

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.