

By: Eltife  
(Smith)

S.B. No. 808

A BILL TO BE ENTITLED

AN ACT

relating to the sale of distilled spirits to ultimate consumers by the holder of a distiller's and rectifier's permit.

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

SECTION 1. Section 14.01(a), Alcoholic Beverage Code, as amended by Chapters 106 (S.B. 905), 195 (S.B. 642), and 1171 (S.B. 652), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) The holder of a distiller's and rectifier's permit may:

- (1) manufacture distilled spirits;
- (2) rectify, purify, and refine distilled spirits and wines;
- (3) mix wines, distilled spirits, or other liquors;
- (4) bottle, label, and package the permit holder's finished products;
- (5) sell the finished products in this state to holders of wholesaler's permits and to qualified persons outside the state;
- (6) purchase distilled spirits, to be used only for manufacturing or rectification purposes, from holders of nonresident seller's permits or distiller's and rectifier's permits;
- (7) dispense free distilled spirits for consumption on the permitted premises under Section 14.04; ~~and~~

1           (8) sell bulk alcohol produced by the permit holder to  
2 holders of industrial permits in this state; and

3           (9) [~~(8) if located in a wet area,~~] sell distilled  
4 spirits to ultimate consumers under Section 14.04 or 14.05.

5           SECTION 2. Section 14.04(a), Alcoholic Beverage Code, is  
6 amended to read as follows:

7           (a) The holder of a distiller's and rectifier's permit may  
8 conduct distilled spirits samplings on the permitted  
9 premises. The permit holder may:

10           (1) dispense free samples; or

11           (2) if the permitted premises is located in an area  
12 where the sale of alcoholic beverages is legal as provided by a  
13 ballot issue approved by the voters under Section 501.035(b)(7),  
14 (8), or (9), Election Code, collect a fee for the sampling.

15           SECTION 3. Sections 14.05(a) and (b), Alcoholic Beverage  
16 Code, as added by Chapter 106 (S.B. 905), Acts of the 83rd  
17 Legislature, Regular Session, 2013, are amended to read as follows:

18           (a) The holder of a distiller's and rectifier's permit whose  
19 permitted premises is located in an area where the sale of alcoholic  
20 beverages is legal as provided by a ballot issue approved by the  
21 voters under Section 501.035(b)(7), (8), or (9), Election Code, may  
22 sell to ultimate consumers for consumption on the permitted  
23 premises distilled spirits manufactured or rectified by the permit  
24 holder in an amount not to exceed 3,000 gallons annually.

25           (b) The holder of a distiller's and rectifier's permit may  
26 sell distilled spirits manufactured by the permit holder to  
27 ultimate consumers for off-premises consumption in unbroken

1 packages containing not more than 750 milliliters of distilled  
2 spirits for off-premises consumption in an amount not to exceed  
3 3,500 gallons annually if:

4 (1) for a permit issued on or after September 1, 2013,  
5 the permitted premises is located in an area where the sale of  
6 alcoholic beverages is legal as provided by a ballot issue approved  
7 by the voters under Section 501.035(b)(5), (6), or (7), Election  
8 Code; or

9 (2) for a permit issued before September 1, 2013, the  
10 permitted premises is located in an area where the sale of alcoholic  
11 beverages is legal as provided by a ballot issue approved by the  
12 voters under Section 501.035(b)(5), (6), (7), (8), or (9), Election  
13 Code.

14 SECTION 4. This Act takes effect September 1, 2015.