

By: Thompson

H.B. No. 3413

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sale of glassware and nonalcoholic beverages by
3 certain wholesalers and distributors.

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

5 SECTION 1. Subchapter A, Chapter 102, Alcoholic Beverage
6 Code, is amended by adding Section 102.071 to read as follows:

7 Sec. 102.071. SALE OF GLASSWARE AND NONALCOHOLIC BEVERAGES.

8 (a) In this section:

9 (1) "Branded glassware" means glassware that contains
10 the name, emblem, or logo of or any reference to a brand of
11 alcoholic beverage.

12 (2) "Unbranded glassware" means glassware that does
13 not contain the name, emblem, or logo of or any reference to a brand
14 of alcoholic beverage.

15 (b) Notwithstanding Sections 102.04 and 102.07 or any other
16 provision of this code, the holder of a wholesaler's permit who is
17 primarily engaged in the wholesale sale of distilled spirits and
18 wine may sell branded or unbranded glassware to retailers, provided
19 that the glassware is not marketed or sold in a manner:

20 (1) to influence a retailer to purchase any quantity
21 of alcoholic beverages;

22 (2) to affect the terms by which a retailer may
23 purchase alcoholic beverages; or

24 (3) that threatens the independence of a retailer.

1 (c) Section 102.32 applies to payment for unbranded
2 glassware or glassware bearing the name, emblem, or logo of a brand
3 of distilled spirits or wine by the holder of a wholesaler's permit
4 under Subsection (b).

5 (d) Sections 61.73 and 102.31 apply to payment for glassware
6 bearing the name, emblem, or logo of a brand of malt beverage by the
7 holder of a wholesaler's permit or a distributor's license.

8 (e) Section 102.32 applies to payment for a nonalcoholic
9 beverage sold by the holder of a wholesaler's permit or a
10 distributor's license to a retailer if:

11 (1) the nonalcoholic beverage is produced or sold by a
12 manufacturer of alcoholic beverages other than malt beverages; or

13 (2) the name, emblem, logo, or brand of a manufacturer
14 of alcoholic beverages other than malt beverages appears on the
15 label of the nonalcoholic beverage.

16 (f) Sections 61.73 and 102.31 apply to payment for a
17 nonalcoholic beverage sold by the holder of a wholesaler's permit
18 or a distributor's license to a retailer if:

19 (1) the nonalcoholic beverage is produced or sold by a
20 manufacturer of malt beverages; or

21 (2) the name, emblem, logo, or brand of a manufacturer
22 of malt beverages appears on the label of the nonalcoholic
23 beverage.

24 (g) For the purposes of Subchapters C and D, the sale, by the
25 holder of a distributor's license, of a nonalcoholic beverage
26 produced or sold by a manufacturer of malt beverages or that bears
27 the name, emblem, logo, or brand of a manufacturer of malt beverages

1 is the same as a sale of beer.

2 SECTION 2. This Act takes effect September 1, 2009.