

By: Morrison

H.B. No. 3089

Substitute the following for H.B. No. 3089:

By: Kuempel

C.S.H.B. No. 3089

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the designation of a common area for on-premise  
3 consumption by a holder of certain alcoholic beverage permits and  
4 licenses.

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

6 SECTION 1. Subtitle C, Title 3, Alcoholic Beverage Code, is  
7 amended by adding Chapter 82 to read as follows:

8 CHAPTER 82. COMMON TASTING AREA FOR MEMBERS OF MANUFACTURING TIER

9 Sec. 82.001. APPLICABILITY. This chapter applies only to a  
10 person:

11 (1) who holds more than one type of permit or license  
12 issued under Chapter 12, 14, 16, or 62; and

13 (2) two or more of whose permitted or licensed  
14 premises are located at the same address or at contiguous addresses  
15 that are under common ownership.

16 Sec. 82.002. DESIGNATION OF COMMON AREA. (a)

17 Notwithstanding any other law, a person to whom this chapter  
18 applies may designate a common area where an alcoholic beverage may  
19 be transferred from any of the permitted or licensed premises  
20 located at the same address or a contiguous address under common  
21 ownership and sold, dispensed, or sampled for on-premise  
22 consumption under the same terms and conditions that apply to  
23 selling, dispensing, or sampling that alcoholic beverage for  
24 on-premise consumption at the transferring permitted or licensed

1 premises.

2 (b) The designated common area described by Subsection (a)  
3 must be located:

4 (1) on one of the permitted or licensed premises that  
5 are at the same address or at contiguous addresses under common  
6 ownership; or

7 (2) at the same address or at one of the contiguous  
8 addresses under common ownership, but separately from any permitted  
9 or licensed premises at the address.

10 Sec. 82.003. TRANSFER FROM INVENTORY; EXCISE TAX. (a)  
11 Alcoholic beverages transferred from the inventory of a permit or  
12 license into a designated common area described by Section 82.002  
13 must be removed from the inventory of the permit or license. The  
14 transfer must be documented by an invoice or statement showing the  
15 transfer date, quantity, container size, package, type, and brand  
16 label.

17 (b) Alcoholic beverages transferred to the designated  
18 common area are subject to excise tax and must be reported on the  
19 appropriate monthly excise tax report filed with the commission for  
20 the permit or license making the transfer.

21 (c) On a monthly basis, unopened excess inventory may be  
22 transferred from the designated common area described by Section  
23 82.002 back into the inventory of the permit or license from which  
24 it was originally transferred. The transfer back to the inventory  
25 of the originating permit or license must be documented by an  
26 invoice or statement showing the transfer date, quantity, container  
27 size, package, type, and brand label. The transfer of alcoholic

1 beverages from the common area back to the inventory of the  
2 originating permit or license must be shown as a receipt on the  
3 appropriate monthly excise tax report filed with the commission by  
4 the permit or license.

5 Sec. 82.004. SEPARATE RECORDS. Recordkeeping for the  
6 designated common area described by Section 82.002 must be kept  
7 separate for each permit or license held at the same address or at a  
8 contiguous address under common ownership.

9 Sec. 82.005. SUSPENSION OR CANCELLATION OF PERMIT OR  
10 LICENSE. If an act that is grounds for the suspension or  
11 cancellation of a permit or license occurs at a common tasting area  
12 authorized by this chapter:

13 (1) the permit or license to which the act may be  
14 attributed may be suspended or revoked in the same manner as if the  
15 act occurred on the premises for which the license or permit was  
16 issued; or

17 (2) all permits and licenses operating at the common  
18 tasting area may be suspended or revoked if the act cannot be  
19 attributed to a specific permit or license.

20 Sec. 82.006. RULES. The commission may adopt rules  
21 necessary to implement this chapter, including rules establishing a  
22 procedure for designating a common area under Section 82.002.

23 SECTION 2. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2017.