

AN ACT

relating to the issuance of a package store tasting permit to the holder of a wine only package store permit.

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

SECTION 1. Section 24.09, Alcoholic Beverage Code, is amended to read as follows:

Sec. 24.09. OPENING CONTAINERS PROHIBITED. Except as provided by Section 52.01, a ~~No~~ person may not break or open a container of liquor or beer or possess an opened container of liquor or beer on the premises of a wine only package store.

SECTION 2. Section 24.10, Alcoholic Beverage Code, is amended to read as follows:

Sec. 24.10. BEVERAGE FROM OPENED CONTAINER. Except as provided by Section 52.01, a ~~No~~ person may not sell, barter, exchange, deliver, or give away a drink of alcoholic beverage from a container that has ~~[for any reason]~~ been opened or broken on the premises of a wine only package store.

SECTION 3. Section 52.01(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Except as provided by this subsection, the ~~The~~ holder of a package store tasting permit may conduct product tastings of distilled spirits, wine, beer, and malt-based or spirit-based coolers on the permitted ~~[licensed]~~ premises of the holder's package store or wine only package store during regular business

1 hours as provided by this section. The holder of a wine only
2 package store permit and a package store tasting permit may conduct
3 product tastings only of alcoholic beverages the permit holder is
4 authorized to sell under Section 24.01.

5 SECTION 4. Section 52.03, Alcoholic Beverage Code, is
6 amended to read as follows:

7 Sec. 52.03. ELIGIBILITY FOR PERMIT. The commission or the
8 administrator may only issue a package store tasting permit to a
9 holder of a package store permit or wine only package store permit.

10 For the purposes of this code and any other law of the state or
11 political subdivision of the state, a package store tasting permit
12 may not be considered a permit authorizing the sale of alcoholic
13 beverages for on-premise consumption. Since no charge may be made
14 for a sample tasted on the premises of a package store, none of a
15 package store's or wine only package store's revenue may be deemed
16 to be revenue from the on-premise sale of alcoholic beverages.

17 SECTION 5. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Jim Cuddihy

Speaker of the House

I certify that H.B. No. 2590 was passed by the House on May 9, 2005, by the following vote: Yeas 144, Nays 0, 3 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 2590 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Patricia Spaw
Secretary of the Senate

APPROVED:

18 JUNE '05

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:22 AM ONE HOUR

JUN 18 2005

Roger Williams
Secretary of State