

By: Allen of Dallas

H.B. No. 2836

A BILL TO BE ENTITLED

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AN ACT

relating to the delivery of beer by a holder of a brewpub license.

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

SECTION 1. Section 74.10, Alcoholic Beverage Code is amended by amending subsection (g) and adding Subsection (h) as follows:

(a) A holder of a brewpub license for a brewpub located in a wet area, as that term is described by Section 251.71 of this code, may:

(1) manufacture, brew, bottle, can, package, and label malt liquor, ale, and beer;

(2) sell or offer without charge, on the premises of the brewpub, to ultimate consumers for consumption on or off those premises, malt liquor, ale, or beer produced by the holder, in or from a lawful container, to the extent the sales or offers are allowed under the holder's other permits or licenses; and

(3) sell food on the premises of the holder's breweries.

(b) The holder of a brewpub license may establish, operate, or maintain one or more licensed brewpubs in this state under the same general management or ownership. The holder shall pay the fee assessed by the commission for each establishment. For the purposes of this subsection, two or more establishments are under the same general management or ownership if:

1 (1) the establishments bottle the same brand of malt
2 liquor, beer, or ale or bottle malt liquor, beer, or ale brewed by
3 the same manufacturer; or

4 (2) the person, regardless of domicile, who
5 establishes, operates, or maintains the establishments is
6 controlled or directed by one management or by an association of
7 ultimate management.

8 (c) A holder of a brewpub license must also hold a wine and
9 beer retailer's permit, a mixed beverage permit, or a retail
10 dealer's on-premise license.

11 (d) The holder of a brewpub license may not hold or have an
12 interest either directly or indirectly, or through a subsidiary,
13 affiliate, agent, employee, officer, director, or other person, in
14 a manufacturer's or distributor's license or any other license or
15 permit in the manufacturing or wholesaling levels of the alcoholic
16 beverage industry regardless of the specific names given to permits
17 or licenses in Title 3 of this code. The holder shall be considered
18 a "retailer" for purposes of Section 102.01 of this code.

19 (e) A holder of a retail dealer's on-premise license who
20 obtains a brewpub license may not manufacture, brew, bottle, can,
21 package, label, sell, or offer without charge malt liquor or ale.

22 (f) A holder of a brewpub license may not sell an alcoholic
23 beverage for resale.

24 (g) A holder of a brewpub license may sell and deliver malt
25 liquor, ale, and beer that is brewed on the premises of the brewpub
26 licensee to a holder of a mixed beverage permit that also holds a
27 food and beverage certificate, if such delivery is for the purpose

1 of selling the malt liquor, ale, and beer by the mixed beverage
2 permit holder for on-premise consumption provided such premise to
3 which the mixed beverage permit and food and beverage certificate
4 has been issued is under the same general management or ownership as
5 the brewpub licensee.

6 (h) [~~(g)~~] The holder of a brewpub license may deliver malt
7 liquor, ale, or beer manufactured by the holder to a location other
8 than the holder's premises for the purpose of submitting the malt
9 liquor, ale, or beer for an evaluation at an organized malt liquor,
10 ale, or beer tasting, competition, or review. At a tasting,
11 competition, or review, a holder of a brewpub license may:

12 (1) dispense without charge malt liquor, ale, or beer
13 manufactured by the holder to a person attending the event for
14 consumption on the premises of the event; and

15 (2) discuss with a person attending the event the
16 manufacturing and characteristics of the malt liquor, ale, or beer.

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