

SENATE AMENDMENTS

2nd Printing

By: Geren

H.B. No. 482

A BILL TO BE ENTITLED

1 AN ACT

2 relating to allowing the holder of a brewpub license to sell ale and
3 malt liquor to certain wholesalers.

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

5 SECTION 1. Section 19.01, Alcoholic Beverage Code, is
6 amended to read as follows:

7 Sec. 19.01. AUTHORIZED ACTIVITIES. The holder of a
8 wholesaler's permit may:

9 (1) purchase and import liquor from distillers,
10 brewers, wineries, wine bottlers, rectifiers, and manufacturers
11 who are holders of nonresident seller's permits or from their
12 agents who hold manufacturer's agents permits;

13 (2) purchase ale and malt liquor from holders of
14 brewpub licenses;

15 (3) purchase liquor from other wholesalers in the
16 state;

17 (4) (4) [~~(3)~~] sell liquor in the original containers in
18 which it is received to retailers and wholesalers in this state
19 authorized to sell the liquor;

20 (5) (5) [~~(4)~~] sell liquor to qualified persons outside the
21 state; and

22 (6) (6) [~~(5)~~] sell ale and malt liquor to a holder of a
23 private club registration permit.

24 SECTION 2. Section 21.01, Alcoholic Beverage Code, is

1 amended to read as follows:

2 Sec. 21.01. AUTHORIZED ACTIVITIES. The holder of a local
3 class B wholesaler's permit may:

4 (1) purchase and import malt and vinous liquors from
5 brewers, wineries, rectifiers, and wine manufacturers and bottlers
6 who are holders of nonresident seller's permits and from their
7 agents who are holders of manufacturer's agent permits;

8 (2) purchase malt and vinous liquors from holders of
9 brewer's permits, holders of brewpub licenses, and [~~from~~] other
10 wholesalers in the state;

11 (3) sell the malt and vinous liquors, in the original
12 containers in which the permit holder [~~he~~] receives them, to
13 general and local class B wholesaler's permittees and, in the
14 permit holder's [~~his~~] county of residence, to local distributor's
15 permittees and retailers, including mixed beverage permittees and
16 daily temporary mixed beverage permittees; and

17 (4) sell ale and malt liquor to a holder of a private
18 club registration permit.

19 SECTION 3. Section 74.10(a), Alcoholic Beverage Code, is
20 amended to read as follows:

21 (a) In addition to the activities authorized by Section
22 74.01, the holder of a brewpub license may sell ale and malt liquor
23 to the holder of a wholesaler's permit, a general class B
24 wholesaler's permit, or a local class B wholesaler's permit.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 482

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2015.

ADOPTED

MAY 20 2015

Atkey Spaw
Secretary of the Senate

By: _____

H.B. No. 482

Substitute the following for H.B. No. 482.

By:  _____

C.S. H.B. No. 482

A BILL TO BE ENTITLED

1 AN ACT

2 relating to allowing the holder of a brewpub license to sell beer,
3 ale, and malt liquor to certain wholesalers, distributors, and
4 qualified persons outside the state.

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

6 SECTION 1. Section 19.01, Alcoholic Beverage Code, is
7 amended to read as follows:

8 Sec. 19.01. AUTHORIZED ACTIVITIES. The holder of a
9 wholesaler's permit may:

10 (1) purchase and import liquor from distillers,
11 brewers, wineries, wine bottlers, rectifiers, and manufacturers
12 who are holders of nonresident seller's permits or from their
13 agents who hold manufacturer's agents permits;

14 (2) purchase ale and malt liquor from holders of
15 brewpub licenses;

16 (3) purchase liquor from other wholesalers in the
17 state;

18 (4) [~~3~~] sell liquor in the original containers in
19 which it is received to retailers and wholesalers in this state
20 authorized to sell the liquor;

21 (5) [~~4~~] sell liquor to qualified persons outside the
22 state; and

23 (6) [~~5~~] sell ale and malt liquor to a holder of a
24 private club registration permit.

1 SECTION 2. Section 21.01, Alcoholic Beverage Code, is
2 amended to read as follows:

3 Sec. 21.01. AUTHORIZED ACTIVITIES. The holder of a local
4 class B wholesaler's permit may:

5 (1) purchase and import malt and vinous liquors from
6 brewers, wineries, rectifiers, and wine manufacturers and bottlers
7 who are holders of nonresident seller's permits and from their
8 agents who are holders of manufacturer's agent permits;

9 (2) purchase malt and vinous liquors from holders of
10 brewer's permits, holders of brewpub licenses, and [~~from~~] other
11 wholesalers in the state;

12 (3) sell the malt and vinous liquors, in the original
13 containers in which the permit holder [~~he~~] receives them, to
14 general and local class B wholesaler's permittees and, in the
15 permit holder's [~~his~~] county of residence, to local distributor's
16 permittees and retailers, including mixed beverage permittees and
17 daily temporary mixed beverage permittees; and

18 (4) sell ale and malt liquor to a holder of a private
19 club registration permit.

20 SECTION 3. Section 65.01(a), Alcoholic Beverage Code, is
21 amended to read as follows:

22 (a) The holder of a local distributor's license may:

23 (1) receive beer in unbroken original packages from
24 manufacturers and brewpubs and from general, branch, or local
25 distributors;

26 (2) sell and distribute beer in the unbroken original
27 packages in which it is received:

1 (A) to the following, if located in the county of
2 the licensee's residence: local distributor permittees, permittees
3 or licensees authorized to sell to ultimate consumers, private club
4 registration permittees, authorized outlets located on any
5 installation of the national military establishment, or qualified
6 persons for shipment and consumption outside the state; or

7 (B) to other licensed distributors in the state;
8 and

9 (3) serve free beer for consumption on the licensed
10 premises.

11 SECTION 4. Section 74.09(a), Alcoholic Beverage Code, is
12 amended to read as follows:

13 (a) In addition to the activities authorized by Section
14 74.01, the holder of a brewpub license may sell beer produced under
15 the license to the holder of a general, local, or branch
16 distributor's license or to qualified distributors outside the
17 state.

18 SECTION 5. Section 74.10(a), Alcoholic Beverage Code, is
19 amended to read as follows:

20 (a) In addition to the activities authorized by Section
21 74.01, the holder of a brewpub license may sell ale and malt liquor
22 to the holder of a wholesaler's permit, a general class B
23 wholesaler's permit, or a local class B wholesaler's permit or to
24 qualified wholesalers outside the state.

25 SECTION 6. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2015.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB482 by Geren (Relating to allowing the holder of a brewpub license to sell beer, ale, and malt liquor to certain wholesalers, distributors, and qualified persons outside the state.), **As Passed 2nd House**

The bill's impact on the production of ale and malt liquor, and collections from excise and sales taxes, cannot be determined.
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The bill would amend the Alcoholic Beverage Code as it relates to authorized activities for certain permit and license holders as described by the bill. The Texas Alcoholic Beverage Commission (TABC) indicates the bill would have no fiscal cost impact on TABC. The Comptroller of Public Accounts reports the bill's impact on the production of ale and malt liquor, and collections from excise and sales taxes, cannot be determined. The bill would take effect immediately upon receiving a two-thirds majority vote in each house, otherwise the bill would take effect September 1, 2015.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission, 304 Comptroller of Public Accounts

LBB Staff: UP, SD, JN, CL, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 12, 2015

TO: Honorable Kevin Eltife, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB482 by Geren (Relating to allowing the holder of a brewpub license to sell beer, ale, and malt liquor to certain wholesalers, distributors, and qualified persons outside the state.), **Committee Report 2nd House, Substituted**

The bill's impact on the production of ale and malt liquor, and collections from excise and sales taxes, cannot be determined.
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The bill would amend the Alcoholic Beverage Code as it relates to authorized activities for certain permit and license holders as described by the bill. The Texas Alcoholic Beverage Commission (TABC) indicates the bill would have no fiscal cost impact on TABC. The Comptroller of Public Accounts reports the bill's impact on the production of ale and malt liquor, and collections from excise and sales taxes, cannot be determined. The bill would take effect immediately upon receiving a two-thirds majority vote in each house, otherwise the bill would take effect September 1, 2015.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission, 304 Comptroller of Public Accounts

LBB Staff: UP, JN, CL, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 12, 2015

TO: Honorable Kevin Eltife, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB482 by Geren (Relating to allowing the holder of a brewpub license to sell ale and malt liquor to certain wholesalers.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Alcoholic Beverage Code to allow a brewpub license holder to sell ale and malt liquor to certain wholesalers as described in the bill. The Texas Alcoholic Beverage Commission and Comptroller of Public Accounts (CPA) indicate the bill would have no significant fiscal impact to the State. The CPA also reports the bill's provisions could result in additional excise and sales tax revenue collections, but that the amounts would likely not be substantial. The bill would take effect immediately upon receiving a two-thirds majority vote in each house, otherwise the bill would take effect September 1, 2015.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 458 Alcoholic Beverage Commission

LBB Staff: UP, CL, AI, JN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 10, 2015

TO: Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB482 by Geren (Relating to allowing the holder of a brewpub license to sell ale and malt liquor to certain wholesalers.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code to allow a brewpub license holder to sell ale and malt liquor to certain wholesalers as described in the bill. The Texas Alcoholic Beverage Commission and Comptroller of Public Accounts (CPA) indicate the bill would have no significant fiscal impact to the State. The CPA also reports the bill's provisions could result in additional excise and sales tax revenue collections, but that the amounts would likely not be substantial. The bill would take effect immediately upon receiving a two-thirds majority vote in each house, otherwise the bill would take effect September 1, 2015.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 458 Alcoholic Beverage Commission

LBB Staff: UP, CL, AI, JN