

BILL ANALYSIS

Senate Research Center
82R2827 MCK-D

S.B. 438
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Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 711, 81st Legislature, Regular Session, 2009, authorizes Texas wineries to sell wine at farmer's markets and festivals subject to rules set forth by the Texas Alcoholic Beverage Commission (TABC). By statute, wineries were not allowed to sell wine at these locations for more than three consecutive days or more than five days in a month. Since then, the agency has noted the difficulty of enforcing those provisions.

Senate Bill 438 modifies the number of consecutive days from three to four and removes the five days per 30-day period provision. These changes give the wine industry more flexibility for festivals that run longer than three days and gives TABC more control by limiting the validity of permits to four consecutive days.

As proposed, S.B. 438 amends current law relating to the number of days a winery may sell wine under a winery festival permit.

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 17.01(b), Alcoholic Beverage Code, as follows:

(b) Prohibits the holder of a winery festival permit from offering wine for sale under this chapter on more than four consecutive days at the same location, rather than for more than five days within any 30-day period or on more than three consecutive days at the same location.

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