

By: Phelan, Darby

H.B. No. 4773

Substitute the following for H.B. No. 4773:

By: Phelan

C.S.H.B. No. 4773

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 and the sale of those malt beverages.

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 produced on the
4 premises where the malt beverage is produced and may not be
5 considered to be produced on the premises to which the malt beverage
6 is transported.

7 (e) Notwithstanding Subsection (d), the holder of a
8 brewer's license to whose licensed premises malt beverages have
9 been transported under this section may sell the transported malt
10 beverages:

11 (1) to ultimate consumers in the manner provided by
12 Section 62.122(a); and

13 (2) in this state to the holders of general and branch
14 distributor's licenses and to qualified persons outside the state
15 as provided by Section 62.01(a)(1).

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

18 Sec. 69.11. EXCHANGE OR TRANSPORTATION OF MALT BEVERAGES
19 BETWEEN LICENSED PREMISES UNDER SAME OWNERSHIP. (a) The owner of
20 two or more licensed retail premises may not exchange or transport
21 malt beverages between them unless all of the conditions set out in
22 Section 24.04 are met, except that malt beverages may be
23 transferred between two licensed retail premises that are both
24 covered by package store permits as provided in Section 22.08.

25 (b) This section does not apply to malt beverages
26 transferred between two licensed brewpubs operating under the same
27 general management or ownership as provided in Section 74.12.

SECTION 3. Section 74.08, Alcoholic Beverage Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) In addition to the activities authorized by Section 74.01, the holder of a brewpub license ~~[who holds a wine and malt beverage retailer's permit and whose sale of malt beverages consists only of malt beverages brewed on the brewpub's premises]~~ may sell malt beverages produced under the license to:

(1) those retailers to whom the holder of a general distributor's license may sell malt beverages under Section 64.01; or

(2) qualified persons to whom the holder of a general distributor's license may sell malt beverages for shipment and consumption outside the state under Section 64.01.

(e) The holder of a brewpub license to whose brewpub premises malt beverages have been transported under Section 74.12 may:

(1) sell or offer without charge, on the brewpub's premises, to ultimate consumers for consumption on or off those premises, the transported malt beverages, to the extent the sales or offers are allowed under the holder's other permits or licenses; and

(2) sell the transported malt beverages to:

(A) those retailers to whom the holder of a general distributor's license may sell malt beverages under Section 64.01; or

(B) qualified persons to whom the holder of a

1 general distributor's license may sell malt beverages for shipment
2 and consumption outside the state under Section 64.01.

3 SECTION 4. Chapter 74, Alcoholic Beverage Code, is amended
4 by adding Section 74.12 to read as follows:

5 Sec. 74.12. TRANSFER OF BEVERAGES. (a) The holder of a
6 brewpub license operating more than one brewpub as authorized by
7 Section 74.01(b) may transfer malt beverages brewed under the
8 license between any of the license holder's brewpubs during the
9 hours provided by Section 105.051, subject to rules prescribed by
10 the commission.

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

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

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

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

22 (d) For purposes of Section 74.03, a malt beverage
23 transported under this section is considered to be brewed by the
24 brewpub where the malt beverage is brewed and may not be considered
25 to be brewed by the brewpub to which the malt beverage is
26 transported.

27 SECTION 5. This Act takes effect September 1, 2025.