

## **BILL ANALYSIS**

C.S.S.B. 438  
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Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Observers note that Texas wineries may sell wine at farmers' markets and festivals subject to rules set by the Texas Alcoholic Beverage Commission (TABC) but are not allowed to sell wine at these locations for more than three consecutive days or for more than five days within any 30-day period. Observers further report that the TABC has noted the difficulty of enforcing those provisions. C.S.S.B. 438 seeks to make provisions relating to the number of days a winery may sell wine under a winery festival permit easier to enforce.

### **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**

C.S.S.B. 438 amends the Alcoholic Beverage Code to prohibit the holder of a winery festival permit from offering wine for sale under such a permit on more than four consecutive days at the same location. The bill removes language prohibiting the holder from offering wine for sale under such a permit on more than three consecutive days at the same location or for more than five days within any 30-day period.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.S.B. 438 differs from the original by prohibiting the holder of a winery festival permit from offering wine for sale under such a permit on more than four consecutive days at the same location, whereas the original prohibits the permit holder from offering wine for sale under the permit on more than four days at the same location. The bill differs from the original in a nonsubstantive way by conforming to certain bill drafting conventions.