

BILL ANALYSIS

Senate Research Center
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S.B. 1176
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Schlitterbahn holds four Texas Alcoholic Beverage Commission (TABC) beer and wine licenses for the properties it owns and operates in New Braunfels. In the early 2000's Schlitterbahn's corporate offices moved to a centralized warehousing facility. Since TABC specifies that the delivery and storage of alcoholic beverages purchased through a permit be received at the licensed premise, Schlitterbahn worked with the local TABC agent at the time and received verbal permission to have their deliveries of alcoholic beverages received and stored at this off-premise facility.

In 2016, during a routine visit by the local area TABC agent and auditor, it was discussed that this verbal permission that Schlitterbahn had received and operated under for over 15 years be researched and formalized. After research and consultation internally, TABC came to the conclusion that there were no provisions in the code and rules of the Texas Alcoholic Beverage Code to allow for the storage of beer and wine away from the permitted premises. Therefore, Schlitterbahn's current practices of receiving and storing alcoholic beverages are in violation and will have to be changed. Schlitterbahn worked with TABC to get an extension through the 2017 operating season to allow the organization to pursue a legislative solution.

As proposed, S.B. 1176 amends current law relating to the transfer of alcoholic beverages between certain noncontiguous permitted premises.

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 Chapter 25, Alcoholic Beverage Code, by adding Section 25.15, as follows:

Sec. 25.15. TRANSFER OF BEVERAGES. (a) Provides that this section applies only to a wine and beer retailer's permit holder who holds permits for not more than five noncontiguous permitted premises located in a facility that is operated for public entertainment involving waterslides, food service, music, and amusement activities, and located primarily along the banks of the Comal River.

(b) Authorizes the holder of the wine and beer retailer's permits described by Subsection (a), notwithstanding any other law, to transfer alcoholic beverages between the permitted premises in the facility described by Subsection (a) and another permitted facility that is operated by the permit holder and located in the same county as the facility described by Subsection (a).

SECTION 2. Effective date: upon passage or September 1, 2017.