

By: Rodriguez

H.B. No. 2436

A BILL TO BE ENTITLED

1 AN ACT
2 relating to authorizing certain brewers and manufacturers to sell
3 beer and ale to ultimate consumers.

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

5 SECTION 1. Section 12.05, Alcoholic Beverage Code, is
6 amended to read as follows:

7 Sec. 12.05. SALES BY CERTAIN BREWERS. (a) The Holder of a
8 brewers permit whose annual production of ale in this state does not
9 exceed, together with the annual production of beer by the holder of
10 a manufacturer's license [~~acting~~] under [~~the authority of~~] Section
11 62.12 [~~of this code~~] at the same premises, a total of 75,000
12 barrels, may:

13 (1) sell ale produced under the permit to those
14 persons to whom the holder of a general Class B wholesaler's permit
15 may sell malt liquor under Section 20.01(3) [of this code]. With
16 regard to such a sale, the brewer has the same authority and is
17 subject to the same requirements that apply to a sale made by the
18 holder of a general class B wholesaler's permit.

19 (2) sell ale produced under the permit to those
20 persons to whom the holder of a wine and beer retailer's permit may
21 sell malt liquor under Section 25.01(1)

22 (A) for consumption on the brewer's premises or;

23 (B) for off-premises consumption.

24 The total combined sales of ale to ultimate consumers

1 under this section, together with the sales of beer to ultimate
2 consumers by the holder of a manufacturer's license under Section
3 62.12 at the same premises, may not exceed 5,000 barrels annually.
4 With regard to such a sale, the brewer has the same authority and is
5 subject to the same requirements that apply to a sale made by the
6 holder of a wine and beer retailers permit.

7 SECTION 2. Section 62.12, Alcoholic Beverage Code, is
8 amended to read as follows:

9 Sec. 6212. SALES BY CERTAIN MANUFACTURERS. (a) The holder
10 of a manufacturer's licensee whose annual production of beer in
11 this state does not exceed, together with the annual production of
12 ale by the holder of a brewer's permit under Section 12.05 at the
13 same premises, a total of 75,000 barrels may:

14 (1) sell beer produced under the license to those
15 permittees, licensees, and person's to whom a general distributor's
16 licensee may see beer under Section 64.01(2) of this code. With
17 regard to such a sale, the manufacturer has the same authority and
18 is subject to the same requirements as apply to a sale made by a
19 general distributors licensee;

20 (2) sell beer produced under the license to those
21 persons to whom the holder of a wine and beer retailer's permit may
22 sell beer under Section 25.01(1)

23 (A) for consumption on the manufacturer's
24 premises or;

25 (B) for off-premises consumption.

26 The total combined sales of beer to ultimate consumers
27 under this section, together with the sales of ale to ultimate

1 consumers by the holder of a brewer's permit under Section 12.05 at
2 the same premises, may not exceed 5,000 barrels annually. With
3 regard to such a sale, the brewer has the same authority and is
4 subject to the same requirements that apply to a sale made by the
5 holder of a wine and beer retailer's permit.

6 (A) The authority granted by this section is
7 additional to that granted by Section 62.01 of this code.

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