

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 438  
By: Nelson  
Business & Commerce  
3/23/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 711, 81st Legislature, Regular Session, 2009, authorizes Texas wineries to sell wine at farmer's markets and festivals subject to rules set forth by the Texas Alcoholic Beverage Commission (TABC). By statute, wineries are not allowed to sell wine at these locations for more than three consecutive days or more than five days in a month. Since then, TABC has noted the difficulty of enforcing those provisions.

C.S.S.B. 438 amends current law relating to the number of days a winery may sell wine under a winery festival permit.

### **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 17.01(b), Alcoholic Beverage Code, as follows:

(b) Prohibits the holder of a winery festival permit from offering wine for sale under this chapter on more than four days at the same location, rather than for more than five days within any 30-day period or on more than three consecutive days at the same location.

SECTION 2. Effective date: upon passage or September 1, 2011.