

By: Madla

S.B. No. 877

A BILL TO BE ENTITLED

AN ACT

relating to the transportation and delivery of wine in this state.

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

SECTION 1. Section 41.01, Alcoholic Beverage Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other provision of this code, the holder may transport wine anywhere in this state if the wine is purchased by a person for the person's own consumption from a place where its sale is legal and delivered to a place where its possession is legal.

SECTION 2. Section 107.03, Alcoholic Beverage Code, is amended to read as follows:

Sec. 107.03. DELIVERY OF LIQUOR IN DRY AREA. No carrier may transport and deliver liquor to a person in a dry area in this state except for a purpose authorized by this code. A carrier may transport and deliver wine for personal consumption to a consumer in any location in the state.

SECTION 3. Section 107.12, Alcoholic Beverage Code, is amended to read as follows:

Sec. 107.12. DIRECT SHIPMENT OF WINE. Notwithstanding Section 107.07, a person who purchases wine from ~~while at~~ a winery located in this state may ship or cause to be shipped the wine to the person's residence if the winery verifies that the person purchasing the wine is 21 years of age or older. The person must be

1 present when the wine is delivered to the person's residence.

2 SECTION 4. Section 110.053(a), Alcoholic Beverage Code, is  
3 amended to read as follows:

4 (a) A person who purchases wine from a winery in this state  
5 may ship the wine to a package store that participates in the  
6 program. On receipt of the wine, the package store shall notify the  
7 purchaser that the wine is available to be picked up by the  
8 purchaser at the package store or shipped to the purchaser by the  
9 package store [~~in accordance with:~~

10 [~~(1) Section 107.12, if the person is physically~~  
11 ~~present at the winery; or~~

12 [~~(2) this section, if the person is not physically~~  
13 ~~present at the winery]~~.

14 SECTION 5. Section 110.054, Alcoholic Beverage Code, is  
15 amended to read as follows:

16 Sec. 110.054. DELIVERY OF WINE IN A DRY AREA. A winery in  
17 this state or a package store that participates in the program may  
18 ship wine under Section 107.12 or 110.053, as applicable, to a  
19 person who resides in a dry area if:

20 (1) the delivery is made by the holder of a carrier  
21 permit; and

22 (2) the package is clearly labeled as requiring the  
23 signature of a person 21 years of age or older for delivery.

24 SECTION 6. Section 110.053(b), Alcoholic Beverage Code, is  
25 repealed.

26 SECTION 7. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2005.