

By: Homer

H.B. No. 3244

A BILL TO BE ENTITLED

AN ACT

relating to wine tasting on certain premises.

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

SECTION 1. Chapter 54, Alcoholic Beverage Code, is added to read as follows:

Sec. 54.01. WINE AND BEER RETAILERS OFF-PREMISE TASTING PERMIT: AUTHORIZED ACTIVITIES. (a) The holder of a wine and beer retailers off-premise tasting permit may conduct product tastings of wine, dessert wine, beer, and malt-based or spirit-based coolers on the licensed premises of the holder's wine and beer retailers off-premise permit premises during regular business hours as provided by this section.

(b) Written notification of a product tasting must be posted on the licensed premises of the permit holder's premises not later than 48 hours before the tasting event. The notification shall clearly state:

(1) the type and brand of alcoholic beverage to be tasted;

(2) the date and hours the tasting is to take place;  
and

(3) the address of the premises where the tasting is to occur.

(c) A copy of the notification shall be kept on file and available for inspection on the premises during all tasting hours.

1        (d) Sample portions at a product tasting shall be limited to  
2 not more than:

3            (1) one ounce for wine and dessert wine; and

4            (2) one ounce for beer and coolers.

5        (e) Not more than 20 different products may be made  
6 available for tasting at any one time.

7        (f) No charge of any sort may be made for a sample serving.

8        (g) A person may be served more than one sample. Samples may  
9 not be served to a minor or to an obviously intoxicated person. No  
10 samples may be removed from the licensed premises.

11        (h) During the tasting, not more than two containers of each  
12 brand or type of product being tasted may be open on the premises at  
13 one time.

14        (i) At the conclusion of the tasting, all empty or open  
15 containers of alcoholic beverages used in the tasting shall be  
16 removed from the premises, or stored in a locked, secure area on the  
17 licensed premises.

18        (j) A tasting event authorized by this section may not be  
19 advertised except by on-site communications, be direct mail, by  
20 electronic mail, or on the permit holder's Internet website.

21        (k) A person other than the permittee or the permittee's  
22 agent or employee may not dispense or participate in the dispensing  
23 of alcoholic beverages under this chapter.

24        Sec. 52.02. FEE. The fee for a wine and beer retailers  
25 off-premise tasting permit shall be set at a level sufficient to  
26 recover the cost of issuing the permit and administering this  
27 section.

1       Sec. 52.03. ELIGIBILITY FOR PERMIT. The commission or the  
2 administrator may only issue a package store tasting permit to a  
3 holder of a wine and beer retailers off-premise permit. For the  
4 purposes o this code and any other law of the state or political  
5 subdivision of the state, a wine and beer retailers off-premise  
6 tasting permit may not be considered a permit authorizing the sale  
7 or alcoholic beverages for on-premise consumption. Since no charge  
8 may be made for a sample tasted on the premises of a wine and beer  
9 retailers off-premise tasting permit premises, none of the wine and  
10 beer retailers off-premise permit holder's revenue may be deemed to  
11 be revenue from the on-premise sale of alcoholic beverages.

12       SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2005.