

By: King of Hemphill

H.B. No. 3222

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a nonresident brewer's or nonresident manufacturer's agent's permit; authorizing a fee.

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

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

CHAPTER 57. NONRESIDENT BREWER'S OR NONRESIDENT MANUFACTURER'S
AGENT'S PERMIT

Sec. 57.001. AUTHORIZED ACTIVITIES. The holder of a nonresident brewer's or nonresident manufacturer's agent's permit may:

(1) represent one or more:

(A) nonresident brewers; and

(B) nonresident manufacturers; and

(2) on behalf of a nonresident brewer or nonresident manufacturer whom the permit holder represents:

(A) perform any activity the nonresident brewer or nonresident manufacturer whom the permit holder represents could perform in this state; and

(B) apply for a permit, license, or other authorization required by the commission.

Sec. 57.002. FEE. The annual state fee for a nonresident brewer's or nonresident manufacturer's agent's permit is \$2,500.

Sec. 57.003. ELIGIBILITY. A nonresident brewer's or

1 nonresident manufacturer's agent's permit may be issued only to a
2 person who holds a nonresident seller's permit under Chapter 37.

3 Sec. 57.004. RESTRICTION AS TO REPRESENTATION. (a) A
4 holder of a nonresident brewer's or nonresident manufacturer's
5 agent's permit may not represent a nonresident brewer or a
6 nonresident manufacturer unless the permit holder is the primary
7 American source of supply for a product produced by the nonresident
8 brewer or nonresident manufacturer.

9 (b) In this section, "primary American source of supply"
10 means the nonresident brewer or nonresident manufacturer or the
11 exclusive agent of the nonresident brewer or nonresident
12 manufacturer. To be the "primary American source of supply" the
13 nonresident brewer's or nonresident manufacturer's agent must be
14 the first source, that is, the brewer or manufacturer or the source
15 closest to the brewer or manufacturer, in the channel of commerce
16 from whom the product can be secured by Texas wholesalers and
17 distributors.

18 Sec. 57.005. AUTHORIZATION BY NONRESIDENT BREWER OR
19 NONRESIDENT MANUFACTURER REQUIRED. A nonresident brewer's or
20 nonresident manufacturer's agent's permit may not be issued to a
21 person unless the person shows to the satisfaction of the
22 commission that the person has been authorized to act as the agent
23 of a nonresident brewer or nonresident manufacturer the person
24 proposes to represent.

25 Sec. 57.006. OTHER LAW NOT AFFECTED. Nothing in this
26 chapter affects a territorial agreement entered into under
27 Subchapter C, Chapter 102.

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