

BILL ANALYSIS

H.B. 2790
By: Goldman
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The authorized sale of alcohol in Texas varies from one county to another and even within counties. In certain "dry areas" possession of a minimal amount of alcohol constitutes prima facie evidence of an intention to sell the alcohol, which may be prohibited. It has been suggested that the statutory provisions with regard to evidence of the intent to sell certain alcoholic beverages are outdated and should be revised to reflect modern realities. H.B. 2790 seeks to provide for that update.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2790 repeals Section 101.32, Alcoholic Beverage Code, which establishes that possession in a dry area of more than one quart of liquor, or more than 24 12-ounce bottles of beer or an equivalent amount, is prima facie evidence of possession with intent to sell.

EFFECTIVE DATE

September 1, 2019.