

By: Homer

H.B. No. 2593

A BILL TO BE ENTITLED

AN ACT

relating to winery permits.

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

SECTION 1. Sections 16.01(a) and (c), Alcoholic Beverage Code, are amended to read as follows:

(a) The holder of a winery permit may:

(1) manufacture, bottle, label, and package wine containing not more than 24 percent alcohol by volume;

(2) manufacture and import grape brandy for fortifying purposes only and to be used only on his licensed premises;

(3) sell wine in this state to permit holders authorized to purchase and sell wine [~~holders of wholesaler's permits, winery permits, and wine bottler's permits~~];

(4) sell wine to ultimate consumers:

(A) for consumption on the winery premises; or

(B) in unbroken packages for off-premises consumption in an amount not to exceed 35,000 [~~25,000~~] gallons annually;

(5) sell the wine outside this state to qualified persons;

(6) blend wines; and

(7) dispense free wine for consumption on the winery premises.

(c) The holder of a winery permit may conduct wine

1 samplings, including wine tastings at a retailer's premises. A  
2 winery employee may open, touch, or pour wine, make a presentation,  
3 or answer questions at a wine sampling. [~~A wine sampling may not be  
4 held in a location where a wine sampling is otherwise prohibited by  
5 law.~~]

6 SECTION 2. Chapter 16, Alcoholic Beverage Code, is amended  
7 by adding Section 16.011 to read as follows:

8 Sec. 16.011. PREMISES IN DRY AREA. A winery permit may be  
9 issued for premises in a dry area. A holder of a permit under this  
10 section may:

11 (1) manufacture wine;  
12 (2) sell or dispense wine to an ultimate consumer only  
13 if the wine is:

14 (A) manufactured in this state; and  
15 (B) at least 75 percent by volume fermented juice  
16 of grapes or other fruit grown in this state; and

17 (3) sell wine in this state to:  
18 (A) permit holders authorized to sell wine to the  
19 ultimate consumer in unbroken packages for off-premises  
20 consumption in an amount not to exceed 35,000 gallons annually; and  
21 (B) holders of wholesaler's permits, winery  
22 permits, and wine bottler's permits.

23 SECTION 3. Sections 16.01(d) and 16.05, Alcoholic Beverage  
24 Code, are repealed.

25 SECTION 4. This Act takes effect on the date on which the  
26 constitutional amendment proposed by the 78th Legislature, Regular  
27 Session, 2003, authorizing the holder of a winery permit to

1 manufacture and sell certain wine on the winery premises and to  
2 dispense certain wine without charge for tasting on the winery  
3 premises takes effect. If that amendment is not approved by the  
4 voters, this Act has no effect.