

By: Thompson

H.B. No. 3413

Substitute the following for H.B. No. 3413:

By: Hamilton

C.S.H.B. No. 3413

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Alcoholic Beverage Commission's authority to regulate certain nonalcoholic beverage business activities.

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

SECTION 1. Amend Chapter 102, Alcoholic Beverage Code, by adding a new Section 102.071 to read as follows:

SECTION 102.071. Regulation of Certain Non-alcoholic Items. (a) Notwithstanding Sec. 102.04, 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 retail-level permittees, provided the glassware is not marketed or sold in a manner to:

(1) influence the permittee or licensee to purchase any quantity of alcoholic beverages; or

(2) affect the terms by which the retailer-level permittee or licensee purchases alcoholic beverages; or

(3) threatens the independence of a retailer.

(b) In this section, "branded glassware" means glassware containing an emblem, logo or name of a brand of distilled spirits or wine. "Unbranded glassware" means glassware that does not contain the name, emblem, logo, or any reference to a particular class, brand, or type of alcoholic beverage.

(c) If any type of glassware is sold as authorized by subsection (a), it must be sold on terms the terms and conditions

1 specified in Sec. 102.32. If any glassware bearing the name of a
2 brand of a malt beverage is sold by the holder of a wholesaler's
3 permit or distributor's license to a retailer as authorized by the
4 commission's rules, the sale must be made under the terms and
5 conditions specified by Sec. 61.73 and Sec. 102.31.

6 (d) If the holder of a wholesaler's permit or distributor's
7 license sells a brand of non-alcoholic beverages produced or sold
8 under the authority of a manufacturer of alcoholic beverages, those
9 brands are subject to the provisions of subchapters C and D of
10 Chapter 102.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.