

1-1 By: Creighton S.B. No. 1932
 1-2 (In the Senate - Filed March 8, 2023; March 20, 2023, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 18, 2023, reported favorably by the following vote: Yeas 8,
 1-5 Nays 2; April 18, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15			X	
1-16		X		
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to authorizing secondary wine sales; requiring a
 1-22 registration; authorizing an administrative penalty; authorizing a
 1-23 fee and a tax.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Title 4, Alcoholic Beverage Code, is amended by
 1-26 adding Chapter 111 to read as follows:

1-27 CHAPTER 111. SECONDARY WINE SALES

1-28 Sec. 111.001. DEFINITIONS. In this chapter:

1-29 (1) "Permitted restaurant" means a restaurant that
 1-30 holds:

1-31 (A) a mixed beverage permit, a wine and malt
 1-32 beverage retailer's permit, or a private club registration permit;
 1-33 and

1-34 (B) a food and beverage certificate.

1-35 (2) "Registered wine collector" means the holder of a
 1-36 collector's registration number issued by the commission under this
 1-37 chapter.

1-38 Sec. 111.002. COLLECTOR'S REGISTRATION. (a) A person may
 1-39 be registered as a wine collector under this chapter only if the
 1-40 person:

1-41 (1) passes a basic background check;

1-42 (2) pays a fee established by the commission in
 1-43 accordance with Section 5.50; and

1-44 (3) fulfills any other requirement prescribed by
 1-45 commission rule.

1-46 (b) The commission shall issue a unique wine collector's
 1-47 registration number to each registered wine collector.

1-48 Sec. 111.003. AUTHORIZED ACTIVITIES. A registered wine
 1-49 collector may sell to a permitted restaurant wine that is:

1-50 (1) lawfully owned by the collector;

1-51 (2) in an original container sealed by the
 1-52 manufacturer; and

1-53 (3) manufactured not less than 20 years before the
 1-54 date the collector sells the wine to a permitted restaurant.

1-55 Sec. 111.004. PURCHASE BY RESTAURANT; SALE TO CONSUMER. A
 1-56 permitted restaurant may purchase wine from a registered wine
 1-57 collector and sell that wine to an ultimate consumer for
 1-58 on-premises consumption in accordance with the permit held by the
 1-59 permitted restaurant.

1-60 Sec. 111.005. RECORDS. (a) A permitted restaurant that
 1-61 purchases wine under this chapter shall maintain a record of each

2-1 purchase. A permitted restaurant shall maintain the record until
2-2 the second anniversary of the date the restaurant sells the wine to
2-3 an ultimate consumer.

2-4 (b) The record, at a minimum, must include:
2-5 (1) the name and registration number of the registered
2-6 wine collector who sold the wine to the permitted restaurant;
2-7 (2) a description of the wine;
2-8 (3) details of the transaction between the registered
2-9 wine collector and the permitted restaurant; and
2-10 (4) any documents that support the provenance of the
2-11 wine.

2-12 (c) A permitted restaurant shall make a record of a wine
2-13 purchase made under this chapter available upon request to the
2-14 ultimate consumer who purchases the wine. The ultimate consumer
2-15 may request the records either before or after the sale to the
2-16 consumer. The permitted restaurant may redact from the record the
2-17 price the restaurant paid for the wine.

2-18 (d) The commission shall assess an administrative penalty
2-19 in the amount of \$500 against a permitted restaurant for each
2-20 violation of this section.

2-21 Sec. 111.006. TAX. A permitted restaurant shall pay a tax
2-22 of \$1.00 for each container of wine purchased by the restaurant
2-23 under this chapter. The permitted restaurant shall remit the tax
2-24 imposed under this section in the same manner as a tax imposed on
2-25 liquor under Subchapter A, Chapter 201.

2-26 SECTION 2. As soon as practicable after the effective date
2-27 of this Act, the Texas Alcoholic Beverage Commission shall adopt
2-28 rules necessary to implement Chapter 111, Alcoholic Beverage Code,
2-29 as added by this Act.

2-30 SECTION 3. This Act takes effect September 1, 2023.

2-31 * * * * *