

1-1 By: Fraser S.B. No. 995  
1-2 (In the Senate - Filed February 28, 2011; March 8, 2011,  
1-3 read first time and referred to Committee on Business and Commerce;  
1-4 May 9, 2011, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; May 9, 2011, sent to printer.)

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

1-8 relating to the sale of souvenir bottles of distilled spirits by the  
1-9 holder of a distiller's and rectifier's permit.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 14.01, Alcoholic  
1-12 Beverage Code, is amended to read as follows:

1-13 (a) The holder of a distiller's and rectifier's permit may:

1-14 (1) manufacture distilled spirits;

1-15 (2) rectify, purify, and refine distilled spirits and  
1-16 wines;

1-17 (3) mix wines, distilled spirits, or other liquors;

1-18 (4) bottle, label, and package the permit holder's  
1-19 finished products;

1-20 (5) sell the finished products in this state to  
1-21 holders of wholesaler's permits and to qualified persons outside  
1-22 the state;

1-23 (6) import distilled spirits, to be used only for  
1-24 manufacturing or rectification purposes, from holders of  
1-25 nonresident seller's permits; ~~and~~

1-26 (7) dispense free distilled spirits for consumption on  
1-27 the permitted premises; and

1-28 (8) sell souvenir bottles of distilled spirits to  
1-29 ultimate consumers for off-premises consumption in accordance with  
1-30 Section 14.05.

1-31 SECTION 2. Chapter 14, Alcoholic Beverage Code, is amended  
1-32 by adding Section 14.05 to read as follows:

1-33 Sec. 14.05. SOUVENIR BOTTLE SALES. (a) The holder of a  
1-34 distiller's and rectifier's permit whose premises are located in an  
1-35 area where the sale of distilled spirits is legal may sell souvenir  
1-36 bottles of distilled spirits manufactured or bottled on the  
1-37 permitted premises to ultimate consumers in unbroken packages for  
1-38 off-premises consumption.

1-39 (b) A consumer may not purchase more than one souvenir  
1-40 bottle per visit of each brand of distilled spirits manufactured or  
1-41 bottled on the permitted premises.

1-42 (c) A permit holder may not sell more than 50,000 gallons of  
1-43 distilled spirits under this section annually.

1-44 (d) Distilled spirits sold under this section must be sold  
1-45 in container sizes that meet commission rules and that are labeled,  
1-46 stamped, or otherwise designed differently than the containers the  
1-47 permittee sells to wholesalers.

1-48 (e) A person authorized to sell distilled spirits under this  
1-49 section may not sell a souvenir bottle of distilled spirits to a  
1-50 minor or to an obviously intoxicated person.

1-51 SECTION 3. This Act takes effect September 1, 2011.

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