

By: Goldman

H.B. No. 4052

A BILL TO BE ENTITLED

AN ACT

relating to the manufacture of wine by the holder of a winery permit.

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

SECTION 1. Chapter 16, Alcoholic Beverage Code, is amended by adding Section 16.045 to read as follows:

Sec. 16.045. MANUFACTURING REQUIRED. (a) The holder of a winery permit must be a bona fide winery actively engaged in the manufacture of wine.

(b) The commission shall adopt rules necessary to implement this section. Rules adopted under this section must provide:

(1) a reasonable amount of time after the issuance of a winery permit for the permit holder to begin manufacturing wine; and

(2) reasonable variances for crop failure or other impediments to manufacture that are beyond the permit holder's control.

(c) This section does not apply to the holder of a winery permit:

(1) whose permit was issued:

(A) before March 7, 2023; or

(B) based on an application filed before March 7, 2023; and

(2) who:

1 (A) on March 7, 2023, was not actively engaged in
2 the manufacture of wine; and

3 (B) on or before December 31, 2023, files an
4 affidavit with the commission attesting to the fact that the permit
5 holder:

6 (i) was not actively engaged in the
7 manufacture of wine on March 7, 2023; and

8 (ii) does not intend to actively engage in
9 the manufacture of wine in the future.

10 SECTION 2. (a) Section 16.045(a), Alcoholic Beverage Code,
11 as added by this Act, takes effect on the effective date of the
12 rules adopted by the Texas Alcoholic Beverage Commission under
13 Section 16.045(b), Alcoholic Beverage Code, as added by this Act.

14 (b) Rules adopted under Section 16.045(b), Alcoholic
15 Beverage Code, as added by this Act, must provide a reasonable
16 amount of time after the effective date of the rules for a holder of
17 a winery permit issued before the effective date of the rules to
18 begin manufacturing wine and otherwise come into compliance with
19 the rules.

20 SECTION 3. This Act takes effect September 1, 2023.