

1-1 By: Hamilton (Senate Sponsor - Fraser) H.B. No. 1974
1-2 (In the Senate - Received from the House April 14, 2009;
1-3 April 15, 2009, read first time and referred to Committee on
1-4 Business and Commerce; April 23, 2009, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; April 23, 2009, sent to printer.)

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

1-8 relating to distilled spirits samplings by the holder of a
1-9 distiller's and rectifier's permit.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 14.01, Alcoholic Beverage Code, is
1-12 amended by amending Subsection (a) and adding Subsection (c) to
1-13 read as follows:

1-14 (a) The holder of a distiller's and rectifier's permit may:
1-15 (1) manufacture distilled spirits;
1-16 (2) rectify, purify, and refine distilled spirits and
1-17 wines;

1-18 (3) mix wines, distilled spirits, or other liquors;
1-19 (4) bottle, label, and package the permit holder's
1-20 ~~his~~ finished products;

1-21 (5) sell the finished products in this state to
1-22 holders of wholesaler's permits and to qualified persons outside
1-23 the state; ~~and~~

1-24 (6) import distilled spirits, to be used only for
1-25 manufacturing or rectification purposes, from holders of
1-26 nonresident seller's permits; and

1-27 (7) dispense free distilled spirits for consumption on
1-28 the permitted premises.

1-29 (c) The holder of a distiller's and rectifier's permit may
1-30 dispense distilled spirits for consumption on the permitted
1-31 premises under Section 14.04.

1-32 SECTION 2. Chapter 14, Alcoholic Beverage Code, is amended
1-33 by adding Section 14.04 to read as follows:

1-34 Sec. 14.04. DISTILLED SPIRITS SAMPLING. (a) The holder of
1-35 a distiller's and rectifier's permit may conduct distilled spirits
1-36 samplings on the permitted premises.

1-37 (b) A sampling event authorized by this section may not be
1-38 advertised except by on-site communication or by direct mail.

1-39 (c) A person other than the holder of a permit or the
1-40 holder's agent or employee may not dispense or participate in the
1-41 dispensing of distilled spirits under this section.

1-42 (d) A person authorized to dispense distilled spirits under
1-43 this section may not:

1-44 (1) serve a person more than one sample of each brand
1-45 of distilled spirits being served at a sampling event; or

1-46 (2) serve a sample to a minor or to an obviously
1-47 intoxicated person.

1-48 (e) Sample portions served at a distilled spirits sampling
1-49 event may not exceed one-half ounce.

1-50 (f) A person who receives a sample may not remove the sample
1-51 from the permitted premises.

1-52 (g) For the purposes of this code and any other law of this
1-53 state or a political subdivision of this state, the holder of a
1-54 permit, during the sampling of distilled spirits under this
1-55 section, is:

1-56 (1) not the holder of a permit authorizing the sale of
1-57 alcoholic beverages for on-premises consumption; and

1-58 (2) not considered to have received any revenue from
1-59 the on-premises sale of alcoholic beverages.

1-60 SECTION 3. This Act takes effect immediately if it receives
1-61 a vote of two-thirds of all the members elected to each house, as
1-62 provided by Section 39, Article III, Texas Constitution. If this
1-63 Act does not receive the vote necessary for immediate effect, this
1-64 Act takes effect September 1, 2009.

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