

Amend CSHB 1161 by inserting the following appropriately numbered SECTION in the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 109.33(f), Alcoholic Beverage Code, is amended to read as follows:

(f) Subsections (a)(2) and (3) do not apply to the holder of:

(1) a retail on-premises consumption permit or license if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;

(2) a retail off-premises consumption permit or license if less than 50 percent of the gross receipts for the premises [~~excluding the sale of items subject to the motor fuels tax,~~] is from the sale or service of alcoholic beverages:

(A) excluding the sale of items subject to the motor fuels tax; and

(B) for a premises located in a city with a population of less than 900,000, including receipts from additional retail buildings owned by the off-premises consumption permit or license holder that are located on the same property as the permitted or licensed premises; or

(3) a wholesaler's, distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in Chapter 102.