

By: Kuempel

H.B. No. 3003

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to certain promotional activities by the holders of  
3 certain alcoholic beverage permits and licenses.

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

5 SECTION 1. Section 108.061, Alcoholic Beverage Code, is  
6 amended to read as follows:

7 Sec. 108.061. SWEEPSTAKES PROMOTIONS AUTHORIZED. (a)  
8 Notwithstanding the prohibition against prizes given to a consumer  
9 in Section 108.06 and subject to the rules of the commission, a  
10 manufacturer, ~~or~~ nonresident manufacturer, or brewer may offer a  
11 prize to a consumer of legal drinking age if the offer is a part of a  
12 promotional sweepstakes activity.

13 (b) A purchase or entry fee may not be required of any person  
14 to enter in a sweepstakes authorized under this section.

15 (c) A person affiliated with the alcoholic beverage  
16 industry may not receive a prize from a sweepstakes authorized  
17 under this section ~~[promotion]~~.

18 (d) A prize awarded under this section may include food,  
19 beverages, entertainment, recreation, gifts, or attendance at a  
20 private event at a permitted or licensed premises for the winners of  
21 the sweepstakes and other guests of the sponsor of the event. The  
22 name or location of the premises where a private event described by  
23 this subsection is held may not be mentioned in any advertising  
24 related to the sweepstakes.

1       (e) If a licensee or permittee conducts a private event  
2 authorized by Subsection (d) at a retailer's premises, the licensee  
3 or permittee shall pay the retailer the fair market value for the  
4 use of the premises. The retailer must retain control of the sale  
5 and service of alcoholic beverages at the private event.

6       (f) A sweepstakes authorized under this section may be  
7 conducted at a permitted or licensed premises and the prize may be  
8 awarded to the winners at the permitted or licensed premises at  
9 which the sweepstakes is conducted.

10       SECTION 2. This Act takes effect September 1, 2017.