

Legislation Enacted by 85th Legislature (Regular Session)

LEGISLATION IMPACTING ALCOHOLIC BEVERAGE CODE								
<u>Bill</u>	<u>Author</u>	<u>Impact</u>	<u>AB Code</u>	<u>Rules</u>	<u>Policies & Procedures (internal)</u>	<u>Forms/Website (external)</u>	<u>Publications (external)</u>	<u>Effective Date</u>
HB 256	Hernandez	Allows cities (in addition to counties and OAG) to seek an injunction to abate a common nuisance under the Alcoholic Beverage Code. Gives cities another tool to combat BYOBs.	101.70(b-1)				*County Clerks Guide *County Judges Guide	9/1/2017
HB 1555	Kuempel	Creates an exemption to allow sale of lottery tickets on the premise of a Wine & Beer Retailer's Permit holder that derives 30% or less of its gross receipts from the sale of alcohol. i.e. allows lottery sales in BGs that operate as small restaurants or amusement centers where the majority of the gross receipts are generated from games or the sale of non-alcoholic beverages items. Example: grocery store w/a BG, bowling alley, golf course, some restaurants (Chuck E. Cheese's). --Lottery Commission determines if business fails to meet (or exceeds) 30% threshold; TABC would verify only upon a complaint or audit.						5/26/2017
HB 1612	Romero	Adds "controlled substances or drugs" to list of offenses for which the agency is not required to offer a civil penalty in lieu of suspension of license/permit.	11.64(a)	amend 37.61 Suspensions (July)			County Judges Guide	9/1/2017
HB 2097	Geren	Affirms that a brewpub with a Wine & Beer Retailer's Permit whose sale of beer and ale/malt liquor consists only of beer and ale/malt liquor manufactured on the brewpub's premises and who self-distributes may also sell wine on the premises. The bill conforms to current practice and eliminates confusion in Code.	74.08(a)			update Responsibility Course	Industry Guide	9/1/2017
HB 2101	Frullo	Changes criteria for and provides consistency in calculation among retailers for obtaining a food and beverage certificate. Increases the threshold to qualify for a food and beverage certificate from no more than 50% of gross receipts attributed to alcohol to no more than 60%. Removes comptroller's role in certification process for Mixed Beverage Permits (MB, RM) and Private Club Permits (N, NB). Changes the calculation for on-premise retailers to compare total receipts from the sale of alcoholic beverages with the total receipts for the location (which is practical application employed by Licensing now for beer and wine retailers (BGs and BEs). Establishes consistency regarding cancellation, denials, etc.	25.13 28.18 32.23 69.16	amend 33.5 Food & Beverage Certificate (September)	*update Audit and Licensing forms and procedures *IT system updates	*update Responsibility Course *update FAQ on website	Industry Guide	9/1/2017
HB 2299	Thompson, S.	Expands options for producers of malt beverages to use their own lab--meeting certain certifications--to test their products, in addition to sending sample to TABC to test or using an independent laboratory for testing. Requires a producer's laboratory be certified by TTB.	101.67(a), (d)- (e)	amend 45.71 and 45.85(d) (September)		*update FAQ on website	Industry Guide	9/1/2017
HB 3003	Kuempel	Allows for the prize awarded in a sweepstakes by a brewer (added in bill), manufacturer or nonresident manufacturer may include food, beverages, entertainment, recreation, gifts, or attendance at private event at a licensed/permited premise for the sweepstakes winners and guests of the event sponsor. The upper tier member conducting/sponsoring event must pay retailer fair market value for use of premises. The retailer must retain control of the sale and service of alcoholic beverages at the event.	108.061	amend 45.103, 45.106, 45.113, 45.117 (November)		update Responsibility Course	Industry Guide	9/1/2017

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HB 3101	Kuempel	Creates a Passenger Bus Beverage Permit with \$500 annual fee. Eligibility restricted to a bus used for regularly scheduled trips between cities and has passenger deck over baggage compartment; seats 16-36 passengers; has a separate gallery area; is at least 35 feet long; and has an attendant who is not the driver and has taken seller server training.	11.38(d) 48A.01-48A.06 101.46(b)	add surcharge to 33.23(b)	IT system changes	*new forms for new permit *update Responsibility Course	Industry Guide	5/29/2017
HB 3287	Goldman	Defines limits on the breweries entitled to the retail tap room and self-distribution privileges that were part of the 2013 craft beer bill package. Counts the production at all affiliated and subsidiary breweries in determining when the production limit is reached before those privileges are surrendered. Provides a grandfathering exception and exceptions based on the sale to or purchase by a larger brewery. To qualify for the sale or purchase exceptions, certain restrictions on the ownership interest must be met. If any of these exceptions apply, retail sales are allowed in the taproom but the brewery must have a territorial agreement, purchase the malt beverages sold in the taproom from a distributor, and comply with cash law and other requirements applicable to dealings between retailers and distributors. Adjusts production and self-distribution limits. Grandfathers Karbach, Revolver and Independence breweries under the law that existed before this bill became law, and allows but limits expansion by those three breweries subject to certain restrictions in the bill	12A.02(a)-(b) 12.052 62A.02(a)-(b) 62.122		*Licensing to alert Marketing Practices if changes in ownership are received for B, U, BA, or BS licenses/permits. *Marketing Practices to monitor monthly excise tax reports to determine if license/permit holder with ownership change is near threshold		Industry Guide	6/15/17 effective date
HB 4042	Paddie	Modifies temporary auction permit by removing "charitable" in name, eliminating surcharge, removing limitation of one per year, and expanding it to political action committees subject to Chapter 254 of the Texas Elections Code.	53.001-53.009	amend 33.23(c) to remove surcharge	*update Licensing procedures *IT system changes (ARTS, VR)	*update application *update Responsibility Course	Industry Guide	9/1/2017
SB 341	Perry	Adds offenses involving synthetic cannabinoids to the list of offenses for which a license/permit can be denied for all retail licenses/permits and adds possession of or allowing a person to have possession of synthetic cannabinoid on retail premises to list of prohibited activities. This definition will make it easier to prove synthetic cannabinoid offenses at TABC hearings.	69.06 104.01	amend 35.41 (September)		*update applications *update Responsibility Course	*County Judges Guide *Industry Guide	9/1/2017
SB 371	Watson	Eliminates inconsistencies in Code so there is no longer any requirements for an on-premise retailers to have running water or a toilet. This bill also aligns beer and wine licenses/permits with mixed beverage permits for this topic.	5.61(b) 11.49(b)(2) 61.43 61.71(a), (b), (d) 109.59(d)		**update Audit inspection forms **update Licensing policies and procedures	*update Responsibility Course *update Licensing FAQ	Industry Guide	9/1/2017
SB 1176	Campbell	Creates a water park permit for Schlitterbahn in New Braunfels that allows alcoholic beverages to be transferred between the water park permit locations as needed.	56.01-56.04	amend 33.23(a)	IT system changes	create a new form for subordinate permit		5/18/2017

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SB 1519	Hancock	Changes definition of Public Entertainment Facility to include a facility that's part of an approved venue project, including the venue and related infrastructure, as defined by Section 334.001, Local Government Code. Allows the referenced facility to receive upper tier sponsorship regarding the promotion or advertising of an entertainment event or an alcoholic beverage brand or product. The understanding is that the bill was written for Texas Live! which is part of the \$1.25 billion Texas Rangers Stadium and family-friendly mixed-use district featuring dining, entertainment, hotels, and convention facilities being developed in Arlington.	108.73(2) 108.755(a)					6/1/2017