

AN ACT

relating to the promotion and marketing of alcoholic beverages.

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

SECTION 1. Chapter 108, Alcoholic Beverage Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PROMOTIONAL EVENTS

Sec. 108.101. PRODUCT INSTRUCTION EVENTS. (a) In this section, "product instruction event" means a prescheduled public or private event for the purpose of promoting one or more malt beverages the sale of which is authorized in this state during which the license or permit holder provides instruction to consumers and retailers' employees of legal drinking age on the history, quality, characteristics, presentation, or serving of the malt beverages by:

(1) allowing the consumers and employees to taste the malt beverages; and

(2) informing the consumers and employees about the types of food with which the malt beverages could be paired.

(b) Notwithstanding Section 102.07, 102.14, 102.15, or 108.06, or any other provision of this code, a holder of a manufacturer's license, nonresident manufacturer's license, brewer's permit, nonresident brewer's permit, nonresident seller's permit, general distributor's license, local distributor's license, wholesaler's permit, Class B wholesaler's permit, agent's beer license, agent's permit, or manufacturer's agent's permit, or

1 the license or permit holder's agent, representative, or employee,
2 may, in order to promote the license or permit holder's malt
3 beverages, conduct product instruction events:

4 (1) at the premises of a retailer holding a license or
5 permit to sell alcoholic beverages for on-premises or off-premises
6 consumption; and

7 (2) on a brand-identified promotional vehicle that is
8 owned, rented, or leased by the license or permit holder conducting
9 the event while the vehicle is located on the premises of a retailer
10 described by Subdivision (1).

11 (c) A product instruction event must be conducted during
12 normal business hours and may not exceed four hours in length.

13 (d) The license or permit holder conducting a product
14 instruction event may open, touch, pour, and serve only malt
15 beverages that the license or permit holder manufactures or is
16 authorized to distribute.

17 (e) The license or permit holder conducting the product
18 instruction event must purchase all malt beverages used in the
19 event from the retailer. The retailer may not charge the license or
20 permit holder more than the price the retailer charges a consumer
21 for the beverages.

22 (f) A product instruction event may be prearranged with and
23 preannounced to a retailer. A product instruction event may not be
24 preannounced to a consumer.

25 (g) A retailer may host not more than two product
26 instruction events each calendar year.

27 SECTION 2. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2558 passed the Senate on May 13, 2009, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

I hereby certify that S.B. No. 2558 passed the House on May 26, 2009, by the following vote: Yeas 142, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor