

Opinion Committee

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JAN 18 2017
OPINION COMMITTEE

From: Audrey Louis <audrey.louis@81stda.org>
Sent: Tuesday, January 17, 2017 9:43 PM
To: Opinion_Committee
Subject: Nonprofit Raffle of Donated Alcohol

FILE # KL-48120-17
ID. # 048120

RQ-0146-KP

Please provide an Attorney General Opinion related to the following question.

May a non-profit charitable organization (501(c)(3)) which qualifies to conduct raffles pursuant to your Consumer Protection Division requirements listed at: <https://texasattorneygeneral.gov/cpd/charities-nonprofits-charitable-raftles>, conduct a raffle of bottles of alcohol donated by local liquor stores and board members? There are no AG Opinions or Alcohol and Beverage Code sections that speak to raffling of alcohol by a non-profit. Under Texas Alcohol and Beverage Code section 53.01, alcohol may be auctioned if it is not consumed on the premises of the event. Here, there is no event or premises where the raffle prize (multiple bottles of liquor) would be consumed. It is a drawing where the winner wins a wagon of liquor which is delivered to them. If alcohol may be auctioned, it would seem it may also be raffled. The Consumer Protection Division link states that "A qualified organization may offer any prize except money." TABC rules which require a temporary permit for non-profits do not seem relevant, as the rules pertain to consumption of alcohol on the premises of an event.

The raffle is to further the building of a shelter for victims of domestic violence. Your assistance in this matter would be greatly appreciated.

Sincerely,
Audrey Louis
81st Judicial District Attorney
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