

BILL ANALYSIS

Senate Research Center

S.B. 540
By: Eltife
Business & Commerce
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2818, 83rd Legislature, Regular Session, amended chapters of the Alcoholic Beverage Code (Chapter 25) that allowed for the issuance of permits where communities had authorized by local option election the legal sale of alcoholic beverages under certain circumstances and added the ability of those permittees to obtain late hours permits under the same conditions.

Because a reference to Chapter 105 (Hours of Sale: and Consumption) in the Alcoholic Beverage Code was omitted, some changes were not clear. S.B. 540 clarifies that the qualifications for a retail dealer's on-premise late hours license (Chapter 70) must be the same as they are for all late hours licenses/permits. The qualifications are local city and county ordinance/order approval for late hours as well as population, as outlined in Section 105.05.

S.B. 540 amends current law relating to the hours during which a holder of a retail dealer's on-premise late hours license may sell beer.

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 70.01, Alcoholic Beverage Code, as follows:

Sec. 70.01. AUTHORIZED ACTIVITIES. Authorizes the holder of a retail dealer's on-premise late hours license to sell beer for consumption on the premises on Sunday between the hours of 1:00 a.m. and 2 a.m. and on any other day between the hours of 12 p.m. and 2 a.m. if the premises covered by the license are in an area where the sale of beer during those hours is authorized under Section 105.05(c) (authorizing a city or county with a certain population to sell, offer for sale, and deliver beer between midnight and 2 a.m.) or (d) (relating to extended hours in a city or county other than a city or county described by Subsection (c)). Makes nonsubstantive changes.

SECTION 2. Provides that the amendment by this Act of Section 70.01, Alcoholic Beverage Code, is intended to clarify rather than change existing law.

SECTION 3. Effective date: upon passage or September 1, 2015.