

By: Gallegos

S.B. No. 2558

A BILL TO BE ENTITLED

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. CONSUMER PRODUCT INSTRUCTION EVENTS. (a) In this section, "consumer product instruction event" means a prescheduled event during which the license or permit holder provides consumers of legal drinking age with one or more malt beverages the sale of which is authorized in this state for the purposes of providing consumer instruction on the history, quality, characteristics, presentation, or serving of the beverages provided and allowing consumers to taste the beverages provided.

(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, manufacturer's agent's permit, or promotional permit, or the license or permit holder's agent, representative, or employee, may, in order to promote the license or permit holder's malt beverages, conduct consumer product

1 instruction events at the premises of a retailer holding a license  
2 or permit to sell alcoholic beverages for on-premises or  
3 off-premises consumption.

4 (c) A consumer product instruction event must be conducted  
5 during normal business hours, if conducted on a licensed or  
6 permitted premises, and may not exceed three hours in length.

7 (d) The license or permit holder conducting a consumer  
8 product instruction event may open, touch, pour, and serve malt  
9 beverages.

10 (e) The license or permit holder conducting the consumer  
11 product instruction event must purchase all malt beverages used in  
12 the event from the retailer. The retailer may not charge the  
13 license or permit holder more than the price the retailer charges a  
14 consumer for the beverages.

15 (f) A consumer product instruction event may be prearranged  
16 with and preannounced to a retailer. A consumer product  
17 instruction event may not be preannounced to a consumer.

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