

By: Shapiro

S.B. No. 1220

A BILL TO BE ENTITLED

AN ACT

relating to the purchase and transport of alcoholic beverages by the holder of a mixed beverage permit.

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

SECTION 1. Section 23.04, Alcoholic Beverage Code, is amended to read as follows:

Sec. 23.04. MAY TRANSFER BEVERAGES. If the holder of a local distributor's permit also holds a local cartage permit, the permittee ~~[he]~~ may transfer:

(1) alcoholic beverages from a place where the alcoholic beverages may be legally purchased:

(A) ~~[(1)]~~ to any place where the sale of alcoholic beverages is legal in the city or county where the local distributor's ~~[his]~~ premises are located; and

(B) ~~[(2)]~~ to a regional airport located all or partly in an adjoining county if the airport is governed by a board, commission, or authority, some of whose members reside in the county where the local distributor's premises are located; and

(2) distilled spirits and wine to the premises of a mixed beverage permittee located in an area described by Section 28.07(d).

SECTION 2. Section 28.07, Alcoholic Beverage Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

1 (a) Except as otherwise provided by this section, all ~~[All]~~
2 distilled spirits sold by a holder of a mixed beverage permit must
3 be purchased from a holder of a local distributor's permit in the
4 county in which the premises of a mixed beverage permittee is
5 located.

6 (d) A mixed beverage permittee located in a county that has
7 a population of 450,000 or more in which there are not at least
8 eight local distributor's permittees of separate ownership
9 actively engaged in the distribution of distilled spirits and which
10 is adjacent to a county with a population in excess of two million
11 may purchase distilled spirits and wine in the nearest county where
12 local distributor's permittees are located and may transport them
13 to the mixed beverage permittee's premises under the same
14 conditions set forth in Subsection (b) for the transfer of
15 alcoholic beverages. A mixed beverage permittee whose premises are
16 located in a county in which a mixed beverage permittee's purchase
17 of distilled spirits and wine from a local distributor in an
18 adjacent county and the transport of those beverages to the mixed
19 beverage permittee's premises has ever been authorized under this
20 subsection may continue to purchase distilled spirits and wine from
21 a local distributor in an adjacent county and transport the
22 beverages to the permittee's premises regardless of whether the
23 number of local distributors described by this section that are
24 located in the county in which the mixed beverage permittee's
25 premises are located increases.

26 (e) Sections 102.56(b), (c), and (d) apply to mixed beverage
27 permittees covered by this section and purchases of alcoholic

1 beverages covered by this section, and purchases of alcoholic
2 beverages covered by this section are subject to the restrictions
3 prescribed by those sections.

4 SECTION 3. The change in law made by this Act applies only
5 to the purchase of an alcoholic beverage on or after the effective
6 date of this Act. The purchase of an alcoholic beverage before the
7 effective date of this Act is governed by the law in effect
8 immediately before that date, and that law is continued in effect
9 for that purpose.

10 SECTION 4. This Act takes effect September 1, 2009.