

1-1 By: Truitt (Senate Sponsor - Gallegos) H.B. No. 1084
1-2 (In the Senate - Received from the House April 8, 2009;
1-3 April 27, 2009, read first time and referred to Committee on
1-4 Business and Commerce; May 14, 2009, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; May 14, 2009, sent to printer.)

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

1-8 relating to shipment of wine to ultimate consumers.

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

1-10 SECTION 1. Section 16.09(e), Alcoholic Beverage Code, is
1-11 amended to read as follows:

1-12 (e) The holder of a winery permit may not:

1-13 (1) sell or ship wine to a minor;

1-14 (2) deliver wine to a consumer using a carrier that
1-15 does not hold a carrier's permit under this code; or

1-16 (3) deliver to the same consumer in this state more
1-17 than nine [three] gallons of wine within any 30-day period or more
1-18 than 36 gallons of wine within any 12-month period [~~to the same~~
1-19 ~~consumer in this state~~].

1-20 SECTION 2. Section 54.02, Alcoholic Beverage Code, is
1-21 amended to read as follows:

1-22 Sec. 54.02. PROHIBITED ACTIVITIES. The holder of an
1-23 out-of-state winery direct shipper's permit may not:

1-24 (1) sell or ship wine to a minor;

1-25 (2) deliver wine to a consumer using a carrier that
1-26 does not hold a carrier's permit under this code;

1-27 (3) deliver to the same consumer in this state more
1-28 than nine [three] gallons of wine within any 30-day period or more
1-29 than 36 gallons of wine within any 12-month period [~~to the same~~
1-30 ~~consumer in this state~~]; or

1-31 (4) sell to ultimate consumers more than 35,000
1-32 gallons of wine annually.

1-33 SECTION 3. This Act takes effect September 1, 2009.

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