

By: Farrar

H.B. No. 2094

A BILL TO BE ENTITLED

AN ACT

relating to authorizing certain brewers and manufacturers to sell beer and ale to ultimate consumers.

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

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

Sec. 12.05. SALES BY CERTAIN BREWERS. (a) The holder of a brewer's permit whose annual production of ale in this state does not exceed, together with the annual production of beer by the holder of a manufacturer's license [~~acting~~] under [~~the authority of~~] Section 62.12 [~~of this code~~] at the same premises, a total of 75,000 barrels, may sell ale produced under the permit to those persons to whom the holder of a general class B wholesaler's permit may sell malt liquor under Section 20.01(3) [~~of this code~~]. With regard to such a sale, the brewer has the same authority and is subject to the same requirements that apply to a sale made by the holder of a general class B wholesaler's permit.

(b) The holder of a brewer's permit whose annual production of ale in this state does not exceed, together with the annual production of beer by the holder of a manufacturer's license under Section 62.12 at the same premises, a total of 250,000 barrels may sell ale to ultimate consumers for consumption on the brewer's premises or in unbroken packages for off-premises consumption. The total combined sales of ale to ultimate consumers under this

1 section, together with the sales of beer to ultimate consumers by
2 the holder of a manufacturer's license under Section 62.12 at the
3 same premises, may not exceed 5,000 barrels annually.

4 SECTION 2. Section 62.12, Alcoholic Beverage Code, is
5 amended by adding Subsection (a-1) to read as follows:

6 (a-1) The holder of a manufacturer's license whose annual
7 production of beer in this state does not exceed, together with the
8 annual production of ale by the holder of a brewer's permit under
9 Section 12.05 at the same premises, a total of 250,000 barrels may
10 sell beer to ultimate consumers for consumption on the
11 manufacturer's premises or in unbroken packages for off-premises
12 consumption. The total combined sales of beer to ultimate consumers
13 under this section, together with the sales of ale to ultimate
14 consumers by the holder of a brewer's permit under Section 12.05 at
15 the same premises, may not exceed 5,000 barrels annually.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2009.