

By: Creighton

S.B. No. 1301

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to verification of alcohol content for prior approval of  
3 malt beverages.

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

5 SECTION 1. Sections 101.67(a), (d), and (e), Alcoholic  
6 Beverage Code, are amended to read as follows:

7 (a) No person may ship or cause to be shipped into the state,  
8 import into the state, manufacture and offer for sale in the state,  
9 or distribute, sell, or store in the state any beer, ale, or malt  
10 liquor unless:

11 (1) a sample of the beverage or a sample of the same  
12 type and quality of beverage has been first tested to verify the  
13 alcohol content of the beverage by:

14 (A) [submitted to] an independent [~~reputable~~]  
15 laboratory;

16 (B) a laboratory certified by the United States  
17 Alcohol and Tobacco Tax and Trade Bureau or its successor agency as  
18 qualified for the analysis of beer for export; or

19 (C) the commission [~~for analysis to verify the~~  
20 ~~alcohol content of the beverage~~]; and

21 (2) the label of the beverage has been first submitted  
22 to the commission or its representative and found to comply with all  
23 provisions of this code relating to the labeling of the particular  
24 type of beverage.

1           (d) If the commission determines that the product tested  
2 ~~[analysis provided by the independent laboratory or the sample,~~  
3 and ~~[the]~~ label submitted under ~~[, required by]~~ Subsection (a)  
4 comply with the provisions of this code and the rules of the  
5 commission, the commission shall issue a certificate of approval  
6 upon receipt of a fee in an amount that is sufficient to cover the  
7 cost of administering this section. A copy of the certificate  
8 shall be kept on file in the office of the commission.

9           (e) The commission may require proof by affidavit or  
10 otherwise that a laboratory performing a test ~~[by rule shall~~  
11 ~~establish the procedures for accepting analysis of beer, ale, or~~  
12 ~~malt liquor by an independent laboratory]~~ under Subsection  
13 (a)(1)(A) is independent ~~[(a)(1)]~~.

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