

By: Smith

H.B. No. 3716

Substitute the following for H.B. No. 3716:

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C.S.H.B. No. 3716

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to promotional items provided by manufacturers,  
3 wholesalers, and distributors of alcoholic beverages to retailers.

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

5 SECTION 1. Subchapter A, Chapter 108, Alcoholic Beverage  
6 Code, is amended by adding Section 108.036 to read as follows:

7 Sec. 108.036. CERTAIN PROMOTIONAL ITEMS PROVIDED TO  
8 RETAILER BY MANUFACTURER, WHOLESALER, OR DISTRIBUTOR. (a)  
9 Notwithstanding any other provision of this code, a member of the  
10 manufacturing, wholesaler, or distributor tier, other than a local  
11 distributor who holds a permit issued under Chapter 23, may:

12 (1) sell to a retailer promotional items that bear an  
13 alcoholic beverage manufacturer's logo, brand, or product name and  
14 are designed:

15 (A) to promote a specific product or brand; and

16 (B) for use by the consumer, either on or off the  
17 retailer's premises; and

18 (2) give or sell to a retailer interior signs that have  
19 the primary purpose of advertising a brand or product or the price  
20 of a brand or product, provided that a sign provided to a retailer  
21 under this section may not bear the name, logo, or trademark of a  
22 specific retailer.

23 (b) Promotional items sold under Subsection (a)(1) may not  
24 be sold for less than the item manufacturer's regularly published

1 wholesale price. Payment for an item sold under this section must be  
2 in cash, paid on or before delivery.

3 (c) A manufacturer, wholesaler, or distributor of alcoholic  
4 beverages may not paint, improve, or remodel a retailer's building  
5 or any part of a retailer's building, inside or out, or finance any  
6 improvements to a retailer's building.

7 SECTION 2. This Act takes effect September 1, 2013.