

1 AN ACT

2 relating to the marketing of certain alcoholic beverages by  
3 manufacturers and their agents; providing for a permitting fee.

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

5 SECTION 1. Section 11.72, Alcoholic Beverage Code, is  
6 amended to read as follows:

7 Sec. 11.72. DISCIPLINE FOR ACTIONS OF AGENT. The  
8 commission or administrator may suspend or revoke the permit of a  
9 person who is represented by the holder of an agent's permit under  
10 ~~[as described by]~~ Section 15.01, 35.01, or 36.01 or otherwise  
11 discipline the person based on an act or omission of the holder of  
12 the ~~[an]~~ agent's permit only if an individual employed by the person  
13 in a supervisory position:

14 (1) was directly involved in the act or omission of the  
15 holder of the ~~[an]~~ agent's permit;

16 (2) had notice or knowledge of the act or omission; or

17 (3) failed to take reasonable steps to prevent the act  
18 or omission.

19 SECTION 2. Subtitle A, Title 3, Alcoholic Beverage Code, is  
20 amended by adding Chapter 15 to read as follows:

21 CHAPTER 15. DISTILLER'S AGENT'S PERMIT

22 Sec. 15.01. AUTHORIZED ACTIVITIES. The holder of a  
23 distiller's agent's permit may:

24 (1) represent the holder of a distiller's and

1 rectifier's permit;

2 (2) solicit and take orders from a holder of a  
3 wholesaler's permit for the sale of distilled spirits manufactured  
4 by the permit holder represented by the agent; and

5 (3) conduct free distilled spirits tastings for  
6 consumers on the premises of the holder of a package store permit.

7 Sec. 15.02. FEE. The annual state fee for a distiller's  
8 agent's permit is \$10.

9 Sec. 15.03. EVIDENCE OF AGENCY OR EMPLOYMENT REQUIRED. A  
10 distiller's agent's permit may not be issued to a person until the  
11 person shows to the satisfaction of the commission that the person  
12 has been employed by or authorized to act as the agent of the permit  
13 holder the person proposes to represent.

14 Sec. 15.04. SOLICITATION FROM HOLDER OF MIXED BEVERAGE OR  
15 PRIVATE CLUB PERMIT. A holder of a distiller's agent's permit may  
16 not solicit business directly or indirectly from a holder of a mixed  
17 beverage permit or a private club registration permit unless the  
18 distiller's agent is accompanied by the holder of a wholesaler's  
19 permit or the wholesaler's agent.

20 Sec. 15.05. UNAUTHORIZED REPRESENTATION. A holder of a  
21 distiller's agent's permit in soliciting or taking orders for the  
22 sale of liquor may not represent that the permit holder is an agent  
23 of any person other than the person designated in the permit  
24 holder's application.

25 Sec. 15.06. GRACE PERIOD. A person may engage in the  
26 activities specified in Section 15.01 for an initial grace period  
27 of five days during which the person shall procure a distiller's

1 agent's permit from the commission.

2 SECTION 3. Chapter 36, Alcoholic Beverage Code, is amended  
3 by adding Section 36.09 to read as follows:

4 Sec. 36.09. GRACE PERIOD. A person may engage in the  
5 activities specified in Section 36.01 for an initial grace period  
6 of five days during which the person shall procure a manufacturer's  
7 agent's permit from the commission.

8 SECTION 4. Subsection (m), Section 52.01, Alcoholic  
9 Beverage Code, is amended to read as follows:

10 (m) The holder of a distiller's or rectifier's permit,  
11 distiller's agent's permit, nonresident seller's permit, or  
12 manufacturer's agent's permit or that permit holder's agent or  
13 employee may participate in and conduct product tastings of  
14 alcoholic beverages at a retailer's premises and may open, touch,  
15 or pour alcoholic beverages, make a presentation, or answer  
16 questions at the tasting. Any alcoholic beverage tasted under this  
17 subsection must be purchased from the package store permit holder  
18 on whose premises the tasting is held. The permit holder may not  
19 require the purchase of more alcoholic beverages than are necessary  
20 for the tasting. This section does not authorize the holder of a  
21 distiller's or rectifier's permit, distiller's agent's permit,  
22 nonresident seller's permit, or manufacturer's agent's permit to  
23 withdraw or purchase an alcoholic beverage from the holder of a  
24 wholesaler's permit or provide an alcoholic beverage for tasting on  
25 a retailer's premises that is not purchased from the retailer.

26 SECTION 5. This Act takes effect September 1, 2013.

S.B. No. 828

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 828 passed the Senate on April 4, 2013, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 828 passed the House on May 14, 2013, by the following vote: Yeas 139, Nays 4, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor