

BILL ANALYSIS

Senate Research Center

H.B. 3440
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State Affairs
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Engrossed

DIGEST

Currently, a retailer's license may be suspended if it is found that the retailer (1) with criminal negligence, sold, served, or delivered a beer to a minor; (2) sold, served or delivered a beer to an intoxicated person; or (3) sold, served, or delivered a beer at a time when its sale is prohibited. This bill broadens the circumstances under which a retailer's license may be suspended by substituting the phrase "alcoholic beverage" for the word "beer" in the relevant offenses.

This bill is intended to deter retailers from selling any alcoholic beverages to children or intoxicated persons, and from selling, serving, or delivering any alcoholic beverages during prohibited times.

PURPOSE

As proposed, H.B. 3440 authorizes the Texas Alcoholic Beverage Commission to suspend certain alcoholic beverage licenses if the commission finds that a licensee sold, served, or delivered an alcoholic beverage with criminal negligence, to an intoxicated person, or at a time when the sale of alcohol is prohibited.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 67.71(a), Alcoholic Beverage Code, to authorize the Texas Alcoholic Beverage Commission (commission) or administrator to suspend for not more than 60 days or cancel an original or renewal retail dealer's on- and off-premise license if it is found, after notice and hearing, that the licensee with criminal negligence sold, served, or delivered an alcoholic beverage, rather than beer, to a minor; sold, served, or delivered an alcoholic beverage to an intoxicated person; or sold, served, or delivered an alcoholic beverage at a time when its sale is prohibited. Makes conforming changes.

SECTION 2. (a) Effective date: September 1, 1997.

(b)-(c) Makes application of this Act prospective.

(d) Provides that this Act applies to a holder of any license issued under Chapter 61, Alcoholic Beverage Code, including a holder of a food and beverage certificate issued by the commission.

SECTION 3. Emergency clause.