

1-1 By: Menéndez S.B. No. 1322  
 1-2 (In the Senate - Filed February 28, 2023; March 9, 2023,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 April 18, 2023, reported favorably by the following vote: Yeas 8,  
 1-5 Nays 2; April 18, 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 the purchase and sale of vintage distilled spirits by  
 1-22 the holder of a package store permit or local distributor's permit.

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

1-24 SECTION 1. Section 1.04, Alcoholic Beverage Code, is  
 1-25 amended by adding Subdivisions (30) and (31) to read as follows:

1-26 (30) "Vintage distilled spirits" means alcohol,  
 1-27 spirits of wine, whiskey, rum, brandy, gin, or any liquor produced  
 1-28 in whole or in part by the process of distillation, including all  
 1-29 dilutions or mixtures of them, and are:

1-30 (A) a bottle or case of bottles of distilled  
 1-31 spirits that:

1-32 (1) are in their original manufacturer's  
 1-33 unopened container;

1-34 (2) are not owned by the holder of a  
 1-35 distiller's and rectifier's permit or a nonresident seller's  
 1-36 permit;

1-37 (3) are not otherwise available for  
 1-38 purchase from or have been offered for sale by the holder of a  
 1-39 wholesaler's permit in this state within the last twelve (12)  
 1-40 months; and

1-41 (4) are possessed in this state.

1-42 (31) A "vintage distilled spirits seller" means a  
 1-43 non-licensed person at least twenty-one (21) years of age who is:

1-44 (A) an administrator, executor, receiver, or  
 1-45 other fiduciary who receives and sells vintage distilled spirits in  
 1-46 execution of the person's fiduciary capacity;

1-47 (B) a creditor who receives or takes possession  
 1-48 of vintage distilled spirits as security for, or in payment of,  
 1-49 debt, in whole or in part;

1-50 (C) a public officer or court official who levies  
 1-51 on vintage distilled spirits under order or process of any court or  
 1-52 magistrate to sell the vintage distilled spirits in satisfaction of  
 1-53 the order or process; or

1-54 (D) any other person who is not a permittee or  
 1-55 licensee, holds no interest in a permittee or licensee, and is not  
 1-56 engaged in the business of selling alcoholic beverages.

1-57 SECTION 2. Section 22.01, Alcoholic Beverage Code, is  
 1-58 amended to read as follows:

1-59 Sec. 22.01. AUTHORIZED ACTIVITIES. The holder of a  
 1-60 package store permit may:

1-61 (1) purchase liquor in this state from the holder of a

2-1 winery, wholesaler's, or class B wholesaler's permit;  
2-2 (2) purchase malt beverages in this state from the  
2-3 holder of a general or branch distributor's license;

2-4 (2-a) purchase vintage distilled spirits from a  
2-5 vintage distilled spirits seller;

2-6 (3) sell liquor and malt beverages in unbroken  
2-7 original containers on or from the holder's licensed premises at  
2-8 retail to consumers for off-premises consumption only and not for  
2-9 the purpose of resale, except that if the permittee is a hotel, the  
2-10 permittee may deliver unbroken packages of liquor and malt  
2-11 beverages to bona fide guests of the hotel in their rooms for  
2-12 consumption in their rooms;

2-13 (4) sell vinous liquors in original containers of not  
2-14 less than six ounces; ~~and~~

2-15 (5) sell liquor to holders of passenger transportation  
2-16 permits as provided in Section 48.03; and

2-17 (6) sell vintage distilled spirits as provided in  
2-18 Section 22.19.

2-19 SECTION 3. Chapter 22, Alcoholic Beverage Code, is amended  
2-20 by adding Section 22.19 to read as follows:

2-21 Sec. 22.19. PURCHASE AND SALE OF VINTAGE DISTILLED SPIRITS.

2-22 (a) The holder of a package store permit may purchase vintage  
2-23 distilled spirits from a vintage distilled spirits seller.

2-24 (b) A vintage distilled spirits seller may sell no more than  
2-25 twenty-four (24) vintage distilled spirits bottles or containers in  
2-26 any given twelve (12) month period to each premises of the holder of  
2-27 a package store permit.

2-28 (c) Prior to selling vintage distilled spirits purchased  
2-29 from a vintage distilled spirits seller to a consumer, the holder of  
2-30 a package store permit shall provide notice of its purchase of the  
2-31 vintage distilled spirits to the commission. The notice shall  
2-32 contain the following information:

2-33 (1) the name, address, state license number, and phone  
2-34 number of the holder of a package store permit purchasing vintage  
2-35 distilled spirits;

2-36 (2) the name, address, and phone number of the vintage  
2-37 distilled spirits seller;

2-38 (3) the brand name and quantity of bottles or  
2-39 containers of each vintage distilled spirits purchased;

2-40 (4) the date of the purchase; and

2-41 (5) the number of bottles or containers that the  
2-42 package store permittee has previously purchased from the same  
2-43 vintage distilled spirits seller and the dates of those purchases.

2-44 SECTION 4. Section 23.01, Alcoholic Beverage Code, is  
2-45 amended by adding Subsection (c) to read as follows:

2-46 (c) A local distributor's permittee may purchase vintage  
2-47 distilled spirits from a vintage distilled spirits seller subject  
2-48 to the same limitations and requirements under Sections 22.19(b)  
2-49 and (c). A local distributor's permittee may sell and distribute  
2-50 such vintage distilled spirits to the mixed beverage permittees in  
2-51 an amount not to exceed six (6) bottles or containers per mixed  
2-52 beverage permittee premises during any given twelve (12) month  
2-53 period.

2-54 SECTION 5. Subsection (a), Section 28.07, Alcoholic  
2-55 Beverage Code, is amended to read as follows:

2-56 (a) All distilled spirits and vintage distilled spirits  
2-57 sold by a holder of a mixed beverage permit must be purchased from a  
2-58 holder of a local distributor's permit in the county in which the  
2-59 premises of a mixed beverage permittee is located.

2-60 SECTION 6. Section 201.02, Alcoholic Beverage Code, is  
2-61 amended to read as follows:

2-62 Sec. 201.02. "FIRST SALE" DEFINED. In this subchapter,  
2-63 "first sale":

2-64 (1) as applied to liquor imported into this state by  
2-65 the holder of a wholesaler's permit authorizing importation, means  
2-66 the first actual sale by the permittee to the holder of any other  
2-67 permit authorizing the retail sale of the beverage or to the holder  
2-68 of a local distributor's permit; and

2-69 (2) as applied to all other liquor, means the first

3-1 sale, possession, distribution, or use in this state, except that  
3-2 the term does not include the first sale by:  
3-3 (A) the holder of a winery permit to another  
3-4 holder of a winery permit or the holder of a wholesaler's permit;  
3-5 [~~or~~]  
3-6 (B) the holder of a distiller's and rectifier's  
3-7 permit to the holder of a wholesaler's permit; or  
3-8 (c) a vintage distilled spirits seller to the holder of a  
3-9 package store permit or a local distributor's permit of vintage  
3-10 distilled spirits.

3-11 SECTION 7. This Act takes effect September 1, 2023.

3-12 \* \* \* \* \*