

By: Rose

H.B. No. 2647

A BILL TO BE ENTITLED

AN ACT

relating to authorizing certain brewers and manufacturers to sell beer and ale to ultimate consumers.

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

SECTION 1. Section 12.05, Alcoholic Beverage Code, is amended to read as follows:

Sec. 12.05. SALES BY CERTAIN BREWERS. (a) The holder of a brewer's permit whose annual production of ale in this state does not exceed, together with the annual production of beer by the holder of a manufacturer's license acting under the authority of Section 62.12 [~~of this code~~] at the same premises, a total of 75,000 barrels, may:

(1) sell ale produced under the permit to those persons to whom the holder of a general class B wholesaler's permit may sell malt liquor under Section 20.01(3); and

(2) subject to Subsection (c), sell ale to ultimate consumers:

(A) for consumption on the brewer's premises; or

(B) in unbroken packages for off-premises consumption [~~of this code~~].

(b) With regard to [~~such~~] a sale under Subsection (a)(1), the brewer has the same authority and is subject to the same requirements that apply to a sale made by the holder of a general class B wholesaler's permit.

1       (c) Sales of ale under Subsection (a)(2), together with the  
2 sales of beer by the holder of a manufacturer's license acting under  
3 the authority of Section 62.12(a)(2) at the same premises, may not  
4 exceed 5,000 barrels annually.

5       SECTION 2. Section 62.12, Alcoholic Beverage Code, is  
6 amended to read as follows:

7       Sec. 62.12. SALES BY CERTAIN MANUFACTURERS. (a) A  
8 manufacturer's licensee whose annual production of beer in this  
9 state, together with the annual production of ale by the holder of a  
10 brewer's permit acting under the authority of Section 12.05 at the  
11 same premises, does not exceed 75,000 barrels may:

12       (1) sell beer produced under the license to those  
13 permittees, licensees, and persons to whom a general distributor's  
14 licensee may sell beer under Section 64.01(a)(2); and

15       (2) subject to Subsection (a-2), sell beer to ultimate  
16 consumers:

17               (A) for consumption on the manufacturer's  
18 premises; or

19               (B) in unbroken packages for off-premises  
20 consumption [~~64.01(2) of this code~~].

21       (a-1) With regard to [such] a sale under Subsection (a)(1),  
22 the manufacturer has the same authority and is subject to the same  
23 requirements as apply to a sale made by a general distributor's  
24 licensee.

25       (a-2) Sales of beer under Subsection (a)(2), together with  
26 the sales of ale by the holder of a brewer's permit acting under the  
27 authority of Section 12.05(a)(2) at the same premises, may not

1 exceed 5,000 barrels annually.

2 (b) The authority granted by this section is additional to  
3 that granted by Section 62.01 [~~of this code~~].

4 SECTION 3. This Act takes effect September 1, 2007.