

1-1 By: Estes S.B. No. 538
1-2 (In the Senate - Filed January 26, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 March 19, 2009, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; March 19, 2009, sent to printer.)

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

1-8 relating to the amount of wine certain wineries may sell directly to
1-9 consumers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 16.01, Alcoholic
1-12 Beverage Code, is amended to read as follows:

1-13 (a) Except as provided by Section 16.011, the holder of a
1-14 winery permit may:

1-15 (1) manufacture, bottle, label, and package wine
1-16 containing not more than 24 percent alcohol by volume;

1-17 (2) manufacture and import grape brandy for fortifying
1-18 purposes only and to be used only on his licensed premises;

1-19 (3) sell wine in this state to or buy wine from permit
1-20 holders authorized to purchase and sell wine, including holders of
1-21 wholesaler's permits, winery permits, and wine bottler's permits;

1-22 (4) sell wine to ultimate consumers:

1-23 (A) for consumption on the winery premises; or

1-24 (B) in unbroken packages for off-premises
1-25 consumption in an amount not to exceed 55,000 [~~35,000~~] gallons
1-26 annually;

1-27 (5) sell the wine outside this state to qualified
1-28 persons;

1-29 (6) blend wines; and

1-30 (7) dispense free wine for consumption on the winery
1-31 premises.

1-32 SECTION 2. Section 54.02, Alcoholic Beverage Code, is
1-33 amended to read as follows:

1-34 Sec. 54.02. PROHIBITED ACTIVITIES. The holder of an
1-35 out-of-state winery direct shipper's permit may not:

1-36 (1) sell or ship wine to a minor;

1-37 (2) deliver wine to a consumer using a carrier that
1-38 does not hold a carrier's permit under this code;

1-39 (3) deliver more than three gallons of wine within any
1-40 30-day period to the same consumer in this state; or

1-41 (4) sell to ultimate consumers more than 55,000
1-42 [~~35,000~~] gallons of wine annually.

1-43 SECTION 3. This Act takes effect September 1, 2009.

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