

BILL ANALYSIS

H.B. 1625

By: Deshotel

Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law under the Alcoholic Beverage Code allows a person that holds a temporary liquor license to sell outside the county for which the permit is issued. However, the same code does not allow persons that hold a temporary wine and beer retailer's permit to sell beverages outside the county for which the permit is issued.

Some believe the code is in conflict and doesn't allow competition to other service areas. As proposed, this bill would set up a mechanism to do that while also preserving the ability of distributors or wholesalers to sell the beverages under the existing code.

HB 1625 would allow a holder of a temporary wine and beer retailers permit that sells wine, beer, or malt liquor under that permit in a county other than the county in which the premises covered by the permit pursuant that current requirements are met. It will also require such temporary permit holders to report to the commission the amount of beverages purchased and sold under this proposal, by type.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Alcoholic Beverage Commission in SECTION 2 (Sec. 27.011 (2), Alcoholic Beverage Code) of this bill.

ANALYSIS

SECTION 1. Amends section 27.01 of the Alcoholic Beverage Code by striking the language that does not allow for sale outside the county for which it is issued.

SECTION 2 . Amends Subchapter A, Chapter 27, Alcoholic Beverage Code by adding Section 27.011 to provide for sale of wine, beer, or malt liquor outside a permit holder's county with the following requirements: (1) beverages must be purchased from a distributor or wholesaler authorized under this code to sell the beverages in the county in which the permit holder sells the beverages under this chapter; and (2) to inform the commission, by rule, of the amount and type of beverages purchased and sold under this section.

SECTION 3. Makes this Act applicable only to a temporary wine and beer retailers permit issued on or before the effective date of this Act. Any temporary wine and beer retailers permit issued before the effective date is governed by the law in effect and the law is continued for that purpose.

EFFECTIVE DATE

September 1, 2003.