

By: Truitt

H.B. No. 1084

Substitute the following for H.B. No. 1084:

By: Kuempel

C.S.H.B. No. 1084

A BILL TO BE ENTITLED

AN ACT

relating to shipment of wine to ultimate consumers.

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

SECTION 1. Section 16.09(e), Alcoholic Beverage Code, is amended to read as follows:

(e) The holder of a winery permit may not:

(1) sell or ship wine to a minor;

(2) deliver wine to a consumer using a carrier that does not hold a carrier's permit under this code; or

(3) deliver to the same consumer in this state more than nine [~~three~~] gallons of wine within any 30-day period or more than 36 gallons of wine within any 12-month period [~~to the same consumer in this state~~].

SECTION 2. Section 54.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 54.02. PROHIBITED ACTIVITIES. The holder of an out-of-state winery direct shipper's permit may not:

(1) sell or ship wine to a minor;

(2) deliver wine to a consumer using a carrier that does not hold a carrier's permit under this code;

(3) deliver to the same consumer in this state more than nine [~~three~~] gallons of wine within any 30-day period or more than 36 gallons of wine within any 12-month period [~~to the same consumer in this state~~]; or

1 (4) sell to ultimate consumers more than 35,000
2 gallons of wine annually.

3 SECTION 3. This Act takes effect September 1, 2009.