

By: Smith

H.B. No. 3502

A BILL TO BE ENTITLED

AN ACT

relating to certain activities for the promotion and marketing of beer.

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

SECTION 1. Chapter 108, Alcoholic Beverage Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PROMOTIONAL EVENTS

Sec. 108.101. EXPERIENTIAL DINNERS. (a) In this section, "experiential dinner" means a prescheduled and private event during which invited consumers and alcoholic beverage retailer employees of legal drinking age are provided with an opportunity to attend a dinner for the purpose of:

(1) receiving instruction on pairing beer with food and the history, quality, characteristics, presentation, and service of beer;

(2) tasting beer authorized for sale in this state and food pairings; and

(3) being entertained by the license or permit holder conducting the event or a person retained by the license or permit holder.

(b) Notwithstanding Section 102.07, 102.14, 102.15, or 108.06, or any other provision of this code, a holder of a manufacturer's license, nonresident manufacturer's license, general distributor's license, local distributor's license, agent's

1 beer license, or promotional permit, or the license or permit
2 holder's agent, representative, or employee, or any retailer
3 licensed or permitted for on-premises consumption, may conduct an
4 experiential dinner at the premises of a retailer holding a license
5 or permit to sell alcoholic beverages for on-premises consumption.
6 The retailer shall be compensated for the fair market value of the
7 services provided by the retailer.

8 (c) An experiential dinner must be conducted during normal
9 business hours and may not exceed five hours in length.

10 (d) The license or permit holder conducting the
11 experiential dinner or the license or permit holder's agent,
12 representative, or employee may open, touch, pour, and serve beer.

13 (e) The license or permit holder conducting the
14 experiential dinner must purchase all beer and food used in the
15 event from the retailer. The retailer may not charge the license or
16 permit holder more than the price the retailer charges a consumer
17 for the beer and food.

18 (f) An experiential dinner may be prearranged and conducted
19 jointly with a retailer and the retailer's employees.

20 (g) Consumers may be invited to an experiential dinner
21 through any method chosen by the license or permit holder
22 conducting the experiential dinner.

23 (h) The license or permit holder conducting the
24 experiential dinner may preannounce and advertise the experiential
25 dinner to consumers. The retailer's name and address may not be
26 mentioned in the advertising, except that invitees may be informed
27 of the retail location in an official invitation.

1 (i) The value of the food, beer, and entertainment provided
2 during the experiential dinner may not exceed \$150 per person on any
3 one occasion.

4 SECTION 2. This Act takes effect September 1, 2013.