

## Department of Planning and Budget 2021 Fiscal Impact Statement

1. **Bill Number:** HB1738

**House of Origin**     Introduced     Substitute     Engrossed

**Second House**     In Committee     Substitute     Enrolled

2. **Patron:**    Wampler

3. **Committee:** House Committee on General Laws

4. **Title:**    Local outdoor refreshment areas

5. **Summary:** The proposed bill defines "outdoor refreshment area" and permits the governing body of any locality in the Commonwealth to designate, by ordinance, up to three outdoor refreshment areas within such locality.

The bill also provides that such ordinance would permit the consumption of alcoholic beverages within the outdoor refreshment area, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee located within such designated area and are contained in disposable containers with a maximum capacity of no more than 16 fluid ounces that clearly display the selling licensee's name or logo. The bill requires the locality, prior to adopting such an ordinance to create a public safety plan for each outdoor refreshment area.

6. **Budget Amendment Necessary:** Yes, Item 394

7. **Fiscal Impact Estimates:** Preliminary (see #8)

8. **Fiscal Implications:** The Appropriation Act (Item 394 A.) states that "No funds appropriated for this program shall be used for enforcement personnel to enforce local ordinances." Under the provisions of the proposed bill, Virginia ABC anticipates there will be numerous outdoor refreshment areas incorporated within ABC licensed establishments. This will require ABC to 1) coordinate with localities to receive and review applicable local ordinances, 2) conduct ABC rules meetings to ensure outdoor refreshment area venue operators understand compliance requirements, 3) perform enforcement responsibilities and 4) respond to venue operator inquiries. In its recent experience in implementing large consumption areas, ABC anticipates a workload impact equivalent to one FTE.

The cost for one FTE in the first year would be \$102,000 (includes \$34,000 for a vehicle, \$1,000 for a computer/peripherals and \$67,000 for salary and benefits) and \$67,000 in the second year.

9. **Specific Agency or Political Subdivisions Affected:** ABC

10. **Technical Amendment Necessary:** No

11. **Other Comments:** None