

BILL ANALYSIS

Senate Research Center
81R27898 MCK-F

S.B. 2558
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Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Alcoholic Beverage Code does not contain language which defines or identifies consumer product instruction events.

As proposed, S.B. 2558 amends current law relating to the promotion and marketing of alcoholic beverages.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 108, Alcoholic Beverage Code, by adding Subchapter D, as follows:

SUBCHAPTER D. PROMOTIONAL EVENTS

Sec. 108.101. CONSUMER PRODUCT INSTRUCTION EVENTS. (a) Defines "consumer product instruction event."

(b) Authorizes a holder of a manufacturer's license, nonresident manufacturer's license, brewer's permit, nonresident brewer's permit, nonresident seller's permit, general distributor's license, local distributor's license, wholesaler's permit, Class B wholesaler's permit, agent's beer license, agent's permit, manufacturer's agent's permit, or promotional permit, or the license or permit holder's agent, representative, or employee, notwithstanding Section 102.07 (Prohibited Dealings With Retailer or Consumer), 102.14 (Manufacturer or Distributor; Furnishing Equipment or Fixtures), 102.15 (Manufacturer or Distributor; Prohibited Dealings With Retailer), or 108.06 (Prizes and Premiums), or any other provision of this code, to, in order to promote the license or permit holder's malt beverages, conduct consumer product instruction events at the premises of a retailer holding a license or permit to sell alcoholic beverages for on-premises or off-premises consumption.

(c) Provides that a consumer product instruction event is required to be conducted during normal business hours, if conducted on a licensed or permitted premises, and may not exceed three hours in length.

(d) Authorizes the license or permit holder conducting a consumer product instruction event to open, touch, pour, and serve malt beverages.

(e) Requires the license or permit holder conducting the consumer product instruction event to purchase all malt beverages used in the event from the retailer. Prohibits the retailer from charging the license or permit holder more than the price the retailer charges a consumer for the beverages.

(f) Authorizes a consumer product instruction event to be prearranged with and preannounced to a retailer. Prohibits a consumer product instruction event from being preannounced to a consumer.

SECTION 2. Effective date: September 1, 2009.