

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 ACTIVITIES. 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

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

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

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

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