

**AGREEMENT ON BEER-TO-GO LEGISLATION  
86<sup>TH</sup> LEGISLATURE, REGULAR SESSION**

- **Preamble**

The Legislature finds that:

- (1) the state is authorized under the Twenty-first Amendment of the United States Constitution to promote the public's interest in the fair, efficient, and competitive marketing of malt liquor, ale, and beer in this state;
  - (2) the United States Supreme Court in *Granholm v. Heald*, 544 U.S. 460 (2005), has recognized that the three-tier system of regulating the alcoholic beverage industry is unquestionably legitimate;
  - (3) in *Granholm*, the United States Supreme Court further recognized that while the states are entitled to regulate the production and sale of liquor within their borders, the right is nonetheless subject to the provisions of the Constitution of the United States, including the Interstate Commerce Clause, and laws regulating the alcoholic beverage industry may not discriminate against out-of-state participants or give undue deference to local participants and may not ignore other provisions of the constitution, including the Supremacy Clause, Commerce Clause, and the Privileges and Immunities Clause with its nondiscriminatory principles;
  - (4) the state is authorized to promote, market, and educate consumers about the emerging small brewing industry;
  - (5) it is in the state's interest to encourage entrepreneurial and small business development opportunities in the state that will lead to new capital investment in the state, create new jobs in the state, and expand the state and local tax base; and
  - (6) it is the public policy of the state to exercise the police power of the state to protect the welfare, health, peace, temperance, and safety of the people of Texas.
- Retain the 5,000 barrel cap on taproom sales.
  - Allow sales for off premise consumption in amounts up to 288 fluid ounces per calendar day, per person.
  - Any product offered for sale in the taproom which does not have an approved label must post in plain view the alcohol content of that product.
  - Only the total amount of on and total amount of off-premise sales shall be reported to TABC on a monthly basis. TABC shall promulgate a simple form in order to accomplish this. The Commission shall hold the records for public review.
  - Require TABC to adopt rules to assess significant administrative penalties for selling more than the allowable amount and failing to report monthly sales to the agency.

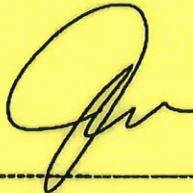
7.5. JSH 

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The undersigned, by and on behalf of their trade organizations, political committees, and assigns, hereby pledge not to seek to alter or remove any of the barrelage caps, fluid ounce caps whether applicable to the on-premise or off-premise sale of malt beverages contained in the Texas Alcoholic Beverage Code for a period of twelve (12) years from the date of this Agreement's enactment as law.

The entirety of this Agreement is subject to passage of CSHB 1545 by the 86<sup>th</sup> Legislature, which includes the "beer-to-go" provisions agreed to in the form described above; the retention of Section 11.01 (c), Alcoholic Beverage Code, as it stands under current law; and the inclusion of Section 62.08 (e), Alcoholic Beverage Code, as amended by CSHB 1545. The undersigned parties agree not to advocate, directly or indirectly, any legislation or amendment that changes the spirit of this Agreement for the duration of the Agreement.

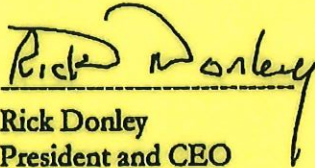
Non-severability. This is the Agreement in its entirety and shall be voidable by either of the undersigned parties at such time as any bill or amendment altering or removing the agreed upon caps discussed under this Agreement is passed beyond committee in either chamber of the Texas Legislature.



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Josh Hare  
Board Chair  
Texas Craft Brewers Guild

05/15/19

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Date



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Rick Donley  
President and CEO  
Beer Alliance of Texas

5/15/19

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Date



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Tom Spilman  
Executive Vice President  
Wholesale Beer Distributors  
of Texas

5/15/19

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Date