

BILL ANALYSIS

Senate Research Center
82R 12082 AJA-F

H.B. 1952
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Business & Commerce
4/29/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Alcoholic Beverage Commission (TABC) approves training programs for employees who sell or serve alcohol so that they do so in a responsible manner. TABC certifies program trainers and certifies sellers and servers who complete a training program.

Should a program, trainer, or employee violate the Alcoholic Beverage Code or TABC rule the only recourse TABC has to address the violation is to cancel the program approval or certification of the trainer employee. For all other permits and licenses issued by TABC, a suspension or civil penalty may be levied, which gives TABC broader discretion in addressing a violation.

H.B. 1952 expands TABC's authority to address violations of the Alcoholic Beverage Code or TABC rule by allowing TABC to suspend the approval of a seller-server training program, suspend the certification of a trainer or employee, or impose a civil penalty in lieu of a suspension.

H.B. 1952 amends current law relating to alcoholic beverage seller-servers and to seller training programs.

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 106.14, Alcoholic Beverage Code, by adding Subsection (e), as follows:

(e) Authorizes the Texas Alcoholic Beverage Commission (TABC), after notice and hearing, to cancel or suspend TABC's approval of a seller training program, TABC's certification of a trainer to teach a seller training program, or TABC's certification of a seller-server if the program, trainer, or seller-server violates this code or a TABC rule. Authorizes TABC to give a program, trainer, or seller-server the opportunity to pay a civil penalty rather than be subject to a suspension under this subsection. Provides that Sections 11.62 (Hearing for Cancellation or Suspension of Permit), 11.63 (Notice of Hearing), 11.64 (Alternatives to Suspension, Cancellation), 11.641 (Amount of Civil Penalty), 11.65 (Notice of Cancellation of Suspension), 11.66 (Suspension or Cancellation Against Retailer), and 11.67 (Appeal From Cancellation, Suspension, or Refusal of License or Permit) apply to the program approval or certification as if the program approval or certification were a license or permit under this code.

SECTION 2. Effective date: upon passage or September 1, 2011.