

ALCOHOLIC BEVERAGE CODE

TITLE 3. LICENSES AND PERMITS

SUBTITLE B. LICENSES

Text of chapter effective on September 1, 2021

CHAPTER 63. NONRESIDENT BREWER'S LICENSE

Sec. 63.01. AUTHORIZED ACTIVITIES. The holder of a nonresident brewer's license may transport malt beverages into Texas only to holders of brewer's or distributor's licenses. The nonresident brewer's licensee may transport the malt beverages in carriers or vehicles operated by holders of carrier's permits or in motor vehicles owned or leased by the nonresident brewer. The malt beverages must be shipped in barrels or other containers in accordance with the provisions of this code and may not be shipped into the state in tank cars.

Acts 1977, 65th Leg., p. 476, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Amended by Acts 1979, 66th Leg., p. 1969, ch. 777, Sec. 11, eff. Aug. 27, 1979.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 226, eff. September 1, 2021.

Sec. 63.03. LIABILITY FOR TAXES; BOND. The holder of a nonresident brewer's license that transports malt beverages into Texas in a motor vehicle owned or leased by the licensee is not primarily responsible for the payment of the taxes on the malt beverages, which remains the responsibility of the holder of the brewer's or distributor's license. However, the nonresident brewer shall furnish the commission with a bond in an amount which, in the commission's judgment, will protect the revenue of the state from the tax due on the malt beverages over any six-week period.

Acts 1977, 65th Leg., p. 477, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 227, eff. September 1, 2021.

Sec. 63.04. APPLICATION OF CODE PROVISIONS AND RULES. A

holder of a nonresident brewer's license is subject to all applicable provisions of this code and all applicable rules of the commission which apply to holders of brewer's licenses, including rules relating to the quality, purity, and identity of malt beverages and to protecting the public health. The commission may suspend or cancel a nonresident brewer's license and apply penalties in the same manner as it does with respect to a brewer's license.

Acts 1977, 65th Leg., p. 477, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 228, eff. September 1, 2021.

Sec. 63.05. USE OF FACILITIES. (a) The holder of a brewer's or nonresident brewer's license may contract with the holder of a nonresident brewer's license:

(1) to provide brewing services; or

(2) for the use of the license holder's brewing facilities under an alternating brewery proprietorship if each party to the proprietorship:

(A) has filed the appropriate Brewer's Notice and Brewer's Bond as required by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury; and

(B) if applicable, has posted with the commission a bond in an amount determined by the commission under Subsection (d) or (e).

(b) An entity is not required to own its brewing facilities if the entity operates under an alternating brewery proprietorship as provided by Subsection (a).

(b-1) Each entity that is a party to an alternating brewery proprietorship or contract brewing arrangement must hold a license at the location where brewing services are conducted under the arrangement.

(c) This section does not authorize a person acting as an agent for a brewer located outside of this state to contract with the holder of a nonresident brewer's license to brew malt beverages on the person's behalf. A contract described by this subsection

may only be entered into by the holder of a nonresident brewer's license and another person holding a license under this code.

(d) Subject to Subsection (e), the commission by rule may require an entity that is a party to an alternating brewery proprietorship or contract brewing arrangement to post with the commission a bond in an amount determined by the commission not to exceed \$200,000.

(e) An entity that is a party to an alternating brewery proprietorship or contract brewing arrangement must post with the commission a bond in an amount determined by the commission of not less than \$30,000 if the entity does not own a fee interest in a brewing facility.

Added by Acts 2005, 79th Leg., Ch. 1182 (S.B. [1255](#)), Sec. 7, eff. June 18, 2005.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1074 (H.B. [3307](#)), Sec. 8, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 229, eff. September 1, 2021.