

By: Parker

S.B. No. 1378

A BILL TO BE ENTITLED

AN ACT

relating to the powers of certain nonresident seller's permit holders who also hold a winery permit.

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

SECTION 1. Section 37.07, Alcoholic Beverage Code, is amended to read as follows:

Sec. 37.07. PROHIBITED ACTIVITIES. (a) No holder of a nonresident seller's permit, nor any officer, director, agent, or employee of the holder, nor any affiliate of the holder, regardless of whether the affiliation is corporate or by management, direction, or control, may do any of the following:

(1) hold or have an interest in the permit, business, assets, or corporate stock of a person authorized to import liquor into this state for the purpose of resale unless:

(A) the interest was acquired on or before January 1, 1941;

(B) [~~or unless~~] the permittee is a Texas corporation holding a manufacturer's license and a brewer's permit issued before April 1, 1971; or

(C) the permittee holds a winery permit that was first issued on or before May 1, 2010, for a winery whose premises is located in a municipality:

(i) with a population of more than 130,000 and less than 150,000; and

1 (ii) located in three counties, one of
2 which has a population of more than two million and less than three
3 million;

4 (2) fail to make or file a report with the commission
5 as required by a rule of the commission;

6 (3) sell liquor for resale inside this state that
7 fails to meet the standards of quality, purity, and identity
8 prescribed by the commission;

9 (4) advertise any liquor contrary to the laws of this
10 state or to the rules of the commission, or sell liquor for resale
11 in this state in violation of advertising or labeling rules of the
12 commission;

13 (5) sell liquor for resale inside this state or cause
14 it to be brought into the state in a size of container prohibited by
15 this code or by rule of the commission;

16 (6) solicit or take orders for liquor from a person not
17 authorized to import liquor into this state for the purpose of
18 resale;

19 (7) induce, persuade, or influence, or attempt to
20 induce, persuade, or influence, a person to violate this code or a
21 rule of the commission, or conspire with a person to violate this
22 code or a rule of the commission; or

23 (8) exercise a privilege granted by a nonresident
24 seller's permit while an order or suspension against the permit is
25 in effect.

26 (b) The holder of a nonresident seller's permit who holds a
27 winery permit or whose affiliate holds a winery permit may not sell

1 wine to the holder of the winery permit.

2 SECTION 2. This Act takes effect September 1, 2025.