

1-1 By: VanDeaver (Senate Sponsor - Parker) H.B. No. 4463
 1-2 (In the Senate - Received from the House May 9, 2025;
 1-3 May 13, 2025, read first time and referred to Committee on State
 1-4 Affairs; May 25, 2025, reported favorably by the following vote:
 1-5 Yeas 10, Nays 0; May 25, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to authorized activities of a brewer's or nonresident
 1-22 brewer's license holder; authorizing a fee increase.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Sections 62.14(a) and (b-1), Alcoholic Beverage
 1-25 Code, are amended to read as follows:

1-26 (a) The holder of a brewer's or nonresident brewer's license
 1-27 may contract with the holder of a brewer's or nonresident brewer's
 1-28 license:

1-29 (1) to provide manufacturing services; or

1-30 (2) for the use of the license holder's manufacturing
 1-31 facilities under an alternating brewery proprietorship if each
 1-32 party to the proprietorship:

1-33 (A) has filed the appropriate Brewer's Notice and
 1-34 Brewer's Bond as required by the Alcohol and Tobacco Tax and Trade
 1-35 Bureau of the United States Department of the Treasury; and

1-36 (B) if applicable, has posted with the commission
 1-37 a bond in an amount determined by the commission under Subsection
 1-38 (d) or (e).

1-39 (b-1) Each entity that is a party to an alternating brewery
 1-40 proprietorship or contract brewing arrangement must hold a brewer's
 1-41 license in this state at the location where brewing services are
 1-42 conducted under the arrangement.

1-43 SECTION 2. Section 63.01, Alcoholic Beverage Code, is
 1-44 amended to read as follows:

1-45 Sec. 63.01. AUTHORIZED ACTIVITIES. (a) The holder of a
 1-46 nonresident brewer's license may transport or cause to be
 1-47 transported malt beverages into Texas only to holders of brewer's
 1-48 or distributor's licenses. The nonresident brewer's licensee may
 1-49 transport the malt beverages in carriers or vehicles operated by
 1-50 holders of carrier's permits or in motor vehicles owned or leased by
 1-51 the nonresident brewer. The malt beverages must be shipped in
 1-52 barrels or other containers in accordance with the provisions of
 1-53 this code and may not be shipped into the state in tank cars.

1-54 (b) The holder of a nonresident brewer's license may
 1-55 transport or cause to be transported malt beverages into Texas from
 1-56 any of the license holder's locations outside of this state under
 1-57 the license. The holder is not required to hold a separate
 1-58 nonresident brewer's license for each location outside of this
 1-59 state.

1-60 (c) The holder of a nonresident brewer's license may enter
 1-61 into a contract with the holder of a brewer's license under Section

2-1 62.14 and engage in any activity authorized under that section.

2-2 SECTION 3. Chapter 63, Alcoholic Beverage Code, is amended
2-3 by adding Section 63.06 to read as follows:

2-4 Sec. 63.06. RESTRICTION AS TO SOURCE OF SUPPLY;
2-5 CONSTRUCTION OF OTHER LAW. (a) No holder of a nonresident brewer's
2-6 license may solicit, accept, or fill an order for malt beverages
2-7 from a holder of a brewer's or distributor's license unless the
2-8 nonresident brewer is the primary American source of supply for the
2-9 brand of malt beverages that is ordered.

2-10 (b) A nonresident brewer that is the primary American source
2-11 of supply for a malt beverage is considered the brewer of the malt
2-12 beverage for purposes of Subchapters C and D, Chapter 102.

2-13 (c) In this section, "primary American source of supply"
2-14 means the brewer, the producer, the owner of the commodity at the
2-15 time it becomes a marketable product, the bottler, or the exclusive
2-16 agent of any of those. To be the "primary American source of
2-17 supply" the nonresident brewer must be the first source, that is,
2-18 the manufacturer or the source closest to the manufacturer, in the
2-19 channel of commerce from whom the product can be secured by Texas
2-20 distributors or brewers. A product may have only one primary
2-21 American source of supply to Texas.

2-22 SECTION 4. Section 63.05, Alcoholic Beverage Code, is
2-23 repealed.

2-24 SECTION 5. As soon as practicable after the effective date
2-25 of this Act, the Texas Alcoholic Beverage Commission shall adopt
2-26 rules to implement the changes in law made by this Act, including
2-27 rules to adjust, including by increasing, fees assessed by the
2-28 commission under Section 5.50, Alcoholic Beverage Code, on
2-29 applicants for an original or renewal certificate, permit, or
2-30 license issued by the commission as necessary to ensure the amount
2-31 of the fees for an original or renewal certificate, permit, or
2-32 license is sufficient to cover the costs incurred by the commission
2-33 in administering the Alcoholic Beverage Code, as required by
2-34 Section 5.50, Alcoholic Beverage Code.

2-35 SECTION 6. This Act takes effect September 1, 2025.

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