86R8425 BEE-D

By:  Zedler H.B. No. 3399

A BILL TO BE ENTITLED

AN ACT

relating to the issuance and duration of certain temporary alcoholic beverage permits and licenses; changing the amounts of fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 27.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 27.02.  FEE. The state fee for a temporary wine and beer retailer's permit is $10 for each day the permit is valid [~~$30~~]. No refund shall be allowed for the surrender or nonuse of the permit.

SECTION 2.  Section 27.03, Alcoholic Beverage Code, is amended to read as follows:

Sec. 27.03.  DURATION OF PERMIT. (a) A [~~Except as provided by Subsection (b), a~~] temporary wine and beer retailer's permit may be issued for the number of days requested in the application, not to exceed the length of the event at which the permit holder will be selling wine, beer, and malt liquor [~~a period of not more than four days~~].

(b)  The commission by rule shall establish the maximum length of time a [~~A~~] temporary wine and beer retailer's permit holder [~~issued under Section 27.07~~] may sell wine, beer, and malt liquor at the same location under a permit issued under this subchapter [~~be issued for a period of five days. On notice to the commission, the commission may extend the permit for one additional day to accommodate the postponement of scheduled racing events due to an act of nature~~].

SECTION 3.  Subchapter B, Chapter 27, Alcoholic Beverage Code, is amended to read as follows:

SUBCHAPTER B. SPECIAL EVENT [~~THREE-DAY~~] WINE AND BEER PERMIT

Sec. 27.11.  AUTHORIZED ACTIVITIES. The holder of a special event [~~three-day~~] wine and beer permit may sell for consumption on the premises for which the permit is issued, but not for resale, wine, beer, and malt liquors containing alcohol in excess of one-half of one percent by volume but not more than 17 percent by volume.

Sec. 27.12.  FEE. The state fee for a special event [~~three-day~~] wine and beer permit is $10 for each day the permit is valid [~~$30~~].

Sec. 27.125.  DURATION OF PERMIT. (a) A special event wine and beer permit may be issued for the number of days requested in the application not to exceed the length of the event at which the permit holder will be selling wine, beer, and malt liquor.

(b)  The commission by rule shall establish the maximum length of time a special event wine and beer permit holder may sell wine, beer, and malt liquor at the same location under a permit issued under this subchapter.

Sec. 27.13.  ISSUANCE OF PERMIT. (a) The commission may issue a special event [~~three-day~~] wine and beer permit directly to a nonprofit charitable, civic, or religious organization for the temporary serving of wine and beer at a picnic, celebration, or similar event sponsored by the organization.

(b)  The commission by rule may limit the number of special event [~~three-day~~] wine and beer permits issued in each calendar year to a single nonprofit charitable, civic, or religious organization for events sponsored by that organization.

(c)  If a special event [~~three-day~~] wine and beer permit is issued for a premises in an area in which the sale of beer for on-premise consumption has been authorized by a local option election, but the sale of wine for on-premise consumption has not been authorized, then the permittee is only authorized to sell beer.

Sec. 27.14.  APPLICATION OF WINE AND BEER RETAILER'S PERMIT PROVISIONS. A provision of this code that applies to a wine and beer retailer permit applies to a special event [~~three-day~~] wine and beer permit unless the provision conflicts with a provision of this subchapter.

Sec. 27.15.  RULES. The commission shall [~~may~~] adopt rules as necessary to implement and administer this subchapter.

SECTION 4.  Chapter 30, Alcoholic Beverage Code, is amended by adding Section 30.025 to read as follows:

Sec. 30.025.  DURATION OF PERMIT. (a) A daily temporary mixed beverage permit may be issued for the number of days requested in the application, not to exceed the length of the event at which the permit holder will be selling authorized alcoholic beverages.

(b)  The commission by rule shall establish the maximum length of time a daily temporary mixed beverage permit holder may sell authorized alcoholic beverages at the same location under a permit issued under this chapter.

SECTION 5.  Section 30.03(a), Alcoholic Beverage Code, is amended to read as follows:

(a)  [~~The commission may, in its discretion, issue on a temporary basis a daily temporary mixed beverage permit.~~] A daily temporary mixed beverage permit may be issued only to a holder of a mixed beverage permit for the temporary sale of authorized alcoholic beverages at picnics, celebrations, or similar events, or to a political party or political association supporting a candidate for public office or a proposed amendment to the Texas Constitution or other ballot measure, to an organization formed for a specific charitable or civic purpose, to a fraternal organization in existence for over five years with a regular membership, or to a religious organization. The commission shall not issue more than 10 temporary mixed beverage permits in each calendar year to a person who does not also hold a mixed beverage permit.

SECTION 6.  Section 72.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 72.02.  FEE. The state fee for a temporary license is $7.50 for each day the license is valid [~~$30~~]. No refund shall be allowed for the surrender or nonuse of a temporary license.

SECTION 7.  Section 72.03, Alcoholic Beverage Code, is amended to read as follows:

Sec. 72.03.  DURATION OF LICENSE. A temporary license may be issued for the number of days requested in the application, not to exceed the length of the event at which the license holder will be selling wine, beer, and malt liquor [~~a period of not more than four days~~].

SECTION 8.  This Act takes effect September 1, 2019.