

BILL ANALYSIS

H.B. 617
By: Isett
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Alcoholic Beverage Code currently labels as prima facie evidence of the intent to sell alcoholic beverages the possession of more than a quart of liquor or 24 twelve-ounce containers of beer in a dry county, essentially making it illegal for a person in a dry county to possess more than this amount of alcohol at any given time. While not a very commonly enforced statute, many Texans are believed to be in violation of this limit, which has not been addressed since the 65th Legislature.

H.B. 617 removes the limitation on alcohol possession in a dry county by repealing the section of the Alcoholic Beverage Code establishing that possession in a dry area of more than one quart of liquor, or more than 24 twelve-ounce bottles of beer or an equivalent amount, is prima facie evidence of possession with intent to sell.

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.

ANALYSIS

H.B. 617 amends the Alcoholic Beverage Code to repeal Section 101.32, which establishes that possession in a dry area of more than one quart of liquor, or more than 24 twelve-ounce bottles of beer or an equivalent amount, is prima facie evidence of possession with intent to sell.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.