86R16166 BEE-D

By:  Hernandez H.B. No. 2165

A BILL TO BE ENTITLED

AN ACT

relating to the sale by certain alcoholic beverage permit or license holders of alcoholic beverages at a cost below the cost to the seller.

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

SECTION 1.  Subchapter D, Chapter 109, Alcoholic Beverage Code, is amended by adding Section 109.65 to read as follows:

Sec. 109.65.  CERTAIN RETAIL SALES BELOW COST PROHIBITED. (a) In this section, "retailer's cost" includes applicable freight, taxes, and duties.

(b)  A person who holds a permit or license authorizing the retail sale of any alcoholic beverage for off-premise consumption may not sell an alcoholic beverage at retail for off-premise consumption at a cost less than the retailer's cost.

(c)  Proof of the retailer's cost for alcoholic beverages shall:

(1)  become a part of the permanent records of each person who holds a permit or license authorizing the retail sale of any alcoholic beverage for off-premise consumption; and

(2)  be available for a period of two years for inspection by the commission.

(d)  This section does not apply to the sale of a specific alcoholic beverage product if the manufacturer of the product has discontinued the production, importation, special packaging, or market availability of the product.

(e)  The commission shall adopt rules to implement this section.

SECTION 2.  This Act takes effect September 1, 2019.