

1-1 By: Farrar, et al. (Senate Sponsor - Lucio) H.B. No. 602  
1-2 (In the Senate - Received from the House April 26, 2011;  
1-3 April 27, 2011, read first time and referred to Committee on  
1-4 Business and Commerce; May 18, 2011, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 18, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to authorizing certain brewers and manufacturers to  
1-9 conduct tours of their premises after which beer or ale is provided  
1-10 to ultimate consumers for off-premises consumption.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 12, Alcoholic Beverage Code, is amended  
1-13 by adding Section 12.07 to read as follows:

1-14 Sec. 12.07. TOUR OF PERMITTED PREMISES. (a) The holder of  
1-15 a brewer's permit whose annual production of ale in this state,  
1-16 together with the annual production of beer by the holder of a  
1-17 manufacturer's license acting under the authority of Section 62.15  
1-18 at the same premises, does not exceed a total of 75,000 barrels may:

1-19 (1) charge an admission fee for a tour of the brewery  
1-20 premises; and

1-21 (2) at the end of a tour of the brewery premises, give  
1-22 ale or beer to tour participants in unbroken packages for  
1-23 off-premises consumption without an additional charge.

1-24 (b) The total amount of ale a tour participant may receive  
1-25 in a single day under this section, together with the amount of beer  
1-26 the tour participant receives under Section 62.15 at the same  
1-27 premises, may not exceed a total of 144 ounces.

1-28 (c) This section does not authorize the holder of a brewer's  
1-29 permit to sell ale to an ultimate consumer.

1-30 SECTION 2. Chapter 62, Alcoholic Beverage Code, is amended  
1-31 by adding Section 62.15 to read as follows:

1-32 Sec. 62.15. TOUR OF LICENSED PREMISES. (a) The holder of a  
1-33 manufacturer's license whose annual production of beer in this  
1-34 state, together with the annual production of ale by the holder of a  
1-35 brewer's permit acting under the authority of Section 12.07 at the  
1-36 same premises, does not exceed a total of 75,000 barrels may:

1-37 (1) charge an admission fee for a tour of the  
1-38 manufacturer's premises; and

1-39 (2) at the end of a tour of the manufacturer's  
1-40 premises, give beer or ale to tour participants in unbroken  
1-41 packages for off-premises consumption without an additional  
1-42 charge.

1-43 (b) The total amount of beer a tour participant may receive  
1-44 in a single day under this section, together with the amount of ale  
1-45 the tour participant receives under Section 12.07 at the same  
1-46 premises, may not exceed a total of 144 ounces.

1-47 (c) This section does not authorize the holder of a  
1-48 manufacturer's license to sell beer to an ultimate consumer.

1-49 SECTION 3. (a) The purpose of this Act is to promote the  
1-50 advancement of breweries and manufacturers by enabling them to  
1-51 acquaint patrons and tourists with the craft of manufacturing and  
1-52 brewing beer and ale by providing an opportunity to sample products  
1-53 based on the brewing techniques of each individual licensee or  
1-54 permittee but not to authorize the brewery or manufacturer to use  
1-55 permitted or licensed premises as a retail outlet for the sale of  
1-56 alcoholic beverages.

1-57 (b) The legislature finds that the Texas Alcoholic Beverage  
1-58 Commission has the power under the Alcoholic Beverage Code to  
1-59 enforce the provisions of this Act, and to take actions against a  
1-60 brewery or manufacturer who violates the provisions of this Act,  
1-61 including canceling a license or permit issued under that code.

1-62 SECTION 4. If any provision of this Act or its application  
1-63 to any person or circumstance is held invalid, the entire Act is  
1-64 invalid, and to this end the provisions of this Act are declared to

2-1 be nonseverable.

2-2 SECTION 5. This Act takes effect immediately if it receives  
2-3 a vote of two-thirds of all the members elected to each house, as  
2-4 provided by Section 39, Article III, Texas Constitution. If this  
2-5 Act does not receive the vote necessary for immediate effect, this  
2-6 Act takes effect September 1, 2011.

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