

BILL ANALYSIS

Senate Research Center
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S.B. 1013
By: Buckingham
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1013 would allow local jurisdictions to hold local option elections to allow package stores and distilleries to sell liquor on Sundays. Texas laws restricting the hours of operation of alcohol beverage retailers do not treat all retailers the same. Under current law, beer and wine retailers, as well as wineries and breweries, are allowed to operate seven days a week. However, package stores and distilleries are not afforded the same ability.

Under current law, package stores can be open between 10 a.m. and 9 p.m. Monday through Saturday but are not allowed to open at all on Sunday or on New Year's Day, Thanksgiving Day, or Christmas Day (when these days fall on a Sunday, they cannot open the following Monday). These limited hours allow distilled spirits retailers to open their businesses a maximum of 66 hours a week or 42 percent fewer hours a week than beer and wine retailers. The hours of operation for Texas distilleries to sell products to consumers are tied to the package store hours in statute.

Texas distilleries are also at a disadvantage because of the ban on Sunday sales. Sundays are one of the busiest tourism days at Texas distilleries, but, currently, they are prohibited from selling their products at the distillery for off-premise consumption on Sundays. Over 30,000 locations in Texas sell alcoholic beverages seven days a week, including bars, restaurants, grocery stores, and convenience stores. Package stores are the only alcoholic beverage retailers that, by law, are prohibited from opening every day of the week.

Since 2002, 20 states have expanded the retail hours of operation on the sale of distilled spirits, and, today, 42 states allow such sales seven days a week in at least some parts of the state if not all. Texas repealed all of the other "blue laws" on the books in 1983, finding that the laws were an intrusion of government in the lives of Texans by regulating what items can or cannot be purchased on certain days of the week. The legislature found that blue laws were anti-consumer, anti-free enterprise and "special interest" laws, which do not belong in today's society. Allowing local jurisdictions to hold local option elections to allow package stores and distilleries to sell liquor on Sundays removes the archaic and unnecessary ban that prevents Texans from purchasing and selling liquor on Sundays.

As proposed, S.B. 1013 amends current law relating to a local option election to allow the sale of certain alcoholic beverages on Sunday.

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. Amends Section 105.01(a), Alcoholic Beverage Code, to include Section 105.011 as an exception to the prohibition on the sale or delivery of liquor on certain days.

SECTION 2. Amends Chapter 105, Alcoholic Beverage Code, by adding Section 105.011, as follows:

Sec. 105.011. SUNDAY SALE OF LIQUOR IN CERTAIN AREAS. Authorizes the holder of a package store permit, in an area where the sale on Sunday of liquor for off-premises consumption has been approved by local option election, to sell, offer for sale, or deliver liquor on Sunday between 10 a.m. and 9 p.m.; the holder of a wholesaler's permit to sell, offer for sale, or deliver liquor to a retailer anytime on Sunday; and the holder of a local distributor's permit to sell, offer for sale, or deliver liquor to a retailer on Sunday between 5 a.m. and 9 p.m.

SECTION 3. Amends Subchapter B, Chapter 501, Election Code, by adding Section 501.0351, as follows:

Sec. 501.0351. ISSUE ON SUNDAY SALE OF LIQUOR. (a) Authorizes a local option election, in an area where the sale of liquor for off-premise consumption has been legalized, to be held to prohibit or legalize the sale on Sunday of liquor for off-premise consumption.

(b) Requires that the ballot be prepared to permit voting for or against the issue:
"The sale on Sunday of liquor for off-premise consumption."

SECTION 4. Effective date: September 1, 2021.