

BILL ANALYSIS

Senate Research Center
81R17060 MCK-D

H.B. 2594
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law authorizes the holder of a wholesaler's permit to sell, offer for sale, or deliver liquor to a retailer between 5 a.m. and 9 p.m. on any day except Sunday and Christmas Day. Current law authorizes the holder of a general, local, or branch distributor's license to sell, offer for sale, or deliver beer between 5 a.m. and midnight and, for a premises located in or in a county adjacent to a county with a population of 1.8 million or more, between 4 a.m. and midnight, on any day except Sunday.

H.B. 2594 allows the holder of a wholesaler's permit to sell, offer for sale, or deliver liquor anytime except on Sunday or Christmas Day. The bill allows the holder of a general, local, or branch distributor's license to sell, offer for sale, or deliver beer 24 hours a day, Monday through Saturday, and between midnight and 1 a.m. and between noon and midnight on Sunday. The bill's provisions are not mandatory, and all licensees and permittees are free to maintain their current hours of delivery or avail themselves of the new hours.

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 105.02, Alcoholic Beverage Code, as follows:

Sec. 105.02. HOURS OF SALE: WHOLESALERS AND LOCAL DISTRIBUTORS TO RETAILERS. (a) Authorizes a holder of a wholesaler's permit to sell, offer for sale, or deliver liquor to a retailer anytime except Sunday and Christmas Day. Deletes existing text authorizing a wholesaler or a local distributor's permittee, except as provided by Subsection (b) of this section, to sell, offer for sale, or deliver liquor to a retailer between 5 a.m. and 9 p.m. on any day except Sunday and Christmas Day.

(b) Authorizes a local distributor's permittee to sell, offer for sale, or deliver liquor to a retailer between 5 a.m. and 9 p.m. on any day except Sunday, Christmas Day, or a day on which a package store permittee is prohibited from selling liquor, rather than prohibiting a local distributor's permittee to sell, offer for sale, or deliver any liquor on a day which a package store permittee is prohibited from selling liquor.

SECTION 2. Amends Section 105.051, Alcoholic Beverage Code, as follows:

Sec. 105.051. SALE OF BEER BY DISTRIBUTOR'S LICENSEE. Authorizes the holder of a general, local, or branch distributor's license to sell, offer for sale, or deliver beer 24 hours a day Monday through Saturday and between midnight and 1 a.m. and between noon and midnight on Sunday. Deletes existing text authorizing the holder of a general, local, or branch distributor's license, in addition to the hours specified for the sale of beer in Section 105.05(b) (relating to restrictions for selling beer on Sunday) of this code, to sell, offer for sale, or deliver beer beginning at 5 a.m. on any day except Sunday.

SECTION 3. Repealer: Section 105.052 (Sale of Beer by Distributor's Licensee in Certain Metropolitan Areas), Alcoholic Beverage Code.

SECTION 4. Effective date: upon passage or September 1, 2009.