

By: Hernandez

H.B. No. 2165

Substitute the following for H.B. No. 2165:

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C.S.H.B. No. 2165

A BILL TO BE ENTITLED

1

AN ACT

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

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

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

8 Sec. 109.65. CERTAIN RETAIL SALES BELOW COST PROHIBITED.

9 (a) In this section, "retailer's cost" includes applicable
10 freight, taxes, and duties.

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

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

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

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

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

1 market availability of the product.

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

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