

By: Eissler

H.B. No. 2096

A BILL TO BE ENTITLED

AN ACT

relating to requiring the registration of certain containers of alcoholic beverages; providing criminal penalties.

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

SECTION 1. Title 4, Alcoholic Beverage Code, is amended by adding Chapter 111 to read as follows:

CHAPTER 111. KEG REGISTRATION

Sec. 111.01. DEFINITION. In this chapter, "keg" means a container that is designed to:

(1) hold four gallons or more of an alcoholic beverage; and

(2) dispense the alcoholic beverage directly from the container for purposes of consumption.

Sec. 111.02. APPLICABILITY. This chapter applies only to a keg sold by a retailer to an ultimate consumer.

Sec. 111.03. KEG REGISTRATION LABEL REQUIRED. (a) A license or permit holder may not sell an alcoholic beverage in a keg for off-premises consumption unless the license or permit holder affixes a keg registration label to the keg before the purchaser takes possession of the keg.

(b) The keg registration label must include:

(1) a keg registration number;

(2) the name, address, telephone number, and license or permit number of the license or permit holder; and

1           (3) any other information required by the commission.

2           (c) The commission shall prescribe and furnish keg  
3 registration labels.

4           Sec. 111.04. KEG REGISTRATION DECLARATION AND RECEIPT FORM  
5 REQUIRED. (a) Before a license or permit holder sells an alcoholic  
6 beverage in a keg for off-premises consumption, the license or  
7 permit holder shall require the purchaser to complete a keg  
8 registration declaration and receipt form.

9           (b) The keg registration declaration and receipt form must  
10 contain:

11           (1) the name and address of the purchaser;

12           (2) the keg registration number;

13           (3) the date and time of the purchase;

14           (4) the form of identification presented by the  
15 purchaser;

16           (5) a statement signed by the purchaser indicating  
17 that the purchaser:

18                   (A) is 21 years of age or older;

19                   (B) does not intend to allow persons under 21  
20 years of age to consume the alcoholic beverage purchased; and

21                   (C) will not remove or obliterate or allow the  
22 removal or obliteration of the registration label affixed to the  
23 keg; and

24           (6) any other information required by the commission.

25           (c) A purchaser who obtains alcoholic beverages in more than  
26 one keg from a license or permit holder on the same date in a single  
27 transaction may complete one keg registration declaration and

1 receipt form for all kegs purchased in the single transaction. In a  
2 single transaction each keg may be listed on the same keg  
3 registration declaration and receipt form.

4 (d) The license or permit holder shall verify the  
5 information provided by the purchaser under Subsection (b)(1) with  
6 a form of identification as prescribed by commission rule.

7 (e) The commission shall prescribe and furnish the keg  
8 registration declaration and receipt form required by this section.

9 Sec. 111.05. RECORDKEEPING. (a) A license or permit holder  
10 shall maintain for a period of one year an accurate record of all  
11 keg registration declaration and receipt forms and other  
12 documentation relating to the license or permit holder's sale of an  
13 alcoholic beverage in a keg for off-premises consumption, including  
14 the keg registration label, at the place of business designated in  
15 the license or permit.

16 (b) The license or permit holder shall make the records  
17 relating to the sale of an alcoholic beverage in a keg open to  
18 inspection by the commission or law enforcement officers at  
19 reasonable dates and times.

20 Sec. 111.06. REMOVAL OF KEG REGISTRATION LABEL PROHIBITED.  
21 A person other than the license or permit holder who sold the  
22 alcoholic beverage in the keg may not remove, alter, deface, or  
23 obliterate the keg registration label affixed to the keg.

24 Sec. 111.07. TRANSFER OF REGISTERED KEG. (a) Except as  
25 authorized by the commission, a person may not transfer possession  
26 of a registered keg to another person.

27 (b) This section does not apply to the return of the

1 registered keg to the license or permit holder.

2 Sec. 111.08. RETURN OF KEG. (a) On the return of a  
3 registered keg by a purchaser, the license or permit holder shall:

4 (1) remove the keg registration label from the keg;  
5 and

6 (2) indicate the return of the keg on the keg  
7 registration declaration and receipt form.

8 (b) If a keg is returned without a keg registration label or  
9 with a keg registration label that has been altered, defaced, or  
10 obliterated, the license or permit holder shall report the name of  
11 the person who purchased the keg to the commission and the local law  
12 enforcement agency.

13 Sec. 111.09. CRIMINAL OFFENSES. (a) A person other than a  
14 license or permit holder commits an offense if the person possesses  
15 a keg containing an alcoholic beverage that does not have a keg  
16 registration label affixed to the keg.

17 (b) A person commits an offense if the person removes,  
18 alters, defaces, or obliterates the keg registration label affixed  
19 to a keg in violation of this chapter.

20 (c) An offense under this section is a Class C misdemeanor.

21 Sec. 111.10. DEFENSE. It is a defense to prosecution under  
22 Section 111.09 that:

23 (1) the person is the purchaser of the keg or another  
24 person authorized to possess the keg;

25 (2) the keg was stolen; and

26 (3) the theft was reported by the purchaser or other  
27 person authorized to possess the keg to the local law enforcement

1 agency within 24 hours of the theft.

2           SECTION 2. (a) The Texas Alcoholic Beverage Commission  
3 shall adopt all rules, forms, and labels necessary to implement  
4 Chapter 111, Alcoholic Beverage Code, as added by this Act, not  
5 later than June 1, 2010.

6           (b) A license or permit holder authorized to sell alcoholic  
7 beverages is not required to comply with the requirements of  
8 Chapter 111, Alcoholic Beverage Code, as added by this Act, before  
9 June 1, 2010.

10           SECTION 3. This Act takes effect September 1, 2009.