

By: Homer

H.B. No. 1185

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the amount of wine certain wineries may sell directly to
3 consumers.

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

5 SECTION 1. Section 16.01(a), Alcoholic Beverage Code, is
6 amended to read as follows:

7 Sec. 16.01. AUTHORIZED ACTIVITIES. (a) Except as provided
8 by Section 16.011, the holder of a winery permit may:

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

11 (2) manufacture and import grape brandy for fortifying
12 purposes only and to be used only on his licensed premises;

13 (3) sell wine in this state to or buy wine from permit
14 holders authorized to purchase and sell wine, including holders of
15 wholesaler's permits, winery permits, and wine bottler's permits;

16 (4) sell wine to ultimate consumers:

17 (A) for consumption on the winery premises; or

18 (B) in unbroken packages for off-premises
19 consumption in an amount not to exceed 55,000 [~~35,000~~] gallons
20 annually;

21 (5) sell the wine outside this state to qualified
22 persons;

23 (6) blend wines; and

24 (7) dispense free wine for consumption on the winery

1 premises.

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

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

6 (1) sell or ship wine to a minor;

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

9 (3) deliver more than three gallons of wine within any
10 30-day period to the same consumer in this state; or

11 (4) sell to ultimate consumers more than 55,000
12 [~~35,000~~] gallons of wine annually.

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