



**John T. Steen, Jr.**  
*Chairman-San Antonio*

**Gail Madden**  
*Member-Dallas*

**Alan Steen**  
*Administrator*

**THIS BULLETIN IS HEREBY REPEALED PURSUANT TO SB1472 EFFECTIVE 09/01/2005  
SEE ATTACHMENT**

July 22, 2004

**Marketing Practices Bulletin – MPB 072004003dj**  
“CO2 Filter as Draught Dispensing Equipment”

**To: Beer Industry**  
**All Captains and Compliance Supervisors**

Upon request from the Industry, we have reviewed our original decision to grant Anheuser Busch authorization to distribute CO2 Filters in the Texas marketplace.

During initial review, our decision to grant authorization was based on limited knowledge of the draught dispensing process and consideration of the filter as a line cleaning service. After further review it is our position that line cleaning service as expressed in our Rules, is a function rather than an apparatus and thus the CO2 Filter is not authorized as equipment or a service necessary for proper dispensing allowable under Title 16 Texas Administrative Code Section 45.113 (e)(3) and therefore CO2 Filters shall not be furnished, sold or installed by a manufacturer or distributor to a retailer.

Anheuser Busch has been made aware of our decision to rescind prior authorization. In the event you distributed and installed any CO2 filters in retail accounts under the original authorization, please contact me regarding displacement from the marketplace.

If you should have any questions regarding this notification, please do not hesitate to contact me.

Regards,

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CC: Alan Steen, Administrator  
Jeannene Fox, Assistant Administrator  
Sam Smelser, Chief of Enforcement  
Buck Fuller, Director of Compliance

S.B. No. 1472

AN ACT

relating to services provided by manufacturers and distributors of beer to beer retailers.

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

SECTION 1. Subchapter A, Chapter 108, Alcoholic Beverage Code, is amended by adding Section 108.041 to read as follows:

Sec. 108.041. CARBON DIOXIDE FILTERS PROVIDED TO RETAILERS.

(a) A manufacturer or distributor of beer may provide carbon dioxide filters to beer retailers for draught systems using carbon dioxide or a carbon dioxide and nitrogen blend, commonly referred to as "beer gas."

(b) The cost of providing, maintaining, and replacing the carbon dioxide filters shall be borne by the manufacturer.

SECTION 2. The Texas Alcoholic Beverage Commission shall adopt rules implementing Section 108.041, Alcoholic Beverage Code, as added by this Act, not later than January 1, 2006.

SECTION 3. This Act takes effect September 1, 2005.