

BILL ANALYSIS

S.B. 571
By: Madla
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are no operating hours established in statute specifically for wineries. The lack of specific sale, delivery, and consumption hours for Texas wineries which coincide with winery tourism prevents wineries from fully capitalizing on marketing opportunities and impedes the growth of the wine industry. Both the winery and the state forfeit revenue if a winery is prohibited from transacting a sale or being the site of a function because the hours of operation do not coincide with tourism and other activities.

Currently, Section 105.01, Alcoholic Beverage Code, authorizes operations and sales only between 9:00 a.m. and 9:00 p.m. and prohibits sales on New Year's Day, Thanksgiving Day, Christmas Day, and Sundays.

S.B. 571 exempts Texas wineries from the general hours specified by Section 105.01, Alcoholic Beverage Code, and creates a new Section 105.08, Alcoholic Beverage Code, to delineate the hours for sale, consumption, and delivery of wine at a winery to be between 8:00 a.m. and midnight on any day except Sunday and between 10:00 a.m. and midnight on Sunday.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subsection (a), Section 105.01, Alcoholic Beverage Code, as follows:

(a) Prohibits a person from selling, offering for sale, or delivering any liquor on certain days and times, except as provided in Sections 105.02, 105.03, 105.04, and 105.08.

SECTION 2. Amends Chapter 105, Alcoholic Beverage Code, by adding Section 105.08, as follows:

Sec. 105.08. HOURS OF SALE AND CONSUMPTION: WINERY. Authorizes the holder of a winery permit to sell, offer for sale, and deliver wine, and authorizes a person to consume wine on the premises of a winery at certain times.

SECTION 3. Effective date: Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

EFFECTIVE DATE

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