

By: Kacal

H.B. No. 4349

A BILL TO BE ENTITLED

AN ACT

relating to the sale by certain alcoholic beverage permit holders of wine or liquor at a cost below the cost to the seller.

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

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

Sec. 109.65. CERTAIN RETAIL SALES BELOW COST PROHIBITED.

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

(b) A person who holds a permit authorizing the retail sale of wine or liquor for off-premise consumption may not sell wine or liquor at retail for off-premise consumption at a cost less than the retailer's cost.

(c) Proof of the retailer's cost for wine or liquor shall:

(1) become a part of the permanent records of each person who holds a permit authorizing the retail sale of wine or liquor for off-premise consumption; and

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

(d) This section does not apply to the sale of a specific wine or liquor product if the manufacturer of the product has discontinued the production, importation, special packaging, or market availability of the product.

(e) The commission shall adopt rules to implement this

1 section.

2 SECTION 2. This Act takes effect September 1, 2021.