

By: Thompson

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. Section 5.31, Alcoholic Beverage Code, is amended by adding Subsection (c) to read as follows:

(c) The commission may regulate the nonalcoholic beverage business or business activities of a wholesale permit holder under this code only to the extent that those activities are directly related to the possession, purchase, sale, distribution, marketing, or promotion of alcoholic beverages.

SECTION 2. Section 19.01, Alcoholic Beverage Code, is amended to read as follows:

Sec. 19.01. AUTHORIZED ACTIVITIES. (a) The holder of a wholesaler's permit may:

(1) purchase and import liquor from distillers, brewers, wineries, wine bottlers, rectifiers, and manufacturers who are holders of nonresident seller's permits or from their agents who hold manufacturer's agents permits;

(2) purchase liquor from other wholesalers in the state;

(3) sell liquor in the original containers in which it is received to retailers and wholesalers in this state authorized to sell the liquor; and

1 (4) sell liquor to qualified persons outside the
2 state.

3 (b) Notwithstanding Sections 102.04 and 102.07 or any other
4 provision of this code, the holder of a wholesaler's permit may sell
5 to any other permit holder nonalcoholic products used in the sale or
6 dispensing of alcoholic beverages, including any equipment,
7 fixtures, glassware, or supplies, provided that those items are not
8 sold or marketed in a manner to:

9 (1) influence a permit holder to purchase any quantity
10 of alcoholic beverages; or

11 (2) affect the terms by which a retailer may purchase
12 alcoholic beverages.

13 (c) The holder of a wholesaler's permit may sell to any
14 other permit or license holder nonalcoholic beverages provided that
15 the nonalcoholic beverages are not sold or marketed in a manner to:

16 (1) influence a permit or license holder to purchase
17 any quantity of alcoholic beverages; or

18 (2) affect the terms by which a retailer may purchase
19 alcoholic beverages.

20 SECTION 3. Section 20.01, Alcoholic Beverage Code, is
21 amended to read as follows:

22 Sec. 20.01. AUTHORIZED ACTIVITIES. (a) The holder of a
23 general class B wholesaler's permit may:

24 (1) purchase and import malt and vinous liquors from
25 brewers, wineries, rectifiers, and wine manufacturers and wine
26 bottlers who are the holders of nonresident seller's permits or
27 their agents who are holders of manufacturer's agent permits;

1 (2) purchase malt and vinous liquors from holders of
2 brewer's permits or other wholesalers in the state;

3 (3) sell the malt and vinous liquors in the original
4 containers in which they are received to retailers and wholesalers
5 authorized to sell them in this state, including holders of local
6 distributor's permits, mixed beverage permits, and daily temporary
7 mixed beverage permits; and

8 (4) sell the malt and vinous liquors to qualified
9 persons outside the state.

10 (b) Notwithstanding Sections 102.04 and 102.07 or any other
11 provision of this code, the holder of a general class B wholesaler's
12 permit may sell to any other permit holder nonalcoholic products
13 used in the sale or dispensing of alcoholic beverages, including
14 any equipment, fixtures, glassware, or supplies, provided that
15 those items are not sold or marketed in a manner to:

16 (1) influence a permit holder to purchase any quantity
17 of alcoholic beverages; or

18 (2) affect the terms by which a retailer may purchase
19 alcoholic beverages.

20 (c) The holder of a general class B wholesaler's permit may
21 sell to any other permit or license holder nonalcoholic beverages
22 provided that the nonalcoholic beverages are not sold or marketed
23 in a manner to:

24 (1) influence a permit or license holder to purchase
25 any quantity of alcoholic beverages; or

26 (2) affect the terms by which a retailer may purchase
27 alcoholic beverages.

1 SECTION 4. Section 21.01, Alcoholic Beverage Code, is
2 amended to read as follows:

3 Sec. 21.01. AUTHORIZED ACTIVITIES. (a) The holder of a
4 local class B wholesaler's permit may:

5 (1) purchase and import malt and vinous liquors from
6 brewers, wineries, rectifiers, and wine manufacturers and bottlers
7 who are holders of nonresident seller's permits and from their
8 agents who are holders of manufacturer's agent permits;

9 (2) purchase malt and vinous liquors from holders of
10 brewer's permits and from other wholesalers in the state; and

11 (3) sell the malt and vinous liquors, in the original
12 containers in which he receives them, to general and local class B
13 wholesaler's permittees and, in his county of residence, to local
14 distributor's permittees and retailers, including mixed beverage
15 permittees and daily temporary mixed beverage permittees.

16 (b) Notwithstanding Sections 102.04 and 102.07 or any other
17 provision of this code, the holder of a local class B wholesaler's
18 permit may sell to any other permit holder nonalcoholic products
19 used in the sale or dispensing of alcoholic beverages, including
20 any equipment, fixtures, glassware, or supplies, provided that
21 those items are not sold or marketed in a manner to:

22 (1) influence a permit holder to purchase any quantity
23 of alcoholic beverages; or

24 (2) affect the terms by which a retailer may purchase
25 alcoholic beverages.

26 (c) The holder of a local class B wholesaler's permit may
27 sell to any other permit or license holder nonalcoholic beverages

1 provided that the nonalcoholic beverages are not sold or marketed
2 in a manner to:

3 (1) influence a permit or license holder to purchase
4 any quantity of alcoholic beverages; or

5 (2) affect the terms by which a retailer may purchase
6 alcoholic beverages.

7 SECTION 5. Section 64.01, Alcoholic Beverage Code, is
8 amended by adding Subsection (c) to read as follows:

9 (c) The holder of a general distributor's license may sell
10 to any other permit or license holder nonalcoholic beverages
11 provided that the nonalcoholic beverages are not sold or marketed
12 in a manner to:

13 (1) influence a permit or license holder to purchase
14 any quantity of alcoholic beverages; or

15 (2) affect the terms by which a retailer may purchase
16 alcoholic beverages.

17 SECTION 6. Section 65.01, Alcoholic Beverage Code, is
18 amended by adding Subsection (c) to read as follows:

19 (c) The holder of a local distributor's license may sell to
20 any other permit or license holder nonalcoholic beverages provided
21 that the nonalcoholic beverages are not sold or marketed in a manner
22 to:

23 (1) influence a permit or license holder to purchase
24 any quantity of alcoholic beverages; or

25 (2) affect the terms by which a retailer may purchase
26 alcoholic beverages.

27 SECTION 7. This Act takes effect September 1, 2009.