

## **BILL ANALYSIS**

C.S.H.B. 2344  
By: Guillen  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that certain wine and beer retailer's permit holders, such as waterparks, offering a wide variety of merchandise, food, and beverages, including alcoholic beverages, for sale to patrons may consolidate product shipments of such items in a separate permitted premise. The parties contend that clarification is needed regarding the utilization of this practice and the transfer of those items between the permit holder's permitted premises. C.S.H.B. 2344 seeks to provide that clarification.

### **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**

C.S.H.B. 2344 amends the Alcoholic Beverage Code to authorize the holder of two or more water park permits to deliver alcoholic beverages from any premises for which one of those permits has been issued to any other premises for which one of those permits has been issued. The bill restricts issuance of a water park permit to a person who holds a wine and beer retailer's permit and operates a public venue that involves waterslides, food service, music, and amusement activities and that is located primarily along the banks of the Comal River. The bill limits issuance of water park permits for such a person to not more than five premises for which wine and beer retailer's permits have been issued and that are located in the applicable public venue or not more than one mile from the boundary of that venue. The bill sets the annual state fee for a water park permit at \$30 and subjects a water park permit to Alcoholic Beverage Code provisions applicable to a wine and beer retailer's permit.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

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

While C.S.H.B. 2344 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 25, Alcoholic Beverage Code, is amended by adding Section 25.15 to read as follows:

Sec. 25.15. TRANSFER OF BEVERAGES. (a) This section applies only to a wine and beer retailer's permit holder who holds permits for not more than five noncontiguous permitted premises located in a facility that is:

(1) operated for public entertainment involving waterslides, food service, music, and amusement activities; and

(2) located primarily along the banks of the Comal River.

(b) Notwithstanding any other law, the holder of the wine and beer retailer's permits described by Subsection (a) may transfer alcoholic beverages between the permitted premises in the facility described by Subsection (a) and another permitted facility that is:

(1) operated by the permit holder; and

(2) located in the same county as the facility described by Subsection (a).

No equivalent provision.

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle A, Title 3, Alcoholic Beverage Code, is amended by adding Chapter 56 to read as follows:

CHAPTER 56. WATER PARK PERMIT

Sec. 56.01. AUTHORIZED ACTIVITIES.

Notwithstanding any other provision of this code, the holder of two or more water park permits may deliver alcoholic beverages from any premises for which one of those permits has been issued to any other premises for which one of those permits has been issued.

Sec. 56.02. QUALIFICATIONS FOR PERMIT; ELIGIBLE PREMISES. (a) A water park permit may be issued only to a person who:

(1) holds a wine and beer retailer's permit under Chapter 25; and

(2) operates a public venue that:

(A) involves waterslides, food service, music, and amusement activities; and

(B) is located primarily along the banks of the Comal River.

(b) A person described by Subsection (a) may be issued water park permits for not more than five premises:

(1) for which wine and beer retailer's permits have been issued under Chapter 25; and

(2) that are located:

(A) in the public venue described in Subsection (a)(2); or

(B) not more than one mile from the boundary of that venue.

Sec. 56.03. FEE. The annual state fee for a water park permit is \$30.

Sec. 56.04. APPLICABILITY OF OTHER LAW. Except as otherwise provided in this chapter, the provisions of this code applicable to a wine and beer retailer's permit apply to a water park permit.

SECTION 2. Same as introduced version.