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July 31st 2023

Office of the Attorney General

Attention: Opinion Committee

Via E-mail: Opinion.Committee@oag.state.tx.us

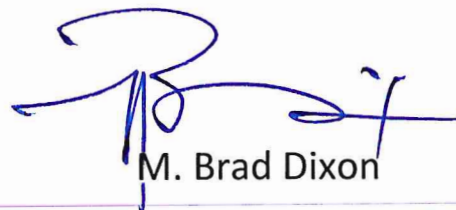
Re: Request for AG opinion concerning the determination of what constitutes and "excessive discount" under Alcoholic Beverage Code 102.07 (c)

To the Honorable Attorney General,

On behalf of our local police department, I am requesting an opinion on how to determine exactly what is an "excessive discount" with regard to the sale of an alcoholic beverage by a local retail liquor store.

I am attaching a letter request from Scott Haynes, Chief of Police of the Jacksboro Police Department that further explains what is being requested in the form of an Attorney General Opinion on how to determine the meaning of "excessive discount" in this context.

If you have any questions or need additional information, please contact me.



M. Brad Dixon

attachment



JACKSBORO POLICE DEPARTMENT

124 East Belknap Street • JACKSBORO, TEXAS 76458 • (940) 567-2666

Scott W. Haynes
Chief of Police

July 28, 2023

Honorable Ken Paxton
Office of the Attorney General
Attention Opinion Committee
P.O. Box 12548 Austin, Texas 78711-2548

Re: Request for Opinion concerning Alcohol Beverage Code 102.07 Prohibited Dealings with Retailer or Consumer, Para (c) No person who owns or has an interest in the business of a package store or wine only package store, nor the agent, servant, or employee of the person, may allow an excessive discount on liquor.

Dear General Paxton:

My agency has been requested to conduct an investigation for the above listed violation of the Texas Alcohol Beverage Code. The investigation alleges that a local competitor, Jack Liquor sells liquor at a discounted price. For example, Jack Liquor advertises Type A liquor for \$27.00 per 750ml bottle. The Type A liquor is then discounted during the cash register transaction to \$10.99.

The term, “excessive discount,” can be found in the Texas Alcohol Beverage Code three times. Each time the term is used, it is used within Chapter 102 of the code. The term “excessive discount” is not listed in Chapter 1, General Provisions, 1.04 Definitions.

This Request for Opinion pertains to the term, “excessive discount.” What is an “excessive discount” and when does a person who owns or has interest in the business of a package store or wine only package store, nor the agent, servant, or employee of the person, commit the offense of allowing an “excessive discount?”

Very Respectfully,

Scott W. Haynes
Chief of Police