

By: Collier

H.B. No. 3976

A BILL TO BE ENTITLED

AN ACT

relating to the authorized activities of a manufacturer's agent's warehousing permit holder.

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

SECTION 1. Sections 55.01(a), (b), and (c), Alcoholic Beverage Code, as effective September 1, 2021, are amended to read as follows:

(a) The holder of a manufacturer's agent's warehousing permit may:

(1) receive alcoholic ~~[malt]~~ beverages from any license or permit holder that is authorized to sell the alcoholic beverages to licensed or permitted wholesalers or distributors in this state ~~[the holder of a nonresident brewer's license]~~ and store the alcoholic beverages on the permitted premises;

(2) ship, cause to be shipped, sell, and otherwise transfer the alcoholic ~~[malt]~~ beverages to licensed or permitted wholesalers or distributors in this state who are authorized to receive the alcoholic beverages and to persons outside this state who are qualified to receive the alcoholic ~~[malt]~~ beverages under the regulatory laws of the state or other jurisdiction in which the alcoholic ~~[malt]~~ beverages are received; ~~and~~

(3) return alcoholic ~~[malt]~~ beverages to the license or permit holder ~~[brewer]~~ from which they were originally received; and

1 (4) unpack, repack, or co-pack the alcoholic beverages
2 in any combination or configuration.

3 (b) The holder of a manufacturer's agent's warehousing
4 permit may ship malt beverages only to distributors in this state
5 who have been issued a territorial designation by the [~~actual~~]
6 brewer or the primary source of American supply of the brand or
7 brands to be shipped. This territorial designation for the sale of
8 malt beverages must be under and a part of the agreement entered
9 into between the [~~actual~~] brewer or the primary source of American
10 supply of the brand and the distributor under Subchapters C and D,
11 Chapter 102. This chapter does not affect the requirement that the
12 [~~actual~~] brewer or the primary source of American supply, and the
13 agreement between the [~~actual~~] brewer or the primary source of
14 American supply and the distributor, comply with Subchapters C and
15 D, Chapter 102.

16 (c) Alcoholic [~~Malt~~] beverages received at premises
17 permitted under this chapter that are not labeled and approved for
18 sale in this state may be held and stored at the premises and may be
19 shipped from the premises if the alcoholic [~~malt~~] beverages are
20 consigned and transported to qualified persons in other states or
21 jurisdictions where their sale is legal.

22 SECTION 2. Section 55.03, Alcoholic Beverage Code, as
23 effective September 1, 2021, is amended to read as follows:

24 Sec. 55.03. ELIGIBILITY FOR PERMIT. A manufacturer's
25 agent's warehousing permit may be issued to an entity:

26 (1) that receives alcoholic [~~malt~~] beverages from
27 another entity, or that other entity's immediate successor in

1 interest, that:

2 (A) is located and chartered in the United
3 Mexican States;

4 (B) has held, for the two years preceding the
5 date of the application:

6 (i) a nonresident manufacturer's license,
7 nonresident brewer's permit, and a nonresident seller's permit;

8 (ii) a nonresident brewer's license and a
9 nonresident seller's permit; or

10 (iii) a combination of Subparagraph (i) and
11 Subparagraph (ii); and

12 (C) during each of those two years has shipped or
13 caused to be shipped into this state for ultimate sale to qualified
14 distributors and wholesalers in this state at least one-half
15 million barrels of malt beverages of the various brands
16 manufactured or brewed by the entity; and

17 (2) whose employees, located in this state or
18 elsewhere, perform the activities authorized under Chapters 36 and
19 73 on behalf of the entity.

20 SECTION 3. Section 55.05, Alcoholic Beverage Code, as
21 effective September 1, 2021, is amended to read as follows:

22 Sec. 55.05. REPORTING REQUIREMENTS. The commission shall
23 require monthly reports from a permit holder under this chapter
24 showing the brands, types, sizes of containers, and quantities of
25 alcoholic [~~malt~~] beverages received at and shipped from the
26 premises to persons authorized to receive them. The reports must
27 conform in all respects to the requirements and forms prescribed by

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1 the commission and contain any other information required by the
2 commission.

3 SECTION 4. This Act takes effect September 1, 2021.