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S.B. No. 1760

A BILL TO BE ENTITLED

AN ACT

relating to product tastings of alcoholic beverages on certain permitted premises.

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

SECTION 1. Chapter 14, Alcoholic Beverage Code, is amended by adding Section 14.07 to read as follows:

Sec. 14.07. PRODUCT TASTINGS. (a) The holder of a distiller's and rectifier's permit or the agent or employee of the holder of a distiller's and rectifier's permit may:

(1) conduct distilled spirits samplings, including product tastings of distilled spirits, on the premises of the holder of:

(A) a package store permit;

(B) a mixed beverage permit; or

(C) a private club registration permit; and

(2) open, touch, or pour distilled spirits, make a presentation, or answer questions at a distilled spirits sampling or product tasting.

(b) The distilled spirits used for a distilled spirits sampling or product tasting under Subsection (a) may be provided from the distiller's and rectifier's permit holder's inventory if:

(1) the distilled spirits are legally transported to the premises where the sampling or product tasting is to be conducted;

1           (2) the distilled spirits are ordinarily offered for  
2 sale by the holder of the distiller's and rectifier's permit;

3           (3) the holder of the distiller's and rectifier's  
4 permit pays the taxes owed under Chapter 183, Tax Code, on the  
5 distilled spirits used for the sampling or product tasting; and

6           (4) except as provided by Subsection (d), the person  
7 who conducts the sampling or product tasting complies with the  
8 requirements of Section 52.01 for conducting a product tasting  
9 under that section.

10          (c) Before an agent or employee of a holder of a distiller's  
11 and rectifier's permit conducts a distilled spirits sampling or  
12 product tasting under this section, the holder of the distiller's  
13 and rectifier's permit or the permit holder's agent or employee  
14 shall provide to the permit holder for the premises where the  
15 sampling or product tasting is to be conducted written notice that  
16 the agent or employee maintains a seller server certificate as  
17 defined by 16 T.A.C. Section 50.2.

18          (d) To the extent of a conflict between this section and  
19 Section 52.01, this section controls.

20          SECTION 2. Section 15.01, Alcoholic Beverage Code, is  
21 amended to read as follows:

22          Sec. 15.01. AUTHORIZED ACTIVITIES. The holder of a  
23 distiller's agent's permit may:

24                 (1) represent the holder of a distiller's and  
25 rectifier's permit;

26                 (2) solicit and take orders from a holder of a  
27 wholesaler's permit for the sale of distilled spirits manufactured

1 by the permit holder represented by the agent; and

2 (3) conduct free distilled spirits tastings for  
3 consumers on the premises of the holder of a package store permit,  
4 mixed beverage permit, or private club registration permit.

5 SECTION 3. Sections 22.10 and 22.11, Alcoholic Beverage  
6 Code, are amended to read as follows:

7 Sec. 22.10. OPENING CONTAINERS PROHIBITED. Except as  
8 authorized under Section 14.07 or 52.01 [~~of this code~~], no person  
9 may break or open a container containing liquor or beer or possess  
10 an opened container of liquor or beer on the premises of a package  
11 store.

12 Sec. 22.11. CONSUMPTION ON PREMISES PROHIBITED. Except as  
13 authorized under Section 14.07 or 52.01, no person may sell,  
14 barter, exchange, deliver, or give away any drink or drinks of  
15 alcoholic beverages from a container that has been opened or broken  
16 on the premises of a package store.

17 SECTION 4. Sections 28.06(a) and (c), Alcoholic Beverage  
18 Code, are amended to read as follows:

19 (a) Except as provided by Section 14.07, no [~~No~~] holder of a  
20 mixed beverage permit, nor any officer, agent, or employee of a  
21 holder, may possess or permit to be possessed on the premises for  
22 which the permit is issued any alcoholic beverage which is not  
23 covered by an invoice from the supplier from whom the alcoholic  
24 beverage was purchased.

25 (c) Except as provided by Section 14.07, no [~~No~~] holder of a  
26 mixed beverage permit, nor any officer, agent, or employee of a  
27 holder, may knowingly possess or permit to be possessed on the

1 licensed premises any alcoholic beverage which is not covered by an  
2 invoice from the supplier from whom the alcoholic beverage was  
3 purchased.

4 SECTION 5. Section 28.15(a), Alcoholic Beverage Code, is  
5 amended to read as follows:

6 (a) Except as provided by Section 14.07, a [A] mixed  
7 beverage permittee may not possess or permit a person to possess on  
8 the premises distilled spirits in any container that does not bear a  
9 serially numbered identification stamp issued by the commission or  
10 other identification approved by the commission.

11 SECTION 6. Section 32.15, Alcoholic Beverage Code, is  
12 amended to read as follows:

13 Sec. 32.15. REMOVAL OF BEVERAGES FROM PREMISES. A private  
14 club, irrespective of location or system of storage of alcoholic  
15 beverages, may not permit any person to remove any alcoholic  
16 beverages from the club premises, except as authorized by  
17 [Subsection (b) of] Section 28.10(b) or for the purpose of removing  
18 unused inventory the person brought onto the premises under Section  
19 14.07(b) [28.10 of this code].

20 SECTION 7. Section 32.20(a), Alcoholic Beverage Code, is  
21 amended to read as follows:

22 (a) Except as provided by Section 14.07, a [A] private club  
23 registration permittee may not possess or permit a person to  
24 possess on the premises distilled spirits in any container that  
25 does not bear a serially numbered identification stamp issued by  
26 the commission or other identification approved by the commission.

27 SECTION 8. Sections 52.01(b) and (c), Alcoholic Beverage

1 Code, are repealed.

2 SECTION 9. This Act takes effect September 1, 2017.