

BILL ANALYSIS

Senate Research Center

S.B. 2523
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Administration
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A person may wish to eat at a restaurant or a private club and may not care for the wine selection, but desire to have wine with his or her dinner. This bill will permit that person to bring his or her own bottle of wine into a restaurant, consume that wine, and leave with the bottle of wine. In exchange, the restaurant may charge the owner a corkage fee.

Current law prohibits private clubs and establishments with a mixed beverage license from permitting patrons to bring and consume their own wine on the establishment's premises.

As proposed, S.B. 2523 amends current law relating to the possession and consumption of wine on the premise of a mixed beverage or private club permittee, and provides for a separate statement of the mixed beverage tax.

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 28.06, Alcoholic Beverage Code, as follows:

Sec. 28.06. POSSESSION OF ALCOHOLIC BEVERAGE NOT COVERED BY INVOICE. (a) Provides that, except as provided by Subsection (e), no holder of a mixed beverage permit, nor any officer, agent, or employee of a holder, may possess or permit to be possessed on the premises for which the permit is issued any alcoholic beverage which is not covered by an invoice from the supplier from whom the alcoholic beverage was purchased.

(b) Makes no changes to this subsection.

(c) Makes conforming changes.

(d) Makes no changes to this subsection.

(e) Authorizes the holder of a mixed beverage permit, or any officer, agent, or employee of a holder, to permit a person to possess and consume wine brought onto the premises by the person. Authorizes the holder of a mixed beverage permit to charge the person a corkage fee for the person's consumption of wine on the premises and to provide for service of the wine to the person and the person's guests. Provides that a fee charged under this subsection is subject to the mixed beverage tax.

SECTION 2. Amends Section 28.10(b), Alcoholic Beverage Code, to authorize a person who has brought wine onto the premises to remove the wine from the premises. Makes a nonsubstantive change.

SECTION 3. Amends Section 32.15, Alcoholic Beverage Code, as follows:

Sec. 32.15. New heading: POSSESSION ON AND REMOVAL OF BEVERAGES FROM PREMISES. (a) Authorizes a private club to permit a person to possess and consume wine brought onto the premises by the person. Authorizes a private club to charge the person a corkage fee for the person's consumption of wine on the premises and to provide for service of the wine to the person and the person's guest. Provides that a fee charged under this section is subject to the mixed beverage tax.

(b) Creates this subsection from existing text.

SECTION 4. Amends Subchapter B, Chapter 183, Tax Code, by adding Section 183.0212, as follows:

Sec. 183.0212. SEPARATE STATEMENT OF TAX. Authorizes a permittee to print on an invoice, billing, sales slip, or ticket for the purchase of an item subject to taxation under this chapter a separate statement of the amount of tax imposed under this chapter.

SECTION 5. Effective date: September 1, 2009.