

By: Middleton

S.B. No. 2285

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain malt beverages between two or more licensed premises operating under the same general ownership or management.

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

SECTION 1. Chapter 62, Alcoholic Beverage Code, is amended by adding Section 62.085 to read as follows:

Sec. 62.085. TRANSFER OF MALT BEVERAGES. (a) The holder of a brewer's license may transfer malt beverages produced under the license between any of the license holder's licensed brewery premises, including a facility operating under an alternating brewery proprietorship or contract brewing arrangement as provided by Section 62.14, during the hours provided by Section 105.051, subject to rules prescribed by the commission.

(b) The holder of a brewer's license may not transport malt beverages under Subsection (a) unless:

(1) the license holder provides the commission with a description, as required by the commission, of each motor vehicle used by the license holder to transport malt beverages; and

(2) each motor vehicle is plainly marked or lettered to indicate that it is being used by the license holder to transport malt beverages.

(c) When transporting malt beverages under this section, the holder of a brewer's license may not violate the motor carrier

1 laws of this state.

2 (d) For purposes of Section 62.122, a malt beverage
3 transported under this section is considered to be brewed on the
4 premises to which the malt beverage is transported.

5 SECTION 2. Section 69.11, Alcoholic Beverage Code, is
6 amended to read as follows:

7 Sec. 69.11. EXCHANGE OR TRANSPORTATION OF MALT BEVERAGES
8 BETWEEN LICENSED PREMISES UNDER SAME OWNERSHIP. (a) Except as
9 provided by Subsection (b), the [The] owner of two or more licensed
10 retail premises may not exchange or transport malt beverages
11 between them.

12 (b) Malt [~~unless all of the conditions set out in Section~~
13 ~~24.04 are met, except that malt~~] beverages may be transferred
14 between:

15 (1) two licensed retail premises that are both covered
16 by wine only package store permits as provided in Section 24.04;

17 (2) two licensed retail premises that are both covered
18 by package store permits as provided in Section 22.08; or

19 (3) two licensed brewpubs operating under the same
20 general management or ownership as provided in Section 74.12.

21 SECTION 3. Chapter 74, Alcoholic Beverage Code, is amended
22 by adding Section 74.12 to read as follows:

23 Sec. 74.12. TRANSFER OF BEVERAGES. (a) The holder of a
24 brewpub license operating more than one brewpub as authorized by
25 Section 74.01(b) may transfer malt beverages brewed under the
26 license between any of the license holder's brewpubs during the
27 hours provided by Section 105.051, subject to rules prescribed by

1 the commission.

2 (b) The holder of a brewpub license may not transport malt
3 beverages under Subsection (a) unless:

4 (1) the license holder provides the commission with a
5 description, as required by the commission, of each motor vehicle
6 used by the license holder to transport malt beverages; and

7 (2) each motor vehicle is plainly marked or lettered
8 to indicate that it is being used by the license holder to transport
9 malt beverages.

10 (c) When transporting malt beverages under this section,
11 the holder of a brewpub license may not violate the motor carrier
12 laws of this state.

13 (d) For purposes of Sections 74.03 and 74.08, a malt
14 beverage transported under this section is considered to be brewed
15 by the brewpub to which the malt beverage is transported.

16 SECTION 4. This Act takes effect September 1, 2023.