

1-1 By: Goolsby (Senate Sponsor - Williams) H.B. No. 2727  
1-2 (In the Senate - Received from the House April 23, 2007;  
1-3 April 24, 2007, read first time and referred to Committee on  
1-4 Business and Commerce; May 2, 2007, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 2, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to storage of certain imported alcoholic beverages.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subtitle A, Title 3, Alcoholic Beverage Code, is  
1-11 amended by adding Chapter 55 to read as follows:

1-12 CHAPTER 55. MANUFACTURER'S AGENT'S WAREHOUSING PERMIT

1-13 Sec. 55.01. AUTHORIZED ACTIVITIES. (a) The holder of a  
1-14 manufacturer's agent's warehousing permit may:

1-15 (1) receive beer, ale, or malt liquor from the holder  
1-16 of a nonresident brewer's permit or nonresident manufacturer's  
1-17 license and store the alcoholic beverages on the permitted  
1-18 premises;

1-19 (2) ship, cause to be shipped, sell, and otherwise  
1-20 transfer the beer, ale, or malt liquor to licensed or permitted  
1-21 distributors and wholesalers in this state and to persons outside  
1-22 this state who are qualified to receive the beer, ale, or malt  
1-23 liquor under the regulatory laws of the state or other jurisdiction  
1-24 in which the beer, ale, or malt liquor is received; and

1-25 (3) return beer, ale, or malt liquor to the  
1-26 manufacturer or brewer from which it was originally received.

1-27 (b) The holder of a manufacturer's agent's warehousing  
1-28 permit may ship only to wholesalers and distributors in this state  
1-29 who have been issued a territorial designation by the actual  
1-30 manufacturer or brewer of the brand or brands to be shipped. This  
1-31 territorial designation for the sale of beer must be under and a  
1-32 part of the agreement entered into between the actual manufacturer  
1-33 of the brand and the distributor under Subchapters C and D, Chapter  
1-34 102. This chapter does not affect the requirement that the actual  
1-35 manufacturer, and the agreement between the actual manufacturer and  
1-36 the distributor, comply with Subchapters C and D, Chapter 102.

1-37 (c) Beer, ale, or malt liquor received at premises permitted  
1-38 under this chapter that is not labeled and approved for sale in this  
1-39 state may be held and stored at the premises and may be shipped from  
1-40 the premises if it is consigned and transported to qualified  
1-41 persons in other states or jurisdictions where its sale is legal.

1-42 (d) The provisions of this code related to the residency of  
1-43 an applicant for a permit do not apply to a permit under this  
1-44 chapter.

1-45 Sec. 55.02. FEE. The commission by rule shall set the  
1-46 amount of the annual state fee for a manufacturer's agent's  
1-47 warehousing permit.

1-48 Sec. 55.03. ELIGIBILITY FOR PERMIT. A manufacturer's  
1-49 agent's warehousing permit may be issued to an entity:

1-50 (1) of which at least 50 percent of the ownership  
1-51 interests are owned by another entity that:

1-52 (A) is located and chartered in the United  
1-53 Mexican States;

1-54 (B) has held a nonresident manufacturer's  
1-55 license, nonresident brewer's permit, and a nonresident seller's  
1-56 permit for the two years preceding the date of the application; and

1-57 (C) during each of those two years has shipped or  
1-58 caused to be shipped into this state for ultimate sale to qualified  
1-59 distributors and wholesalers in this state at least one-half  
1-60 million barrels of beer, ale, or malt liquor of the various brands  
1-61 manufactured or brewed by the entity; and

1-62 (2) whose employees, located in this state or  
1-63 elsewhere, hold permits and licenses issued under Chapters 36 and  
1-64 73 to perform the activities authorized under those chapters on

2-1 behalf of the entity.

2-2 Sec. 55.04. LOCATION OF PREMISES. The premises of a permit  
2-3 holder under this chapter must be located in an area that is wet for  
2-4 the sale of beer, ale, and malt liquor.

2-5 Sec. 55.05. REPORTING REQUIREMENTS. The commission shall  
2-6 require monthly reports from a permit holder under this chapter  
2-7 showing the brands, types, sizes of containers, and quantities of  
2-8 beer, ale, or malt liquor received at and shipped from the premises  
2-9 to persons authorized to receive them. The reports must conform in  
2-10 all respects to the requirements and forms prescribed by the  
2-11 commission and contain any other information required by the  
2-12 commission.

2-13 SECTION 2. If any part of Chapter 55, Alcoholic Beverage  
2-14 Code, as added by this Act, is invalidated by a final, unappealable  
2-15 order of a court, the entire chapter is invalid and any permit  
2-16 issued under the chapter is void.

2-17 SECTION 3. This Act takes effect September 1, 2007.

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