

SUBJECT: Repealing prima facie evidence of intent to sell alcohol in dry areas

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 8 ayes — T. King, Goldman, Geren, Guillen, Harless, Hernandez, Paddie, S. Thompson

0 nays

3 absent — Herrero, K. King, Kuempel

WITNESSES: For — (*Registered, but did not testify:* Lance Lively, Texas Package Stores Association)

Against — None

On — (*Registered, but did not testify:* Bentley Nettles, Texas Alcoholic Beverage Commission)

BACKGROUND: Alcoholic Beverage Code sec. 101.31 makes it an offense to possess in a dry area an alcoholic beverage with the intent to sell it. Offenses are class B misdemeanors (up to 180 days in jail and/or a maximum fine of \$2,000). Under sec. 101.32, possession in a dry area of more than 1 quart of liquor or possession of more than 24 12-ounce bottles of beer, or an equivalent amount, is prima facie evidence that the alcohol was possessed with the intent to sell.

DIGEST: HB 2790 would repeal Alcoholic Beverage Code sec. 101.32, removing provisions that make possession in a dry area of more than 1 quart of liquor or possession of more than 24 12-ounce bottles of beer prima facie evidence of possession with intent to sell.

The bill would take effect September 1, 2019.