

By: Thompson

H.B. No. 2723

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sampling of malt beverages on the premises of  
3 certain manufacturers and retailers.

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

5 SECTION 1. Section 12.01, Alcoholic Beverage Code, is  
6 amended to read as follows:

7 Sec. 12.01. AUTHORIZED ACTIVITIES. (a) The holder of a  
8 brewer's permit may:

9 (1) manufacture, bottle, package, and label malt  
10 liquor;

11 (2) import ale and malt liquor acquired from a holder  
12 of a nonresident brewer's permit;

13 (3) sell the ale and malt liquor only to wholesale  
14 permit holders in this state or to qualified persons outside the  
15 state; ~~and~~

16 (4) dispense ale and malt liquor for consumption on  
17 the premises; and

18 (5) conduct samplings of ale or malt liquor, including  
19 tastings, at a retailer's premises.

20 (b) An agent or employee of the holder of a brewer's permit  
21 may open, touch, or pour ale or malt liquor, make a presentation, or  
22 answer questions at a sampling event.

23 SECTION 2. The heading to Section 24.12, Alcoholic Beverage  
24 Code, is amended to read as follows:

1           Sec. 24.12.   WINE AND ALE SAMPLING.

2           SECTION 3.   Sections 24.12(a), (b), (d), and (e), Alcoholic  
3 Beverage Code, are amended to read as follows:

4           (a)   The holder of a wine only package store permit may  
5 conduct free product samplings of wine or ale on the permit holder's  
6 premises during regular business hours as provided by this section.

7           (b)   An agent or employee of the holder of a wine only package  
8 store permit may open, touch, or pour wine or ale, make a  
9 presentation, or answer questions at a [~~wine~~] sampling event.

10          (d)   Any wine or ale used in a [~~wine~~] sampling event under  
11 this section must be purchased from or provided by the retailer on  
12 whose premises the [~~wine~~] sampling event is held.

13          (e)   When a [~~wine~~] sampling event under this section is held  
14 on the premises of a wine only package store permit located in an  
15 area which is wet for the sale of wine but which is not wet for the  
16 sale of higher alcohol content wines that may be sold under an  
17 unrestricted wine only package store permit, the only wines that  
18 may be sampled are wines which may be legally sold by the wine only  
19 package store permittee as restricted under Section 251.81.

20          SECTION 4.   Section 26.01(b), Alcoholic Beverage Code, is  
21 amended to read as follows:

22          (b)   The holder of a wine and beer retailer's off-premise  
23 permit may conduct free product samplings of wine, beer, and malt  
24 liquor containing alcohol in excess of one-half of one percent by  
25 volume but not more than 17 percent by volume on the permit holder's  
26 premises during regular business hours as provided by Section  
27 26.08.

1 SECTION 5. The heading to Section 26.08, Alcoholic Beverage  
2 Code, is amended to read as follows:

3 Sec. 26.08. [~~WINE~~] SAMPLING EVENT.

4 SECTION 6. Sections 26.08(a) and (c), Alcoholic Beverage  
5 Code, are amended to read as follows:

6 (a) An employee of the holder of a wine and beer retailer's  
7 off-premise permit may open, touch, or pour wine, beer, or malt  
8 liquor, make a presentation, or answer questions at a [~~wine~~]  
9 sampling event.

10 (c) Any wine, beer, or malt liquor used in a [~~wine~~] sampling  
11 event under this section must be purchased from or provided by the  
12 retailer on whose premises the [~~wine~~] sampling event is held. This  
13 section does not authorize the holder of a wine and beer retailer's  
14 off-premise permit to withdraw or purchase alcoholic beverages  
15 [~~wine~~] from the holder of a wholesaler's permit or a distributor's  
16 license or provide alcoholic beverages [~~wine~~] for a sampling on a  
17 retailer's premises that is not purchased from the retailer. The  
18 amount of alcoholic beverages [~~wine~~] purchased from the retailer  
19 may not exceed the amount of alcoholic beverages [~~wine~~] used in the  
20 sampling event.

21 SECTION 7. Sections 37.01(b) and (c), Alcoholic Beverage  
22 Code, are amended to read as follows:

23 (b) The holder of a nonresident seller's permit who owns a  
24 winery or brewery outside of the state may conduct [~~wine~~] samplings  
25 of the kinds of alcoholic beverages the permit holder is authorized  
26 to produce, including [~~wine~~] tastings, at a retailer's premises.  
27 An employee of the winery or brewery may open, touch, or pour the

1 alcoholic beverages [~~wine~~], make a presentation, or answer  
2 questions at a [~~wine~~] sampling event.

3 (c) Any alcoholic beverages [~~wine~~] used in a [~~wine~~] sampling  
4 event under this section must be purchased from the retailer on  
5 whose premises the [~~wine~~] sampling event is held. This section does  
6 not authorize the holder of a nonresident seller's permit or  
7 manufacturer's agent's permit to withdraw or purchase alcoholic  
8 beverages [~~wine~~] from the holder of a wholesaler's permit or  
9 provide alcoholic beverages [~~wine~~] for a sampling event on a  
10 retailer's premises that is not purchased from the retailer. The  
11 amount of alcoholic beverages [~~wine~~] purchased from the retailer  
12 may not exceed the amount of alcoholic beverages [~~wine~~] used in the  
13 sampling event.

14 SECTION 8. Section 62.01, Alcoholic Beverage Code, is  
15 amended to read as follows:

16 Sec. 62.01. AUTHORIZED ACTIVITIES. (a) The holder of a  
17 manufacturer's license may:

18 (1) manufacture or brew beer and distribute and sell  
19 it in this state to the holders of general, local, and branch  
20 distributor's licenses and to qualified persons outside the state;

21 (2) dispense beer for consumption on the premises;  
22 [~~and~~]

23 (3) bottle and can beer and pack it into containers for  
24 resale in this state, regardless of whether the beer is  
25 manufactured or brewed in this state or in another state and  
26 imported into Texas; and

27 (4) conduct samplings of beer, including tastings, at

1 a retailer's premises.

2 (b) An agent or employee of the holder of a manufacturer's  
3 license may open, touch, or pour beer, make a presentation, or  
4 answer questions at a sampling event.

5 SECTION 9. Chapter 71, Alcoholic Beverage Code, is amended  
6 by adding Section 71.11 to read as follows:

7 Sec. 71.11. BEER SAMPLING. (a) The holder of a retail  
8 dealer's off-premise license may conduct free product samplings of  
9 beer on the license holder's premises during regular business hours  
10 as provided by this section.

11 (b) An agent or employee of the holder of a retail dealer's  
12 off-premise license may open, touch, or pour beer, make a  
13 presentation, or answer questions at a sampling event.

14 (c) For the purposes of this code and any other law or  
15 ordinance:

16 (1) a retail dealer's off-premise license does not  
17 authorize the sale of alcoholic beverages for on-premise  
18 consumption; and

19 (2) none of the license holder's income may be  
20 considered to be income from the sale of alcoholic beverages for  
21 on-premise consumption.

22 (d) Any beer used in a sampling event under this section  
23 must be purchased from or provided by the retailer on whose premises  
24 the sampling event is held.

25 SECTION 10. This Act takes effect September 1, 2007.