

BILL ANALYSIS

Senate Research Center
80R10378 AJA-F

S.B. 1431
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Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, package and wine only package stores are authorized to transfer wine between stores under common ownership within the same county. This process keeps package stores from having excess wine inventory. However, grocery stores and convenience stores are unable to transfer wine between their stores

As proposed, S.B. 1431 authorizes off-premise permit holders, who also hold a cartage permit, to transfer wine between their locations in the same county and in the same manufacturer's territory.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 24.04, Alcoholic Beverage Code, as follows:

Sec. 24.04. New heading: TRANSFER OF WINE. Authorizes the owner of more than one wine only package store who is also the holder of a local cartage permit to transfer alcoholic beverages to and from the owner's stores, rather than his place of storage and his other stores, in the same county, subject to rules adopted, rather than prescribed, by the Texas Alcoholic Beverage Commission (commission). Deletes existing text authorizing the owner of more than one wine only package store who is also the holder of a local cartage permit to designate one of his places of business as a place of storage.

SECTION 2. Amends Chapter 26, Alcoholic Beverage Code, by adding Section 26.011, as follows:

Sec. 26.011. TRANSFER OF WINE. Authorizes the holder of more than one wine and beer retailer's off-premise permit who is also the holder of a local cartage permit to transfer wine to and from the permit holder's permitted premises in the same county and in the same manufacturer's territory, subject to rules adopted by the commission.

SECTION 3. Amends Section 43.01(b), Alcoholic Beverage Code, as follows:

(b) Authorizes a package store, wine only package store, local distributor's permittee, or wine and beer retailer's off-premise permittee who also holds a local cartage permit to transfer alcoholic beverages in accordance with Sections 22.08, 23.04, 24.04, and 26.011. Deletes existing text to make nonsubstantive changes.

SECTION 4. Amends Section 43.04, Alcoholic Beverage Code, as follows:

Sec. 43.04. ELIGIBILITY FOR PERMIT. Includes a wine and beer retailer's off-premise permit to the list of stores to which the commission is authorized to issue a local cartage permit.

SECTION 5. Effective date: September 1, 2007.