

By: Gallegos

S.B. No. 1556

A BILL TO BE ENTITLED

AN ACT

relating to the promotion and marketing of alcoholic beverages.

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

SECTION 1. Section 62.01, Alcoholic Beverage Code, is amended by adding Subsection (c) to read as follows:

(c) A manufacturer who holds a sampling event at a retailer's premises:

(1) must notify the distributor in whose territory the retail premises is located of the event at least 48 hours before the event is scheduled to begin; and

(2) may charge the distributor not more than 50 percent of the cost of the event.

SECTION 2. Section 64.01, Alcoholic Beverage Code, is amended by adding Subsection (c) to read as follows:

(c) The holder of a general distributor's license may conduct samplings of beer, including tastings, at a retailer's premises. An agent or employee of the holder of a general distributor's license may open, touch, or pour beer, make a presentation, or answer questions at a sampling event.

SECTION 3. Section 65.01, Alcoholic Beverage Code, is amended by adding Subsection (c) to read as follows:

(c) The holder of a local distributor's license may conduct samplings of beer, including tastings, at a retailer's premises.

An agent or employee of the holder of a local distributor's license

1 may open, touch, or pour beer, make a presentation, or answer  
2 questions at a sampling event.

3 SECTION 4. Chapter 108, Alcoholic Beverage Code, is amended  
4 by adding Subchapter D to read as follows:

5 SUBCHAPTER D. PROMOTIONAL EVENTS

6 Sec. 108.101. CONSUMER PRODUCT INSTRUCTION EVENTS. (a) In  
7 this section, "consumer product instruction event" means a  
8 prescheduled event during which the license or permit holder  
9 provides consumers of legal drinking age with one or more malt  
10 beverages the sale of which is authorized in this state for the  
11 purposes of providing consumer instruction on the history, quality,  
12 characteristics, presentation, or serving of the beverages  
13 provided and allowing consumers to taste the beverages provided.

14 (b) Notwithstanding Section 102.07, 102.14, 102.15, or  
15 108.06, or any other provision of this code, a holder of a  
16 manufacturer's license, nonresident manufacturer's license,  
17 brewer's permit, nonresident brewer's permit, nonresident seller's  
18 permit, general distributor's license, local distributor's  
19 license, wholesaler's permit, Class B wholesaler's permit, agent's  
20 beer license, agent's permit, manufacturer's agent's permit, or  
21 promotional permit, or the license or permit holder's agent,  
22 representative, or employee, may, in order to promote the license  
23 or permit holder's malt beverages, conduct consumer product  
24 instruction events at the premises of a retailer holding a license  
25 or permit to sell alcoholic beverages for on-premises or  
26 off-premises consumption.

27 (c) A consumer product instruction event must be conducted

1 during normal business hours, if conducted on a licensed or  
2 permitted premises, and may not exceed three hours in length.

3 (d) The license or permit holder conducting a consumer  
4 product instruction event may open, touch, pour, and serve malt  
5 beverages.

6 (e) The license or permit holder conducting the consumer  
7 product instruction event must purchase all malt beverages used in  
8 the event from the retailer. The retailer may not charge the  
9 license or permit holder more than the price the retailer charges a  
10 consumer for the beverages.

11 (f) A consumer product instruction event may be prearranged  
12 with and preannounced to a retailer. A consumer product  
13 instruction event may not be preannounced to a consumer.

14 Sec. 108.102. EXPERIENTIAL DINNERS. (a) In this section,  
15 "experiential dinner" means a prescheduled and private event during  
16 which invited consumers and alcoholic beverage retailer employees  
17 of legal drinking age are provided with an opportunity to attend a  
18 dinner for the purpose of:

19 (1) receiving instruction on pairing malt beverages  
20 with food and the history, quality, characteristics, presentation,  
21 and service of malt beverages;

22 (2) receiving and tasting malt beverages authorized  
23 for sale in this state; and

24 (3) receiving entertainment.

25 (b) Notwithstanding Section 102.07, 102.14, 102.15, or  
26 108.06, or any other provision of this code, a holder of a  
27 manufacturer's license, nonresident manufacturer's license,

1 brewer's permit, nonresident brewer's permit, nonresident seller's  
2 permit, general distributor's license, local distributor's  
3 license, wholesaler's permit, Class B wholesaler's permit, agent's  
4 beer license, agent's permit, manufacturer's agent's permit, or  
5 promotional permit, or the license or permit holder's agent,  
6 representative, or employee, or any retailer licensed or permitted  
7 for on-premises consumption, may, in order to promote the license  
8 or permit holder's malt beverages, conduct an experiential dinner  
9 at the premises of a retailer holding a license or permit to sell  
10 alcoholic beverages for on-premises consumption.

11 (c) An experiential dinner must be conducted during normal  
12 business hours, if conducted on a licensed or permitted premises,  
13 and may not exceed five hours in length.

14 (d) The license or permit holder conducting the instruction  
15 and tasting may open, touch, pour, and serve malt beverages.

16 (e) The license or permit holder conducting the  
17 experiential dinner must purchase all malt beverages and food used  
18 in the event from the retailer. The retailer may not charge the  
19 license or permit holder more than the price the retailer charges a  
20 consumer for the beverages.

21 (f) An experiential dinner may be prearranged with,  
22 preannounced to, or conducted jointly with a retailer and the  
23 retailer's employees.

24 (g) Consumers may be invited to an experiential dinner  
25 through a sweepstakes or any other method chosen by the license or  
26 permit holder conducting the experiential dinner.

27 (h) The license or permit holder conducting the

1 experiential dinner may preannounce and advertise the experiential  
2 dinner to consumers. The retailer or the retailer's location may  
3 not be mentioned in that advertising, except that invitees may be  
4 informed of the retail location in an official invitation.

5 (i) The value of the food, beverages, and entertainment  
6 provided during the experiential dinner may not exceed \$150 per  
7 person on any one occasion.

8 Sec. 108.103. SWEEPSTAKES PRIZE EVENTS. (a) Nothing in  
9 this chapter or this code prohibits a license or permit holder  
10 listed in Section 102.07(a) or a holder of a manufacturer's or  
11 nonresident manufacturer's license or permit or the license or  
12 permit holder's agent, representative, or employee from:

13 (1) conducting a sweepstakes in which the prize is a  
14 private, promotional event held at the premises of a retailer  
15 holding a license or permit to sell alcoholic beverages for  
16 on-premises consumption for consumer winners and other invited  
17 guests of legal drinking age, including distributors and retailers  
18 and employees of distributors and retailers; and

19 (2) providing food, beverages, entertainment, and  
20 recreation to the attendees of the event.

21 (b) The retailer or the retailer's location may not be  
22 mentioned in any advertising for the sweepstakes, except that  
23 invitees may be informed of the retail location in an official  
24 invitation.

25 Sec. 108.104. PREANNOUNCEMENT OF PROMOTIONAL EVENTS AT  
26 RETAILER PREMISES. Notwithstanding Section 102.15 or any other  
27 provision of this code, a manufacturer or distributor may

1 prearrange with or preannounce to a retailer a promotional activity  
2 otherwise authorized by this code that is to be held on the  
3 retailer's premises. The promotional activity may not be  
4 preannounced to a consumer.

5 SECTION 5. This Act takes effect September 1, 2009.