

A BILL TO BE ENTITLED

AN ACT

relating to the sale of souvenir bottles of distilled spirits by the holder of a distiller's and rectifier's permit.

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

SECTION 1. Subsection (a), Section 14.01, Alcoholic Beverage Code, is amended to read as follows:

(a) The holder of a distiller's and rectifier's permit may:

(1) manufacture distilled spirits;

(2) rectify, purify, and refine distilled spirits and wines;

(3) mix wines, distilled spirits, or other liquors;

(4) bottle, label, and package the permit holder's finished products;

(5) sell the finished products in this state to holders of wholesaler's permits and to qualified persons outside the state;

(6) import distilled spirits, to be used only for manufacturing or rectification purposes, from holders of nonresident seller's permits; ~~and~~

(7) dispense free distilled spirits for consumption on the permitted premises; and

(8) sell souvenir bottles of distilled spirits to ultimate consumers for off-premises consumption in accordance with Section 14.05.

1 SECTION 2. Chapter 14, Alcoholic Beverage Code, is amended  
2 by adding Section 14.05 to read as follows:

3 Sec. 14.05. SOUVENIR BOTTLE SALES. (a) The holder of a  
4 distiller's and rectifier's permit whose premises are located in an  
5 area where the sale of distilled spirits is legal may sell souvenir  
6 bottles of distilled spirits manufactured or bottled on the  
7 permitted premises to ultimate consumers in unbroken packages for  
8 off-premises consumption.

9 (b) A consumer may not purchase more than one souvenir  
10 bottle per visit of each brand of distilled spirits manufactured or  
11 bottled on the permitted premises.

12 (c) A permit holder may not sell more than 50,000 gallons of  
13 distilled spirits under this section annually.

14 (d) Distilled spirits sold under this section must be sold  
15 in container sizes that meet commission rules and that are labeled,  
16 stamped, or otherwise designed differently than the containers the  
17 permittee sells to wholesalers.

18 (e) A person authorized to sell distilled spirits under this  
19 section may not sell a souvenir bottle of distilled spirits to a  
20 minor or to an obviously intoxicated person.

21 SECTION 3. This Act takes effect September 1, 2011.