

By: Thimesch

H.B. No. 1542

A BILL TO BE ENTITLED

AN ACT

relating to certain temporary sales by a mixed beverage permit holder.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.16(b), Alcoholic Beverage Code, is amended to read as follows:

(b) The holder of a wine and malt beverage retailer's permit may temporarily sell wine and malt beverages for not more than four consecutive days at the same location under Subsection (a) ~~[and not more than five consecutive days at an event under Subsection (d) or six days if necessary to accommodate the postponement of scheduled racing events due to an act of nature]~~.

SECTION 2. Sections 28.06(a) and (c), Alcoholic Beverage Code, are amended to read as follows:

(a) Except as provided by Sections 14.07, 28.20, and 37.01(d), no holder of a mixed beverage permit, nor any officer, agent, or employee of a holder, may possess or permit to be possessed on the premises for which the permit is issued any alcoholic beverage which is not covered by an invoice from the supplier from whom the alcoholic beverage was purchased.

(c) Except as provided by Sections 14.07, 28.20, and 37.01(d), no holder of a mixed beverage permit, nor any officer, agent, or employee of a holder, may knowingly possess or permit to be possessed on the licensed premises any alcoholic beverage which

1 is not covered by an invoice from the supplier from whom the
2 alcoholic beverage was purchased.

3 SECTION 3. Sections 28.10(a) and (b), Alcoholic Beverage
4 Code, are amended to read as follows:

5 (a) Except as provided by this section or Sections 28.01(b),
6 ~~and~~ 28.1001, and 28.20, a mixed beverage permittee may not sell an
7 alcoholic beverage to another mixed beverage permittee or to any
8 other person except for consumption on the seller's licensed
9 premises.

10 (b) A mixed beverage permittee may not permit any person to
11 take any alcoholic beverage purchased on the licensed premises from
12 the premises where sold, except that:

13 (1) a person who orders wine with food may remove the
14 container of wine from the premises whether the container is opened
15 or unopened; ~~and~~

16 (2) a mixed beverage permittee who also holds a
17 brewpub license may sell or offer without charge on the premises of
18 the brewpub, to an ultimate consumer for consumption on or off the
19 premises, malt beverages produced by the permittee, in or from a
20 lawful container in an amount that does not exceed one-half barrel,
21 provided that the aggregate amount of malt beverages removed from
22 the premises under this subdivision does not exceed 1,000 barrels
23 annually; and

24 (3) a person who purchases wine or malt beverages from
25 a holder of a mixed beverage permit selling the beverages under
26 Section 28.20 may remove the beverages from the premises.

27 SECTION 4. Chapter 28, Alcoholic Beverage Code, is amended

1 by adding Section 28.20 to read as follows:

2 Sec. 28.20. TEMPORARY SALES AT CERTAIN RACING FACILITIES.

3 (a) The holder of a mixed beverage permit may temporarily sell wine
4 and malt beverages in an area of a facility with a seating capacity
5 of more than 40,000 that is open to the public and not otherwise
6 covered by a license or permit during a motor vehicle racing event
7 sponsored by a professional motor racing association.

8 (b) The holder of a mixed beverage permit may, under this
9 section, sell wine and malt beverages containing alcohol in excess
10 of one-half of one percent by volume but not more than 17 percent by
11 volume for consumption on or off the premises where sold, but not
12 for resale.

13 (c) The holder of a mixed beverage permit may temporarily
14 sell wine and malt beverages for not more than five consecutive days
15 at an event under this section or six days if necessary to
16 accommodate the postponement of scheduled racing events due to an
17 act of nature.

18 (d) The holder of a mixed beverage permit who temporarily
19 sells wine and malt beverages under this section may not:

20 (1) sell under this section at the facility more than
21 four times in a calendar year;

22 (2) sell alcoholic beverages in factory-sealed
23 containers;

24 (3) sell more than two drinks to a single consumer at
25 one time;

26 (4) sell alcoholic beverages at more than 50 percent
27 of the food and beverage concession stands that are open for

1 business at any one time; or

2 (5) sell alcoholic beverages after:

3 (A) 75 percent of the feature race is complete on
4 the day that race is held; or

5 (B) one hour before the scheduled completion of
6 the last spectator event on a day other than the feature race day.

7 (e) A holder of a mixed beverage permit who sells wine or
8 malt beverages under that permit in a county other than the county
9 in which the premises covered by the permit is located shall:

10 (1) purchase the beverages from a distributor or
11 wholesaler authorized under this code to sell the beverages in the
12 county in which the permit holder sells the beverages under this
13 section; and

14 (2) report to the commission, in the manner prescribed
15 by the commission by rule, the amount of beverages purchased and
16 sold under this section, by type.

17 (f) The holder of a mixed beverage permit who temporarily
18 sells wine and malt beverages under this section, or any officer,
19 agent, or employee of the permit holder, may allow a person to:

20 (1) possess and consume alcoholic beverages brought
21 onto the premises by the person; and

22 (2) remove from the premises any alcoholic beverages
23 brought onto the premises by the person.

24 (g) The commission shall adopt rules to implement this
25 section.

26 SECTION 5. Sections 25.16(d) and (e), Alcoholic Beverage
27 Code, are repealed.

1 SECTION 6. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.