

BILL ANALYSIS

C.S.H.B. 2310

By: Geren

Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Alcoholic Beverage Commission (TABC) does not currently allow a filter to be attached to the carbon dioxide (CO₂) system utilized to deliver beer on draught. Because impurities build up in both the lines and the CO₂ tanks, such filters could ensure that the lines and tanks are cleaner, enabling delivery of a purer and safer product to consumers. Further, current law provides only for the cleaning coils in the draught system, rather than maintenance of the entire delivery system.

C.S.H.B. 2310 would require the TABC to promulgate rules that would govern the maintenance of the entire draught delivery system for beer, rather than only the coil connections used for dispensing beer.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Alcoholic Beverage Commission in SECTION 2 (Section 108.041, Alcoholic Beverage Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 108, Alcoholic Beverage Code, by adding Section 108.041, as follows:

Sec. 108.041. CARBON DIOXIDE FILTERS PROVIDED TO RETAILERS. (a) Authorizes a manufacturer or distributor of beer to provide carbon dioxide filters to beer retailers for draught systems using carbon dioxide or a carbon dioxide and nitrogen blend, commonly referred to as "beer gas."

(b) Requires that the cost of providing, maintaining, and replacing the carbon dioxide filters are to be borne by the manufacturer.

SECTION 2. Requires the Texas Alcoholic Beverage Commission to adopt rules implementing Section 108.041 no later than January 1, 2006.

SECTION 3. Effective date.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2310 modifies the bill by removing a proposed change to Section 108.04 (3), Alcoholic Beverage Code, dealing with coil connections for dispensing draught beer.

The substitute changes the bill by adding language to ensure that a carbon dioxide filter may also be provided for a draught system which uses a gas mixture of carbon dioxide and nitrogen.

C.S.H.B. 2310 modifies the bill by adding language requiring that any cost incurred in maintaining and replacing the carbon dioxide filters will also be borne by the manufacturer.

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