

By: Homer

H.B. No. 937

Substitute the following for H.B. No. 937:

By: Goolsby

C.S.H.B. No. 937

A BILL TO BE ENTITLED

1 AN ACT

2 relating to authorizing a nonresident seller to conduct wine
3 samplings.

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

5 SECTION 1. Section 37.01, Alcoholic Beverage Code, is
6 amended to read as follows:

7 Sec. 37.01. AUTHORIZED ACTIVITIES. (a) The holder of a
8 nonresident seller's permit may:

9 (1) solicit and take orders for liquor from permittees
10 authorized to import liquor into this state; and

11 (2) ship liquor into this state, or cause it to be
12 shipped into this state, in consummation of sales made to
13 permittees authorized to import liquor into the state.

14 (b) The holder of a nonresident seller's permit who owns a
15 winery outside of the state may conduct wine samplings, including
16 wine tastings, at a retailer's premises. An employee of the winery
17 may open, touch, or pour wine, make a presentation, or answer
18 questions at a wine sampling.

19 (c) Any wine used in a wine sampling under this section must
20 be purchased from the retailer on whose premises the wine sampling
21 is held. This section does not authorize the holder of a
22 nonresident seller's permit or manufacturer's agent's permit to
23 withdraw or purchase wine from the holder of a wholesaler's permit
24 or provide wine for a sampling on a retailer's premises that is not

1 purchased from the retailer. The amount of wine purchased from the
2 retailer may not exceed the amount of wine used in the sampling.

3 SECTION 2. This Act takes effect September 1, 2005.