

By: Creighton

S.B. No. 1932

A BILL TO BE ENTITLED

AN ACT

relating to authorizing secondary wine sales; requiring a registration; authorizing an administrative penalty; authorizing a fee and a tax.

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

SECTION 1. Title 4, Alcoholic Beverage Code, is amended by adding Chapter 111 to read as follows:

CHAPTER 111. SECONDARY WINE SALES

Sec. 111.001. DEFINITIONS. In this chapter:

(1) "Permitted restaurant" means a restaurant that holds:

(A) a mixed beverage permit, a wine and malt beverage retailer's permit, or a private club registration permit; and

(B) a food and beverage certificate.

(2) "Registered wine collector" means the holder of a collector's registration number issued by the commission under this chapter.

Sec. 111.002. COLLECTOR'S REGISTRATION. (a) A person may be registered as a wine collector under this chapter only if the person:

(1) passes a basic background check;

(2) pays a fee established by the commission in accordance with Section 5.50; and

1 (3) fulfills any other requirement prescribed by
2 commission rule.

3 (b) The commission shall issue a unique wine collector's
4 registration number to each registered wine collector.

5 Sec. 111.003. AUTHORIZED ACTIVITIES. A registered wine
6 collector may sell to a permitted restaurant wine that is:

7 (1) lawfully owned by the collector;

8 (2) in an original container sealed by the
9 manufacturer; and

10 (3) manufactured not less than 20 years before the
11 date the collector sells the wine to a permitted restaurant.

12 Sec. 111.004. PURCHASE BY RESTAURANT; SALE TO CONSUMER. A
13 permitted restaurant may purchase wine from a registered wine
14 collector and sell that wine to an ultimate consumer for
15 on-premises consumption in accordance with the permit held by the
16 permitted restaurant.

17 Sec. 111.005. RECORDS. (a) A permitted restaurant that
18 purchases wine under this chapter shall maintain a record of each
19 purchase. A permitted restaurant shall maintain the record until
20 the second anniversary of the date the restaurant sells the wine to
21 an ultimate consumer.

22 (b) The record, at a minimum, must include:

23 (1) the name and registration number of the registered
24 wine collector who sold the wine to the permitted restaurant;

25 (2) a description of the wine;

26 (3) details of the transaction between the registered
27 wine collector and the permitted restaurant; and

1 (4) any documents that support the provenance of the
2 wine.

3 (c) A permitted restaurant shall make a record of a wine
4 purchase made under this chapter available upon request to the
5 ultimate consumer who purchases the wine. The ultimate consumer
6 may request the records either before or after the sale to the
7 consumer. The permitted restaurant may redact from the record the
8 price the restaurant paid for the wine.

9 (d) The commission shall assess an administrative penalty
10 in the amount of \$500 against a permitted restaurant for each
11 violation of this section.

12 Sec. 111.006. TAX. A permitted restaurant shall pay a tax
13 of \$1.00 for each container of wine purchased by the restaurant
14 under this chapter. The permitted restaurant shall remit the tax
15 imposed under this section in the same manner as a tax imposed on
16 liquor under Subchapter A, Chapter 201.

17 SECTION 2. As soon as practicable after the effective date
18 of this Act, the Texas Alcoholic Beverage Commission shall adopt
19 rules necessary to implement Chapter 111, Alcoholic Beverage Code,
20 as added by this Act.

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