

BILL ANALYSIS

S.B. 808
By: Eltife
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that recently enacted legislation regarding the sale of distilled spirits by the holder of a distiller's and rectifier's permit lacks clarity in referencing a "wet area," and because of this, the definition of such an area has been left up to interpretation by the industry and regulators. S.B. 808 seeks to provide clarity by amending the applicable law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 808 amends the Alcoholic Beverage Code to remove the condition on the authority of a distiller's and rectifier's permit holder to sell distilled spirits to ultimate consumers that the permit holder be located in a wet area. The bill instead conditions the authority of such a permit holder to collect a fee for distilled spirits samplings on the permitted premises and to sell to ultimate consumers for consumption on the permitted premises distilled spirits manufactured or rectified by the permit holder on the permitted premises being located in an area where the sale of alcoholic beverages is legal as provided by a ballot issue approved by the voters on the legal sale of all alcoholic beverages including mixed beverages, the legal sale of mixed beverages, or the legal sale of mixed beverages in restaurants by food and beverage certificate holders only.

S.B. 808 conditions the authority of such a permit holder to sell distilled spirits manufactured by the permit holder to ultimate consumers for off-premises consumption in unbroken packages containing not more than 750 milliliters of distilled spirits, for a permit issued on or after September 1, 2013, on the permitted premises being located in an area where the sale of alcoholic beverages is legal as provided by a ballot issue approved by the voters on the legal sale of all alcoholic beverages for off-premise consumption only, the legal sale of all alcoholic beverages except mixed beverages, or the legal sale of all alcoholic beverages including mixed beverages, and, for a permit issued before September 1, 2013, on the permitted premises being located in an area where the sale of alcoholic beverages is legal as provided by any of those three ballot issues or a ballot issue on the legal sale of mixed beverages or the legal sale of mixed beverages in restaurants by food and beverage certificate holders only.

EFFECTIVE DATE

September 1, 2015.