

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) Except as provided by Section 16.011, the [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 or buy wine from permit holders authorized to purchase and sell wine, including 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.

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

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

9 Sec. 16.011. PREMISES IN DRY AREA. A winery permit may be
10 issued for premises in an area in which the sale of wine has not been
11 authorized by a local option election. A holder of a permit under
12 this section may engage in any activity authorized under Section
13 16.01 except that the permit holder may sell or dispense wine under
14 that section only if the wine is:

- 15 (1) manufactured in this state; and
16 (2) at least 75 percent by volume fermented juice of
17 grapes or other fruit grown in this state.

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19 Code, are repealed.

20 SECTION 4. This Act takes effect on the date on which the
21 constitutional amendment proposed by the 78th Legislature, Regular
22 Session, 2003, authorizing the legislature to authorize and govern
23 the operation of wineries in this state takes effect. If that
24 amendment is not approved by the voters, this Act has no effect.

President of the Senate

Speaker of the House

I certify that H.B. No. 2593 was passed by the House on May 8, 2003, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2593 on May 29, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2593 on June 1, 2003, by a non-record vote.

Chief Clerk of the House

H.B. No. 2593

I certify that H.B. No. 2593 was passed by the Senate, with amendments, on May 27, 2003, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2593 on June 1, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor