

AN ACT

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

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

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

Sec. 102.071. SALE OF GLASSWARE AND NONALCOHOLIC BEVERAGES.

(a) In this section:

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

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

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

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

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

(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) For the purposes of Subchapters C and D, the sale, by the
9 holder of a distributor's license, of a nonalcoholic beverage
10 produced or sold by a manufacturer of malt beverages and that bears
11 the name, emblem, logo, or brand of a manufacturer of malt beverages
12 is the same as a sale of beer.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 3413 was passed by the House on April 22, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3413 on May 15, 2009, by the following vote: Yeas 139, Nays 3, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3413 was passed by the Senate, with amendments, on May 12, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor