

By: Van de Putte
(Smith)

S.B. No. 883

A BILL TO BE ENTITLED

AN ACT

relating to promotional items provided by manufacturers,
wholesalers, and distributors of alcoholic beverages to retailers.

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

SECTION 1. Subchapter A, Chapter 108, Alcoholic Beverage
Code, is amended by adding Section 108.036 to read as follows:

Sec. 108.036. CERTAIN PROMOTIONAL ITEMS PROVIDED TO
RETAILER BY MANUFACTURER, WHOLESALER, OR DISTRIBUTOR.

(a) Notwithstanding any other provision of this code, a member of
the manufacturing, wholesaler, or distributor tier, other than a
local distributor who holds a permit issued under Chapter 23, may:

(1) sell to a retailer promotional items that bear an
alcoholic beverage manufacturer's logo, brand, or product name and
are designed:

(A) to promote a specific product or brand; and

(B) for use by the consumer, either on or off the
retailer's premises; and

(2) give or sell to a retailer interior signs that have
the primary purpose of advertising a brand or product or the price
of a brand or product, provided that a sign provided to a retailer
under this section may not bear the name, logo, or trademark of a
specific retailer.

(b) Promotional items sold under Subsection (a)(1) may not
be sold for less than the item manufacturer's regularly published

1 wholesale price. Payment for an item sold under this section must
2 be in cash, paid on or before delivery.

3 (c) A manufacturer, wholesaler, or distributor of alcoholic
4 beverages may not paint, improve, or remodel a retailer's building
5 or any part of a retailer's building, inside or out, or finance any
6 improvements to a retailer's building.

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