

BILL ANALYSIS

Senate Research Center
85R8896 MCK-D

H.B. 1612
By: Romero, Jr. (Hancock)
Business & Commerce
4/28/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that the Texas Alcoholic Beverage Commission (TABC) has the ability to suspend a permit or license, rather than administer a civil penalty, for certain violations committed by a permit or license holder. The parties have expressed a need to include an offense related to controlled substances or drugs among the violations for which TABC has such discretion. H.B. 1612 gives TABC the option of suspending the permit or license of a permittee or licensee engaged in such an offense as an alternative to imposing a civil penalty.

H.B. 1612 amends current law relating to the authority of the Texas Alcoholic Beverage Commission to offer a civil penalty in lieu of suspending a permit or license.

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 11.64(a), Alcoholic Beverage Code, as follows:

(a) Requires the Texas Alcoholic Beverage Commission (TABC) or administrator, when TABC or the administrator is authorized to suspend a permit or license under this code, to give the permittee or licensee the opportunity to pay a civil penalty rather than have the permit or license suspended, unless the basis for the suspension is a violation of certain sections of the Alcoholic Beverage Code, the sale or offer for sale of an alcoholic beverage during hours prohibited by Chapter 105 (Hours of Sale and Consumption), consumption or the permitting of consumption of an alcoholic beverage on the person's licensed or permitted premises during hours prohibited by Chapter 105 or Section 32.17(a)(7) (relating to the cancelation or suspension of a private club registration permit for causing, allowing, or permitting any person to consume or be served any alcoholic beverage on the club premises), or an offense relating to prostitution, trafficking of persons, gambling, or controlled substances or drugs, in which case TABC or administrator is required to determine whether the permittee or licensee is authorized to have the opportunity to pay a civil penalty rather than have the permit or license suspended.

SECTION 2. Makes application of Section 11.64(a), Alcoholic Beverage Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2017.