

By: Williams

S.B. No. 1366

A BILL TO BE ENTITLED

AN ACT

relating to storage of certain imported alcoholic beverages.

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

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

CHAPTER 55. MANUFACTURER'S AGENT'S WAREHOUSING PERMIT

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

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

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

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

(b) The holder of a manufacturer's agent's warehousing permit may ship only to wholesalers and distributors in this state who have been issued a territorial designation by the actual manufacturer or brewer of the brand or brands to be shipped. This

1 territorial designation for the sale of beer must be under and a  
2 part of the agreement entered into between the actual manufacturer  
3 of the brand and the distributor under Subchapters C and D, Chapter  
4 102. This chapter does not affect the requirement that the actual  
5 manufacturer, and the agreement between the actual manufacturer and  
6 the distributor, comply with Subchapters C and D, Chapter 102.

7 (c) Beer, ale, or malt liquor received at premises permitted  
8 under this chapter that is not labeled and approved for sale in this  
9 state may be held and stored at the premises and may be shipped from  
10 the premises if it is consigned and transported to qualified  
11 persons in other states or jurisdictions where its sale is legal.

12 (d) The provisions of this code related to the residency of  
13 an applicant for a permit do not apply to a permit under this  
14 chapter.

15 Sec. 55.02. FEE. The commission by rule shall set the  
16 amount of the annual state fee for a manufacturer's agent's  
17 warehousing permit.

18 Sec. 55.03. ELIGIBILITY FOR PERMIT. A manufacturer's  
19 agent's warehousing permit may be issued to an entity:

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

22 (A) is located and chartered in the United  
23 Mexican States;

24 (B) has held a nonresident manufacturer's  
25 license, nonresident brewer's permit, and a nonresident seller's  
26 permit for the two years preceding the date of the application; and

27 (C) during each of those two years has shipped or

1 caused to be shipped into this state for ultimate sale to qualified  
2 distributors and wholesalers in this state at least one-half  
3 million barrels of beer, ale, or malt liquor of the various brands  
4 manufactured or brewed by the entity; and

5 (2) whose employees, located in this state or  
6 elsewhere, hold permits and licenses issued under Chapters 36 and  
7 73 to perform the activities authorized under those chapters on  
8 behalf of the entity.

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

12 Sec. 55.05. REPORTING REQUIREMENTS. The commission shall  
13 require monthly reports from a permit holder under this chapter  
14 showing the brands, types, sizes of containers, and quantities of  
15 beer, ale, or malt liquor received at and shipped from the premises  
16 to persons authorized to receive them. The reports must conform in  
17 all respects to the requirements and forms prescribed by the  
18 commission and contain any other information required by the  
19 commission.

20 SECTION 2. If any part of Chapter 55, Alcoholic Beverage  
21 Code, as added by this Act, is invalidated by a final, unappealable  
22 order of a court, the entire chapter is invalid and any permit  
23 issued under the chapter is void.

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