

AN ACT

relating to distilled spirits samplings by the holder of a distiller's and rectifier's permit.

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

SECTION 1. Section 14.01, Alcoholic Beverage Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The holder of a distiller's and rectifier's permit may:

(1) manufacture distilled spirits;

(2) rectify, purify, and refine distilled spirits and wines;

(3) mix wines, distilled spirits, or other liquors;

(4) bottle, label, and package the permit holder's ~~his~~ finished products;

(5) sell the finished products in this state to holders of wholesaler's permits and to qualified persons outside the state; ~~and~~

(6) import distilled spirits, to be used only for manufacturing or rectification purposes, from holders of nonresident seller's permits; and

(7) dispense free distilled spirits for consumption on the permitted premises.

(c) The holder of a distiller's and rectifier's permit may dispense distilled spirits for consumption on the permitted

1 premises under Section 14.04.

2 SECTION 2. Chapter 14, Alcoholic Beverage Code, is amended
3 by adding Section 14.04 to read as follows:

4 Sec. 14.04. DISTILLED SPIRITS SAMPLING. (a) The holder of
5 a distiller's and rectifier's permit may conduct distilled spirits
6 samplings on the permitted premises.

7 (b) A sampling event authorized by this section may not be
8 advertised except by on-site communication or by direct mail.

9 (c) A person other than the holder of a permit or the
10 holder's agent or employee may not dispense or participate in the
11 dispensing of distilled spirits under this section.

12 (d) A person authorized to dispense distilled spirits under
13 this section may not:

14 (1) serve a person more than one sample of each brand
15 of distilled spirits being served at a sampling event; or

16 (2) serve a sample to a minor or to an obviously
17 intoxicated person.

18 (e) Sample portions served at a distilled spirits sampling
19 event may not exceed one-half ounce.

20 (f) A person who receives a sample may not remove the sample
21 from the permitted premises.

22 (g) For the purposes of this code and any other law of this
23 state or a political subdivision of this state, the holder of a
24 permit, during the sampling of distilled spirits under this
25 section, is:

26 (1) not the holder of a permit authorizing the sale of
27 alcoholic beverages for on-premises consumption; and

1 (2) not considered to have received any revenue from
2 the on-premises sale of alcoholic beverages.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1974 was passed by the House on April 9, 2009, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1974 was passed by the Senate on May 5, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor