

BILL ANALYSIS

Senate Research Center
86R5342 MCK-D

H.B. 2790
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, possession of more than one quart (32 ounces) of liquor in a dry area (a governmental subdivision where no sales of alcoholic beverages are legal) is prima facie evidence of possession with intent to sell. Possession of more than 24 twelve-ounce bottles of beer or the equivalent in a dry area is also considered prima facie evidence of possession with the intent to sell.

Current law is a relic of an era when bootlegging was prevalent. As local option elections continue to pass across the state to eliminate dry areas, H.B. 2790 would modernize the alcoholic beverage code accordingly.

This would allow Texas citizens who live in one of the five dry counties in the state to possess liquor for their own personal consumption. The right to sell alcohol in dry areas is still prohibited and protected for those who legally possess a permit sell alcohol.

We know of no opposition at this time.

H.B. 2790 amends current law relating to prima facie evidence of the intent to sell certain alcoholic beverages.

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. Repealer: Section 101.32 (Prima Facie Evidence of Intent to Sell), Alcoholic Beverage Code.

SECTION 2. Effective date: September 1, 2019.