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**OPINION COMMITTEE**

March 28, 2012

FILE # ML-46997-12  
I.D. # 46997**RQ-1050-6A**

The Honorable Greg Abbott  
Attorney General  
State of Texas  
209 W. 14<sup>th</sup> Street, 8<sup>th</sup> Floor  
Austin, TX 78701-1614

**Re: Attorney General opinion request relating to the disclosure of certain alcoholic beverage reports**

Dear General Abbott:

The Comptroller of Public Accounts (Comptroller) respectfully requests an Attorney General Opinion relating to the disclosure of certain alcoholic beverage reports required by House Bill 11, 82<sup>nd</sup> Legislature, Regular Session (Acts of May 28, 2011, 82<sup>nd</sup> Leg., R.S., ch. 145, 2011 Tex. Sess. Law Serv. 678)

As amended by HB 11, Tax Code Subsection 151.462(b) requires brewers, manufacturers, wholesalers, distributors, wineries, and package store local distributors as defined in Section 151.461, to file a separate report with the Comptroller for each permit or license held by the permittee or licensee. Each report must contain identifying information relating to the brewer, manufacturer, wholesaler, distributor, winery, or package store local distributor; identifying information relating to the retailer to whom the alcoholic beverages sales were made; and the monthly net sales made by the brewer, manufacturer, wholesaler, distributor, winery, or package store local distributor to each retailer for each outlet or location issued a license or permit by the Texas Alcoholic Beverage Commission. The information reported is required to include separate line items for number of units sold, container size and pack for each unit, brand name, type of beverage, universal product code, and the net selling price of the alcoholic beverage. [see Tax Code Section 151.462(b)]

As enacted by HB 11, Tax Code Subsection 111.006(h) requires the Comptroller to disclose information regarding "net sales by quantity, brand, and size that is submitted in a report required under Section 151.462." Subsection 111.006(h), however, is silent as to whether those net sales should be broken down by retailer. Section 151.464 makes information contained in a report required to be submitted under Section 151.462 confidential except as provided by Section 111.006.



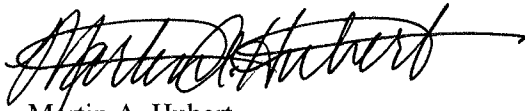
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The Comptroller is seeking an opinion clarifying whether alcoholic beverage sales reported to the Comptroller under Section 151.462 and required to be disclosed to qualified requestors under Section 111.006(h) either may identify or must identify the retailers to whom the alcoholic beverages were sold. Certain alcoholic beverage sales data by retailer is reported to the Comptroller under Section 151.462(b)(3); however, Section 111.006(h) does not require that the information to be disclosed be broken down by retailer.

Additionally, the Comptroller's Office understands this report to be confidential in its entirety under Section 111.006(i). We believe that Section 111.006(i) provides that the agency can provide a report, a limited release of information, as outlined above. However, we do not understand this provision to make the report public in nature.

Thank you for your consideration in this matter. If you need more information, please contact the Comptroller's General Counsel, Ashley Harden, at 512-463-7067.

Sincerely,



Martin A. Hubert  
Deputy Comptroller

