohol and/or other sales/excise taxes.

²37 states have different rates for products with certain percentages of alcohol and/or other sales/excise taxes.

³23 states have different rates for products with certain percentages of alcohol and/or other sales/excise taxes.

*In 18 states, the government directly controls the sales of distilled spirits. Revenue in these states is generated from various taxes, fees, and net liquor sales.

**All wine sales are through state stores. Revenue in these states is generated from various taxes, fees, and net profits.

Source: Federation of Tax Administrators