SPONSOR: Rep. Schwartzkopf & Rep. Gilligan & Sen. DeLuca & Sen. Cook & Sen. Simpson & Sen. Sorenson

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 212

AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO TAXES ON ALCOHOLIC BEVERAGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 581(d), Title 4 of the Delaware Code, by striking said subsection in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

"(d) The tax payable under this section shall be as follows:

(1) For each barrel of beer, $11.46.

(2) For each gallon of cider, $0.38.

(3) For each gallon of wine, $1.72.

(4) For each gallon of spirits containing 25 percent or less of ethyl alcohol by volume, $3.00.

(5) For each gallon of spirits containing more than 25 percent ethyl alcohol by volume, $4.50.

(6) For each gallon of alcohol per gallon of ethyl alcohol contained, $7.28, except that the tax of $7.28 shall not apply to the purchase of alcohol by pharmacists, physicians, dentists, veterinarians, wholesale druggists or manufacturing plants where the alcohol is used in scientific work, for the manufacture of pharmaceutical products, or for use in the manufacture or compounding of preparations unfit for beverage purposes."

Section 2. This Act shall apply to all alcoholic liquor purchased and received from any manufacturer or importer on or after September 1, 2009. The Act shall also apply to all alcoholic liquor floor stock or inventories purchased and received by licensed Delaware importers which are resting in the State on September 1, 2009, notwithstanding that said alcoholic liquor was purchased from any manufacturer or importer prior to September 1, 2009. The tax on such floor stock or inventories shall be an amount equal to the difference between the amount of tax already paid on such floor stock or inventories and the increased amount of tax specified by this Act. Reporting of the tax on such floor stock or inventories shall be accomplished in accordance with Commission rules; provided, however, that payment of the tax on the floor stock or inventories shall be made on or before April 1, 2010. The Commission

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shall be authorized to promulgate regulations having the force and effect of law to provide for the implementation and enforcement of the provisions of this Act.

SYNOPSIS

This Act increases the State's alcoholic beverage tax rates. The rate for beer increases by 2¢ per 12 ounce can. The rate for wine increases by 3¢ per 5 ounce serving. The rate for spirits containing more than 25% ethyl alcohol by volume increases by 15¢ per 750 ml bottle.