

1-1 By: Parker S.B. No. 926  
 1-2 (In the Senate - Filed February 14, 2023; March 3, 2023,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 April 12, 2023, reported favorably by the following vote: Yeas 10,  
 1-5 Nays 1; April 12, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16		X		
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to certain temporary sales by a mixed beverage permit  
 1-22 holder.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 25.16(b), Alcoholic Beverage Code, is  
 1-25 amended to read as follows:

1-26 (b) The holder of a wine and malt beverage retailer's permit  
 1-27 may temporarily sell wine and malt beverages for not more than four  
 1-28 consecutive days at the same location under Subsection (a) [~~and not~~  
 1-29 ~~more than five consecutive days at an event under Subsection (d) or~~  
 1-30 ~~six days if necessary to accommodate the postponement of scheduled~~  
 1-31 ~~racing events due to an act of nature].~~

1-32 SECTION 2. Sections 28.06(a) and (c), Alcoholic Beverage  
 1-33 Code, are amended to read as follows:

1-34 (a) Except as provided by Sections 14.07, 28.20, and  
 1-35 37.01(d), no holder of a mixed beverage permit, nor any officer,  
 1-36 agent, or employee of a holder, may possess or permit to be  
 1-37 possessed on the premises for which the permit is issued any  
 1-38 alcoholic beverage which is not covered by an invoice from the  
 1-39 supplier from whom the alcoholic beverage was purchased.

1-40 (c) Except as provided by Sections 14.07, 28.20, and  
 1-41 37.01(d), no holder of a mixed beverage permit, nor any officer,  
 1-42 agent, or employee of a holder, may knowingly possess or permit to  
 1-43 be possessed on the licensed premises any alcoholic beverage which  
 1-44 is not covered by an invoice from the supplier from whom the  
 1-45 alcoholic beverage was purchased.

1-46 SECTION 3. Sections 28.10(a) and (b), Alcoholic Beverage  
 1-47 Code, are amended to read as follows:

1-48 (a) Except as provided by this section or Sections 28.01(b),  
 1-49 ~~and~~ 28.1001, and 28.20, a mixed beverage permittee may not sell an  
 1-50 alcoholic beverage to another mixed beverage permittee or to any  
 1-51 other person except for consumption on the seller's licensed  
 1-52 premises.

1-53 (b) A mixed beverage permittee may not permit any person to  
 1-54 take any alcoholic beverage purchased on the licensed premises from  
 1-55 the premises where sold, except that:

1-56 (1) a person who orders wine with food may remove the  
 1-57 container of wine from the premises whether the container is opened  
 1-58 or unopened; ~~and~~

1-59 (2) a mixed beverage permittee who also holds a  
 1-60 brewpub license may sell or offer without charge on the premises of  
 1-61 the brewpub, to an ultimate consumer for consumption on or off the

2-1 premises, malt beverages produced by the permittee, in or from a  
 2-2 lawful container in an amount that does not exceed one-half barrel,  
 2-3 provided that the aggregate amount of malt beverages removed from  
 2-4 the premises under this subdivision does not exceed 1,000 barrels  
 2-5 annually; and

2-6 (3) a person who purchases wine or malt beverages from  
 2-7 a holder of a mixed beverage permit selling the beverages under  
 2-8 Section 28.20 may remove the beverages from the premises.

2-9 SECTION 4. Chapter 28, Alcoholic Beverage Code, is amended  
 2-10 by adding Section 28.20 to read as follows:

2-11 Sec. 28.20. TEMPORARY SALES AT CERTAIN RACING FACILITIES.

2-12 (a) The holder of a mixed beverage permit may temporarily sell wine  
 2-13 and malt beverages in an area of a facility with a seating capacity  
 2-14 of more than 40,000 that is open to the public and not otherwise  
 2-15 covered by a license or permit during a motor vehicle racing event  
 2-16 sponsored by a professional motor racing association.

2-17 (b) The holder of a mixed beverage permit may, under this  
 2-18 section, sell wine and malt beverages containing alcohol in excess  
 2-19 of one-half of one percent by volume but not more than 17 percent by  
 2-20 volume for consumption on or off the premises where sold, but not  
 2-21 for resale.

2-22 (c) The holder of a mixed beverage permit may temporarily  
 2-23 sell wine and malt beverages for not more than five consecutive days  
 2-24 at an event under this section or six days if necessary to  
 2-25 accommodate the postponement of scheduled racing events due to an  
 2-26 act of nature.

2-27 (d) The holder of a mixed beverage permit who temporarily  
 2-28 sells wine and malt beverages under this section may not:

2-29 (1) sell under this section at the facility more than  
 2-30 four times in a calendar year;

2-31 (2) sell alcoholic beverages in factory-sealed  
 2-32 containers;

2-33 (3) sell more than two drinks to a single consumer at  
 2-34 one time;

2-35 (4) sell alcoholic beverages at more than 50 percent  
 2-36 of the food and beverage concession stands that are open for  
 2-37 business at any one time; or

2-38 (5) sell alcoholic beverages after:

2-39 (A) 75 percent of the feature race is complete on  
 2-40 the day that race is held; or

2-41 (B) one hour before the scheduled completion of  
 2-42 the last spectator event on a day other than the feature race day.

2-43 (e) A holder of a mixed beverage permit who sells wine or  
 2-44 malt beverages under that permit in a county other than the county  
 2-45 in which the premises covered by the permit is located shall:

2-46 (1) purchase the beverages from a distributor or  
 2-47 wholesaler authorized under this code to sell the beverages in the  
 2-48 county in which the permit holder sells the beverages under this  
 2-49 section; and

2-50 (2) report to the commission, in the manner prescribed  
 2-51 by the commission by rule, the amount of beverages purchased and  
 2-52 sold under this section, by type.

2-53 (f) The holder of a mixed beverage permit who temporarily  
 2-54 sells wine and malt beverages under this section, or any officer,  
 2-55 agent, or employee of the permit holder, may allow a person to:

2-56 (1) possess and consume alcoholic beverages brought  
 2-57 onto the premises by the person; and

2-58 (2) remove from the premises any alcoholic beverages  
 2-59 brought onto the premises by the person.

2-60 (g) The commission shall adopt rules to implement this  
 2-61 section.

2-62 SECTION 5. Sections 25.16(d) and (e), Alcoholic Beverage  
 2-63 Code, are repealed.

2-64 SECTION 6. This Act takes effect immediately if it receives  
 2-65 a vote of two-thirds of all the members elected to each house, as  
 2-66 provided by Section 39, Article III, Texas Constitution. If this  
 2-67 Act does not receive the vote necessary for immediate effect, this  
 2-68 Act takes effect September 1, 2023.

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S.B. No. 926