

By: Farrar, et al.

H.B. No. 602

Substitute the following for H.B. No. 602:

By: Thompson

C.S.H.B. No. 602

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to authorizing certain brewers and manufacturers to  
3 conduct tours of their premises after which beer or ale is provided  
4 to ultimate consumers for off-premises consumption.

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

6 SECTION 1. Chapter 12, Alcoholic Beverage Code, is amended  
7 by adding Section 12.07 to read as follows:

8 Sec. 12.07. TOUR OF PERMITTED PREMISES. (a) The holder of  
9 a brewer's permit whose annual production of ale in this state,  
10 together with the annual production of beer by the holder of a  
11 manufacturer's license acting under the authority of Section 62.15  
12 at the same premises, does not exceed a total of 75,000 barrels may:

13 (1) charge an admission fee for a tour of the brewery  
14 premises; and

15 (2) at the end of a tour of the brewery premises, give  
16 ale or beer to tour participants in unbroken packages for  
17 off-premises consumption without an additional charge.

18 (b) The total amount of ale a tour participant may receive  
19 in a single day under this section, together with the amount of beer  
20 the tour participant receives under Section 62.15 at the same  
21 premises, may not exceed a total of 144 ounces.

22 (c) This section does not authorize the holder of a brewer's  
23 permit to sell ale to an ultimate consumer.

24 SECTION 2. Chapter 62, Alcoholic Beverage Code, is amended

1 by adding Section 62.15 to read as follows:

2 Sec. 62.15. TOUR OF LICENSED PREMISES. (a) The holder of a  
3 manufacturer's license whose annual production of beer in this  
4 state, together with the annual production of ale by the holder of a  
5 brewer's permit acting under the authority of Section 12.07 at the  
6 same premises, does not exceed a total of 75,000 barrels may:

7 (1) charge an admission fee for a tour of the  
8 manufacturer's premises; and

9 (2) at the end of a tour of the manufacturer's  
10 premises, give beer or ale to tour participants in unbroken  
11 packages for off-premises consumption without an additional  
12 charge.

13 (b) The total amount of beer a tour participant may receive  
14 in a single day under this section, together with the amount of ale  
15 the tour participant receives under Section 12.07 at the same  
16 premises, may not exceed a total of 144 ounces.

17 (c) This section does not authorize the holder of a  
18 manufacturer's license to sell beer to an ultimate consumer.

19 SECTION 3. (a) The purpose of this Act is to promote the  
20 advancement of breweries and manufacturers by enabling them to  
21 acquaint patrons and tourists with the craft of manufacturing and  
22 brewing beer and ale by providing an opportunity to sample products  
23 based on the brewing techniques of each individual licensee or  
24 permittee but not to authorize the brewery or manufacturer to use  
25 permitted or licensed premises as a retail outlet for the sale of  
26 alcoholic beverages.

27 (b) The legislature finds that the Texas Alcoholic Beverage

1 Commission has the power under the Alcoholic Beverage Code to  
2 enforce the provisions of this Act, and to take actions against a  
3 brewery or manufacturer who violates the provisions of this Act,  
4 including canceling a license or permit issued under that code.

5 SECTION 4. If any provision of this Act or its application  
6 to any person or circumstance is held invalid, the entire Act is  
7 invalid, and to this end the provisions of this Act are declared to  
8 be nonseverable.

9 SECTION 5. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2011.