

By: Menéndez

S.B. No. 1322

A BILL TO BE ENTITLED

AN ACT

relating to the purchase and sale of vintage distilled spirits by the holder of a package store permit or local distributor's permit.

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

SECTION 1. Section 1.04, Alcoholic Beverage Code, is amended by adding subdivisions (30) and (31) to read as follows:

(30) "Vintage distilled spirits" means alcohol, spirits of wine, whiskey, rum, brandy, gin, or any liquor produced in whole or in part by the process of distillation, including all dilutions or mixtures of them, and are:

(A) a bottle or case of bottles of distilled spirits that:

(1) are in their original manufacturer's unopened container;

(2) are not owned by the holder of a distiller's and rectifier's permit or a nonresident seller's permit;

(3) are not otherwise available for purchase from or have been offered for sale by the holder of a wholesaler's permit in this state within the last twelve (12) months; and

(4) are possessed in this state.

(31) A "vintage distilled spirits seller" means a non-licensed person at least twenty-one (21) years of age who is:

(A) an administrator, executor, receiver, or other fiduciary who receives and sells vintage distilled spirits in

1 execution of the person's fiduciary capacity;

2 (B) a creditor who receives or takes possession of  
3 vintage distilled spirits as security for, or in payment of, debt,  
4 in whole or in part;

5 (C) a public officer or court official who levies on  
6 vintage distilled spirits under order or process of any court or  
7 magistrate to sell the vintage distilled spirits in satisfaction of  
8 the order or process; or

9 (D) any other person who is not a permittee or  
10 licensee, holds no interest in a permittee or licensee, and is not  
11 engaged in the business of selling alcoholic beverages.

12 SECTION 2. Section 22.01, Alcoholic Beverage Code, is  
13 amended to read as follows:

14 Sec. Sec. 22.01. AUTHORIZED ACTIVITIES. The holder of a  
15 package store permit may:

16 (1) purchase liquor in this state from the holder of a  
17 winery, wholesaler's, or class B wholesaler's permit;

18 (2) purchase malt beverages in this state from the holder of  
19 a general or branch distributor's license;

20 (2-a) purchase vintage distilled spirits from a vintage  
21 distilled spirits seller;

22 (3) sell liquor and malt beverages in unbroken original  
23 containers on or from the holder's licensed premises at retail to  
24 consumers for off-premises consumption only and not for the purpose  
25 of resale, except that if the permittee is a hotel, the permittee  
26 may deliver unbroken packages of liquor and malt beverages to bona  
27 fide guests of the hotel in their rooms for consumption in their

1 rooms;

2 (4) sell vinous liquors in original containers of not less  
3 than six ounces; ~~and~~

4 (5) sell liquor to holders of passenger transportation  
5 permits as provided in Section 48.03; and

6 (6) sell vintage distilled spirits as provided in Section  
7 22.19.

8 SECTION 3. Chapter 22, Alcoholic Beverage Code, is amended  
9 by adding Section 22.19 to read as follows:

10 Sec. 22.19. PURCHASE AND SALE OF VINTAGE DISTILLED SPIRITS.

11 (a) The holder of a package store permit may purchase  
12 vintage distilled spirits from a vintage distilled spirits seller.

13 (b) A vintage distilled spirits seller may sell no more than  
14 twenty-four (24) vintage distilled spirits bottles or containers in  
15 any given twelve (12) month period to each premises of the holder of  
16 a package store permit.

17 (c) Prior to selling vintage distilled spirits purchased  
18 from a vintage distilled spirits seller to a consumer, the holder of  
19 a package store permit shall provide notice of its purchase of the  
20 vintage distilled spirits to the commission. The notice shall  
21 contain the following information:

22 (1) the name, address, state license number, and phone  
23 number of the holder of a package store permit purchasing vintage  
24 distilled spirits;

25 (2) the name, address, and phone number of the vintage  
26 distilled spirits seller;

27 (3) the brand name and quantity of bottles or

1 containers of each vintage distilled spirits purchased;  
2 (4) the date of the purchase; and  
3 (5) the number of bottles or containers that the  
4 package store permittee has previously purchased from the same  
5 vintage distilled spirits seller and the dates of those purchases.

6 SECTION 4. Chapter 23, Alcoholic Beverage Code, is amended  
7 by amending Section 23.01 by adding subdivision (c) to read as  
8 follows:

9 (c) A local distributor's permittee may purchase vintage  
10 distilled spirits from a vintage distilled spirits seller subject  
11 to the same limitations and requirements under Section 22.19(b) and  
12 (c). A local distributor's permittee may sell and distribute such  
13 vintage distilled spirits to the mixed beverage permittees in an  
14 amount not to exceed six (6) bottles or containers per mixed  
15 beverage permittee premises during any given twelve (12) month  
16 period.

17 SECTION 5. Subsection (a), Section 28.07, Alcoholic  
18 Beverage Code, is amended to read as follows:

19 (a) All distilled spirits and vintage distilled spirits  
20 sold by a holder of a mixed beverage permit must be purchased from a  
21 holder of a local distributor's permit in the county in which the  
22 premises of a mixed beverage permittee is located.

23 SECTION 6. Section 201.02, Alcoholic Beverage Code, is  
24 amended to read as follows:

25 Sec. 201.02. "FIRST SALE" DEFINED. In this subchapter,  
26 "first sale":

27 (1) as applied to liquor imported into this state by the

1 holder of a wholesaler's permit authorizing importation, means the  
2 first actual sale by the permittee to the holder of any other permit  
3 authorizing the retail sale of the beverage or to the holder of a  
4 local distributor's permit; and

5 (2) as applied to all other liquor, means the first sale,  
6 possession, distribution, or use in this state, except that the  
7 term does not include the first sale by:

8 (A) the holder of a winery permit to another holder of  
9 a winery permit or the holder of a wholesaler's permit; ~~or~~

10 (B) the holder of a distiller's and rectifier's permit  
11 to the holder of a wholesaler's permit; or

12 (c) a vintage distilled spirits seller to the holder  
13 of a package store permit or a local distributor's permit of vintage  
14 distilled spirits.

15 SECTION 7. This Act takes effect September 1, 2023.