SECTION 35. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.

(b) Sections 54.739 and 54.744, Water Code, as amended by this Act, take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; otherwise, these sections take effect September 1, 2013.

Passed the Senate on March 21, 2013: Yeas 30, Nays 1; passed the House on May 2, 2013: Yeas 147, Nays 0, two present not voting.

Approved May 18, 2013.

Effective September 1, 2013, except as provided in § 35(b).

CHAPTER 106

S.B. No. 905

AN ACT relating to the sale of distilled spirits to ultimate consumers by the holder of a distiller's and rectifier's permit.

Be it enacted by the Legislature of the State of Texas:

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

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

1. manufacture distilled spirits;
2. rectify, purify, and refine distilled spirits and wines;
3. mix wines, distilled spirits, or other liquors;
4. bottle, label, and package the permit holder's finished products;
5. sell the finished products in this state to holders of wholesaler's permits and to qualified persons outside the state;
6. import distilled spirits, to be used only for manufacturing or rectification purposes, from holders of nonresident seller's permits; [and]
7. dispense free distilled spirits for consumption on the permitted premises under Section 14.04; and
8. if located in a wet area, sell distilled spirits to ultimate consumers under Section 14.04 or 14.05.

SECTION 2. Subsection (a), Section 14.04, Alcoholic Beverage Code, is amended to read as follows:

(a) The holder of a distiller's and rectifier's permit may conduct distilled spirits samplings on the permitted premises. The permit holder may dispense free samples or collect a fee for the sampling.

SECTION 3. Chapter 14, Alcoholic Beverage Code, is amended by adding Section 14.05 to read as follows:

Sec. 14.05. SALES TO ULTIMATE CONSUMERS. (a) The holder of a distiller's and rectifier's permit may sell to ultimate consumers for consumption on the permitted premises distilled spirits manufactured or rectified by the permit holder in an amount not to exceed 3,000 gallons annually.

(b) The holder of a distiller's and rectifier's permit may sell distilled spirits manufactured by the permit holder to ultimate consumers for off-premises consumption in unbroken packages containing not more than 750 milliliters of distilled spirits for off-premises consumption in an amount not to exceed 3,500 gallons annually.
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(c) The holder of a distiller's and rectifier's permit may not under Subsection (b) sell more than two 750 milliliter bottles of distilled spirits or the equivalent to the same consumer within a 30-day period.

(d) A sale under Subsection (b):
(1) may be made only to an individual who is physically present at the permit holder's premises; and
(2) must be delivered to the purchaser in person during the purchaser's visit.

(e) A person may not make a purchase under Subsection (b) as an agent for another person.

(f) The permit holder must check a purchaser's identification and keep records of purchases in a manner that enables the permit holder to comply with this section.

(g) A bottle of distilled spirits sold on the permit holder's premises under Subsection (b) must bear a notice affixed to the bottle that:
(1) does not obscure the label approved by the Alcohol and Tobacco Tax and Trade Bureau;
(2) states that the bottle is commemorative;
(3) states the month and year the bottle is sold; and
(4) is signed by an agent of the permit holder.

SECTION 4. Chapter 105, Alcoholic Beverage Code, is amended by adding Section 105.081 to read as follows:

Sec. 105.081. HOURS OF SALE AND CONSUMPTION: DISTILLERY. (a) The holder of a distiller's and rectifier's permit may sell and offer for sale distilled spirits for on-premises consumption and a person may consume distilled spirits on the permitted premises during the same hours mixed beverages may be sold and offered for sale by a mixed beverage permit holder under Section 105.03(b).

(b) The holder of a distiller's and rectifier's permit may sell and offer for sale distilled spirits to ultimate consumers for off-premises consumption during the same hours as the holder of a package store permit may sell and offer for sale distilled spirits to ultimate consumers for off-premises consumption.

SECTION 5. Subdivision (1), Subsection (b), Section 183.001, Tax Code, is amended to read as follows:

(1) "Permittee" means a mixed beverage permittee, a private club registration permittee, a private club exemption certificate permittee, a private club late hours permittee, a daily temporary private club permittee, a private club registration permittee holding a food and beverage certificate, a daily temporary mixed beverage permittee, a mixed beverage late hours permittee, a mixed beverage permittee holding a food and beverage certificate, [or] a caterer permittee, or a distiller's and rectifier's permittee.

SECTION 6. Subsection (c), Section 14.01, and Subsection (g), Section 14.04, Alcoholic Beverage Code, are repealed.

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

Passed the Senate on March 27, 2013: Yeas 30, Nays 0; passed the House on May 2, 2013: Yeas 147, Nays 0, two present not voting.

Approved May 18, 2013.

Effective September 1, 2013.

CHAPTER 107

S.B. No. 920

AN ACT

relating to the requirement that an unemployed individual be actively seeking work to be eligible for unemployment compensation benefits.