

By: Hernandez

H.B. No. 3712

A BILL TO BE ENTITLED

AN ACT

relating to authorizing a holder of a distributor's license to provide samples of malt beverages to retailers.

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

SECTION 1. Section 102.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 102.02. PROVIDING SAMPLES. (a) Notwithstanding any other provision of this code, the holder of a wholesaler's permit or distributor's license or the holder's agent, representative, or employee may furnish or give a sample of liquor or malt beverages to a holder of a permit or license authorizing the sale of that category of alcoholic beverage at retail if the retail permittee or licensee has not previously purchased that brand from that wholesaler permittee or distributor licensee.

(b) The liquor or malt beverages provided as a sample under Subsection (a) [~~wholesaler~~] may [~~give the retail permittee~~] not be more than:

(1) 750 milliliters of any brand of distilled spirits;
(2) [~~not more than~~] three liters of any brand of wine; and

(3) 72 ounces [~~in that package, and not more than one six-pack~~] of any brand of malt [~~other alcoholic~~] beverage [~~so packaged~~].

(c) The holder of a retail permit or license authorizing the

1 sale of liquor or malt beverages [~~permittee~~] or the permittee's or
2 licensee's agent, servant, or employee may sample the alcoholic
3 beverage provided under Subsection (a) [~~the product~~] on the
4 permitted or licensed retail [~~licensed~~] premises only if:

5 (1) the holder of the wholesaler's permit or
6 distributor's license is present; [~~wholesaler~~] or

7 (2) the wholesaler's or distributor's agent, servant,
8 or employee is present.

9 SECTION 2. This Act takes effect September 1, 2023.