

SENATE AMENDMENTS

2nd Printing

By: Thompson

H.B. No. 3413

A BILL TO BE ENTITLED

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) Section 102.32 applies to payment for a nonalcoholic
9 beverage sold by the holder of a wholesaler's permit or a
10 distributor's license to a retailer if:

11 (1) the nonalcoholic beverage is produced or sold by a
12 manufacturer of alcoholic beverages other than malt beverages; or

13 (2) the name, emblem, logo, or brand of a manufacturer
14 of alcoholic beverages other than malt beverages appears on the
15 label of the nonalcoholic beverage.

16 (f) Sections 61.73 and 102.31 apply to payment for a
17 nonalcoholic beverage sold by the holder of a wholesaler's permit
18 or a distributor's license to a retailer if:

19 (1) the nonalcoholic beverage is produced or sold by a
20 manufacturer of malt beverages; or

21 (2) the name, emblem, logo, or brand of a manufacturer
22 of malt beverages appears on the label of the nonalcoholic
23 beverage.

24 (g) For the purposes of Subchapters C and D, the sale, by the
25 holder of a distributor's license, of a nonalcoholic beverage
26 produced or sold by a manufacturer of malt beverages or that bears
27 the name, emblem, logo, or brand of a manufacturer of malt beverages

1 is the same as a sale of beer.

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

ADOPTED

MAY 12 2009

Atty. Gen.
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

[Handwritten Signature]

AMEND H.B. 3413, as follows:

- 1) Strike Sections (e) and (f), lines 8 through 23 on page 2.
- 2) Line 26, page 2, change the second "or" to an "and," to read, as follows:
"produced or sold by a manufacturer of malt beverages and that bears"

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 13, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3413 by Thompson (Relating to the sale of glassware and nonalcoholic beverages by certain wholesalers and distributors.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code by adding Section 102.071 to allow holders of a wholesaler's permit to sell certain types of glassware to retail-level permittees and provide guidelines for such sales. The bill would also indicate certain types of glassware sold by holders of certain permits or licenses would be subject to certain provisions of the Alcoholic Beverage Code. The bill would take effect September 1, 2009.

The Texas Alcoholic Beverage Commission states the provisions in the bill would have no significant fiscal impact to their agency.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: JOB, SD, JRO, GG, ESi

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 27, 2009

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3413 by Thompson (Relating to the sale of glassware and nonalcoholic beverages by certain wholesalers and distributors.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code by adding Section 102.071 to allow holders of a wholesaler's permit to sell certain types of glassware and non-alcoholic beverages to retail-level permittees and provide guidelines for such sales. The bill would also indicate certain types of glassware and non-alcoholic beverages sold by holders of certain permits or licenses would be subject to certain provisions of the Alcoholic Beverage Code. The bill would take effect September 1, 2009.

The Texas Alcoholic Beverage Commission states the provisions in the bill would have no significant fiscal impact to their agency.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: JOB, JRO, GG, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 7, 2009

TO: Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3413 by Thompson (Relating to the Texas Alcoholic Beverage Commission's authority to regulate certain nonalcoholic beverage business activities.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code by adding Section 102.071 to allow holders of a wholesaler's permit to sell certain types of glassware to retail-level permittees and provide guidelines for such sales. The bill would also indicate certain non-alcoholic beverages sold by holders of certain permits or licenses would be subject to certain provisions of the Alcoholic Beverage Code. The bill would take effect immediately if it receives a two-thirds vote of all the members in each house, otherwise it would take effect on September 1, 2009.

The Texas Alcoholic Beverage Commission anticipates no significant fiscal impact to their agency.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: JOB, JRO, GG, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 30, 2009

TO: Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3413 by Thompson (Relating to the Texas Alcoholic Beverage Commission's authority to regulate certain nonalcoholic beverage business activities.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code to allow holders of certain permits and licenses to sell nonalcoholic beverages and certain equipment to other permit or license holders. The bill would also allow the Texas Alcoholic Beverage Commission (TABC) to regulate the nonalcoholic beverage business or business activities of a wholesale permit holder, but only to the extent the activities are directly related to the possession, purchase, sale, distribution, marketing, or promotion of alcoholic beverages.

TABC states the provisions in the bill would have no significant fiscal impact to their agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: JOB, JRO, GG, ESi

