

1-1 By: Homer (Senate Sponsor - Estes) H.B. No. 2593
1-2 (In the Senate - Received from the House May 9, 2003;
1-3 May 13, 2003, read first time and referred to Committee on Business
1-4 and Commerce; May 23, 2003, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to winery permits.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Sections 16.01(a) and (c), Alcoholic Beverage
1-11 Code, are amended to read as follows:

1-12 (a) The holder of a winery permit may:

1-13 (1) manufacture, bottle, label, and package wine
1-14 containing not more than 24 percent alcohol by volume;

1-15 (2) manufacture and import grape brandy for fortifying
1-16 purposes only and to be used only on his licensed premises;

1-17 (3) sell wine in this state to permit holders
1-18 authorized to purchase and sell wine [~~holders of wholesaler's~~
1-19 ~~permits, winery permits, and wine bottler's permits~~];

1-20 (4) sell wine to ultimate consumers:

1-21 (A) for consumption on the winery premises; or

1-22 (B) in unbroken packages for off-premises
1-23 consumption in an amount not to exceed 35,000 [~~25,000~~] gallons
1-24 annually;

1-25 (5) sell the wine outside this state to qualified
1-26 persons;

1-27 (6) blend wines; and

1-28 (7) dispense free wine for consumption on the winery
1-29 premises.

1-30 (c) The holder of a winery permit may conduct wine
1-31 samplings, including wine tastings at a retailer's premises. A
1-32 winery employee may open, touch, or pour wine, make a presentation,
1-33 or answer questions at a wine sampling. [~~A wine sampling may not be~~
1-34 ~~held in a location where a wine sampling is otherwise prohibited by~~
1-35 ~~law.~~]

1-36 SECTION 2. Chapter 16, Alcoholic Beverage Code, is amended
1-37 by adding Section 16.011 to read as follows:

1-38 Sec. 16.011. PREMISES IN DRY AREA. A winery permit may be
1-39 issued for premises in a dry area. A holder of a permit under this
1-40 section may:

1-41 (1) manufacture wine;

1-42 (2) sell or dispense wine to an ultimate consumer only
1-43 if the wine is:

1-44 (A) manufactured in this state; and

1-45 (B) at least 75 percent by volume fermented juice
1-46 of grapes or other fruit grown in this state; and

1-47 (3) sell wine in this state to:

1-48 (A) permit holders authorized to sell wine to the
1-49 ultimate consumer in unbroken packages for off-premises
1-50 consumption in an amount not to exceed 35,000 gallons annually; and

1-51 (B) holders of wholesaler's permits, winery
1-52 permits, and wine bottler's permits.

1-53 SECTION 3. Sections 16.01(d) and 16.05, Alcoholic Beverage
1-54 Code, are repealed.

1-55 SECTION 4. This Act takes effect on the date on which the
1-56 constitutional amendment proposed by the 78th Legislature, Regular
1-57 Session, 2003, authorizing the holder of a winery permit to
1-58 manufacture and sell certain wine on the winery premises and to
1-59 dispense certain wine without charge for tasting on the winery
1-60 premises takes effect. If that amendment is not approved by the
1-61 voters, this Act has no effect.

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