

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~~

1 ~~commission, the commission may extend the permit for one additional~~  
2 ~~day to accommodate the postponement of scheduled racing events due~~  
3 ~~to an act of nature].~~

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

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

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

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

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

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

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

1 similar event sponsored by the organization.

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

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

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

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

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

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

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

1 permit issued under this chapter.

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

4 (a) ~~[The commission may, in its discretion, issue on a~~  
5 ~~temporary basis a daily temporary mixed beverage permit.]~~ A daily  
6 temporary mixed beverage permit may be issued only to a holder of a  
7 mixed beverage permit for the temporary sale of authorized  
8 alcoholic beverages at picnics, celebrations, or similar events, or  
9 to a political party or political association supporting a  
10 candidate for public office or a proposed amendment to the Texas  
11 Constitution or other ballot measure, to an organization formed for  
12 a specific charitable or civic purpose, to a fraternal organization  
13 in existence for over five years with a regular membership, or to a  
14 religious organization. The commission shall not issue more than  
15 10 temporary mixed beverage permits in each calendar year to a  
16 person who does not also hold a mixed beverage permit.

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

19 Sec. 72.02. FEE. The state fee for a temporary license is  
20 \$7.50 for each day the license is valid ~~[\$30]~~. No refund shall be  
21 allowed for the surrender or nonuse of a temporary license.

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

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

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1 ~~days~~].

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