By:  King of Hemphill H.B. No. 3222

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a nonresident brewer and nonresident manufacturer agent permit; authorizing a fee.

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

SECTION 1.  Title 3, Subtitle A, Texas Alcoholic Beverage Code, is amended by adding new Chapter 57 to read as follows:

Chapter 57. NONRESIDENT BREWERS AGENT OR NONRESIDENT MANUFACTURERS AGENT PERMIT

Sec. 57.01.  AUTHORIZED ACTIVITES. The holder of a nonresident brewer's agent permit or a nonresident manufacturer's agent permit may:

1.  represent nonresident brewers or nonresident manufacturers located outside the United States;

2.  perform any activity that the nonresident brewer or nonresident manufacturer could perform in this state;

3.  file for any permit, license, or other approval required by the agency on behalf of the nonresident brewer or nonresident manufacturer.

Sec. 57.02.  FEE. The annual fee for a nonresident brewer's agent permit or nonresident manufacturer's agent permit is $2500.

Sec. 57.03.  ELIGIBILITY. (a) An applicant for a permit under this chapter must:

1.  be a current holder of a nonresident sellers permit under Chapter 37; and

2.  be the primary American source of supply for beer or ale brewed or manufactured outside the United States.

(b)  In this section, "primary American source of supply" means the nonresident brewer or nonresident manufacturer of ale or beer produced outside of the United States, or the exclusive agent of either of those. To be the "primary American source of supply" the nonresident seller must be the first source, that is, the brewer or manufacturer or the source closest to the brewer or manufacturer, in the channel of commerce from whom the product can be secured by Texas wholesalers or distributors.

Sec. 57.04.  EVIDENCE OF AGENCY REQUIRED. A permit may not be issued to a nonresident seller under this section until the seller shows to the satisfaction of the agency that it is authorized to act as the agent of a nonresident brewer or nonresident manufacturer as described by this chapter.

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