

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Truitt

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.

ADOPTED

MAY 19 2009

*Atty. Gen.*  
Secretary of the Senate

BY: *Mario Gallego*

FLOOR AMENDMENT NO. 1

1 Amend H.B. No. 1084 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, strike amended Section  
3 16.09(e)(3), Alcoholic Beverage Code (page 1, lines 16-19), and  
4 substitute the following:

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

9 (2) In SECTION 2 of the bill, strike amended Section  
10 54.02(3), Alcoholic Beverage Code (page 1, lines 27-30), and  
11 substitute the following:

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

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 20, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1084** by Truitt (Relating to shipment of wine to ultimate consumers.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code to prevent holders of winery permits from delivering to the same consumer in this state more than nine gallons of wine within any calendar month or more than 36 gallons of wine within any 12-month period. The bill would also amend the Alcoholic Beverage Code to prevent holders of out-of-state winery permits from delivering to the same consumer in this state more than nine gallons of wine within any calendar month or more than 36 gallons of wine within any 12-month period. The bill would take effect September 1, 2009. The Texas Alcoholic and Beverage Commission anticipates no fiscal impact from the bill.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JOB, SD, JRO, GG, ESi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 28, 2009**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1084** by Truitt (Relating to shipment of wine to ultimate consumers.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code to prevent holders of winery permits from delivering more than nine 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. The bill would also amend the Alcoholic Beverage Code to prevent holders of out-of-state winery permits from delivering more than nine 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. The bill would take effect September 1, 2009. The Texas Alcoholic and Beverage Commission anticipates no fiscal impact from the bill.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JOB, JRO, GG, ESi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 27, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1084** by Truitt (Relating to shipment of wine to ultimate consumers. ), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code to prevent holders of winery permits from delivering more than nine 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. The bill would also amend the Alcoholic Beverage Code to prevent holders of out-of-state winery permits from delivering more than nine 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. The bill would take effect September 1, 2009. The Texas Alcoholic and Beverage Commission anticipates no fiscal impact from the bill.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JOB, JRO, GG, ESi

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 4, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1084** by Truitt (Relating to shipment of wine to ultimate consumers.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code to prevent holders of winery permits from delivering more than 18 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. The bill would also amend the Alcoholic Beverage Code to prevent holders of out-of-state winery permits from delivering more than 18 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. The bill would take effect September 1, 2009. The Texas Alcoholic and Beverage Commission anticipates no fiscal impact from the bill.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JOB, JRO, GG, ESi