

By: Geren

H.B. No. 2951

A BILL TO BE ENTITLED

AN ACT

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relating to dessert wines.

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

SECTION 1. Section 26.01, Alcoholic Beverage Code, is amended to read as follows:

The holder of a wine and beer retailers off-premise permit may sell for off-premise consumption only, but not for resale, wine, beer and malt liquors containing alcohol in excess of one-half percent by volume and ~~but~~ not more than 17 percent by volume other than dessert wines.

SECTION 2. Section 25.01, Alcoholic Beverage Code, is amended to read as follows:

The holder of a wine and beer retailer's permit may sell:

(1) for consumption on or off the premises where sold, but not for resale, wine, beer, and malt liquors containing alcohol in excess of one-half of one percent by volume and not more than 17 percent by volume, other than dessert wines; and

(2) for consumption on the premises traditional port or sherry containing alcohol in excess of one-half of one percent by volume and not more than 24 percent by volume.

SECTION 3. Section 25.09, Alcoholic Beverage Code, is amended to read as follows:

No wine and beer retailer's permittee, nor officer of the permittee, may possess distilled spirits or liquor containing

1 alcohol in excess of 17 percent by volume on the licensed premises,
2 other than dessert wines.

3 SECTION 4. Sections 251.14(a) and (e), Alcoholic Beverage
4 Code, are amended to read as follows:

5 (a) In the ballot issues prescribed in this section, wine is
6 limited to vinous beverages that do not contain more than 17 percent
7 alcohol by volume other than dessert wines, and includes malt
8 beverages that do not exceed that alcohol content. For local option
9 purposes, those beverages, sold and dispensed to the public in
10 unbroken, sealed containers, are a separate and distinct type of
11 alcoholic beverage.

12 (e) In areas where the sale of beverages containing alcohol
13 not in excess of 17 percent by volume, other than dessert wines, has
14 been legalized, and those of higher alcoholic content, other than
15 dessert wines, are prohibited, the ballot shall be prepared to
16 permit voting for or against one of the following issues in any
17 prohibitory election:

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2005.