

By: King of Hemphill, Cook, Bernal

H.B. No. 3171

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the sampling or tasting of distilled spirits by the
3 manufacturer to a consumer at a temporary event.

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

5 SECTION 1. Section 14.01(a), Alcoholic Beverage Code, is
6 amended to read as follows:

- 7 (a) The holder of a distiller's and rectifier's permit may:
- 8 (1) manufacture distilled spirits;
 - 9 (2) rectify, purify, and refine distilled spirits and
10 wines;
 - 11 (3) mix wines, distilled spirits, or other liquors;
 - 12 (4) bottle, label, and package the permit holder's
13 finished products;
 - 14 (5) sell the finished products in this state to
15 holders of wholesaler's permits and to qualified persons outside
16 the state;
 - 17 (6) purchase distilled spirits, to be used only for
18 manufacturing or rectification purposes, from holders of
19 nonresident seller's permits or distiller's and rectifier's
20 permits;
 - 21 (7) dispense free distilled spirits for consumption on
22 the permitted premises under Section 14.04 or at a temporary event
23 under Section 14.09.
 - 24 (8) sell bulk alcohol produced by the permit holder

1 for purposes described by Section 38.01; and

2 (9) sell distilled spirits to ultimate consumers under
3 Section 14.04 or 14.05.

4 SECTION 2. Chapter 14, Alcoholic Beverage Code, is amended by
5 adding Section 14.09 to read as follows:

6 Sec. 14.09. DISTILLED SPIRITS SAMPLING AT TEMPORARY EVENT: a) The
7 holder of a distiller's and rectifier's permit may conduct
8 distilled spirits samplings or tastings at a civic or distilled
9 spirits festival, farmers' market, celebration, or similar event.

10 (b) The distilled spirits provided as a sample or at a
11 tasting under Subsection (a) must be manufactured by the holder of
12 the distiller's and rectifier's permit.

13 (c) Sample portions served at a distilled spirits sampling
14 or tasting under Subsection (a) may not exceed one-half ounce.

15 (d) A person who receives a sample may not remove the sample
16 from the event premises.

17 (e) Distilled spirits may legally be transported by the
18 holder of the distiller's and rectifier's permit or the permit
19 holder's agent or employee to the temporary event for the purpose of
20 providing a sample or a tasting under this section.

21 (f) The cost of the distilled spirits provided for a
22 sampling or tasting under this section is the responsibility of the
23 holder of the distiller's and rectifier's permit providing the
24 sampling or tasting.

25 (g) The commission shall adopt rules to implement this
26 section, including rules that:

27 (1) establish a procedure to verify the wet or dry status of

1 the location where the permit holder intends to temporarily sample
2 or taste distilled spirits under this section;

3 (2) detail the circumstances when a permit holder may
4 temporarily sample distilled spirits under this section with just a
5 notification to the commission and the circumstances that require
6 the commission's preapproval before a permit holder may temporarily
7 sample distilled spirits under this section; and

8 (3) require the permit holder to provide any other
9 information the commission determines necessary.

10 SECTION 3. This Act takes effect September 1, 2023.