

SUBJECT: Selling alcohol at fairs, festivals, and concerts starting at 10 a.m.

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 6 ayes — Flores, Geren, Goolsby, Homer, D. Jones, Morrison

0 nays

3 absent — Chisum, Hamilton, Quintanilla

WITNESSES: None

BACKGROUND: In order to sell liquor, a vendor must obtain the appropriate license or permit from the Texas Alcoholic Beverage Commission. Chapter 105 of the Alcoholic Beverage Code, provides, for example, that wine and beer retailer permit holders in general may not sell alcohol between 2 a.m. and noon on Sundays. All other days a wine and beer retailer permit holder may sell alcohol starting at 7 a.m. According to Texas Alcoholic Beverage Commission (TABC) administrative rules, a temporary wine and beer permit may be issued for a period not to exceed four days for the purposes of a picnic, celebration, or similar event.

Chapter 105 also says alcohol may not be consumed in a public place, under most circumstances, on Sundays between 1:15 a.m. and noon. Under section 105.07, alcoholic beverages may be sold and consumed at sports venues starting at 10 a.m.

DIGEST: HB 168 would amend the Alcoholic Beverage Code to allow a licensed or permitted premises at a festival, fair, or concert to sell alcoholic beverages between 10 a.m. and noon. It also would also allow a person to consume alcoholic beverages at these locations between 10 a.m. and noon. This would be in addition to any other period during which the sale and consumption of alcohol was otherwise authorized by statute.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

For practical purposes, HB 168 would expand only Sunday hours of sale and consumption from a noon start time to a 10 a.m. start time. Alcohol now may be sold at sports venues starting at 10 a.m. on Sundays, so it is only appropriate that vendors at fairs, festivals and concerts also be able to sell alcohol during this time. HB 168 would provide consistency in the statute.

Vendors at fairs, festivals and concerts currently are losing two hours of sales opportunities. HB 168 would support businesses and fundraisers by giving them expanded hours of sale.

When alcohol was sold at family-oriented fairs, festivals and concerts, parents would be there to monitor their children to ensure that no underage drinking occurred. Identification and date of birth would be checked at the point of sale and security would be present at the event to make sure that regulations were enforced.

Festival, fair, or concert would best be defined by TABC by administrative rulemaking.

**OPPONENTS
SAY:**

The damage attributed to underage drinking in Texas is estimated to cost about \$5.5 billion a year. A recent report found that underage drinking could be reduced by limiting access to alcohol and by reducing alcohol advertising and marketing. Fairs, festivals, and concerts that occur on Sunday morning and early afternoon would likely be family-oriented events. Increasing the time that alcohol could be purchased at these family-oriented events would increase the alcohol exposure of underage youth. Expanding the hours would reinforce the acceptance of alcohol and would be counterproductive to the goal of reducing underage drinking.

Studies show that alcohol abuse in Texas costs Texans \$16.4 billion a year. Increasing the time that alcohol could be purchased would increase its use and possibly its abuse.

**OTHER
OPPONENTS
SAY:**

The bill does not include a definition of festival, fair, or concert. These terms would need to be defined at some point for enforcement purposes. It would be easier if these terms were defined in statute.