

1-1 By: Estes S.B. No. 411
1-2 (In the Senate - Filed January 25, 2011; February 2, 2011,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 March 15, 2011, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 15, 2011, 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 fruit brandy and:

1-18 (A) use that brandy on the winery permit holder's
1-19 permitted premises for fortifying purposes only; or

1-20 (B) sell that brandy to other winery permit
1-21 holders;

1-22 (3) import or buy fruit brandy from a permit holder
1-23 authorized to manufacture fruit brandy and use that brandy on the
1-24 winery permit holder's permitted premises for fortifying purposes
1-25 only;

1-26 (4) sell wine in this state to or buy wine from permit
1-27 holders authorized to purchase and sell wine, including holders of
1-28 wholesaler's permits, winery permits, and wine bottler's permits;

1-29 (5) sell wine to ultimate consumers:

1-30 (A) for consumption on the winery premises; or

1-31 (B) in unbroken packages for off-premises
1-32 consumption in an amount not to exceed 55,000 [~~35,000~~] gallons
1-33 annually;

1-34 (6) sell the wine outside this state to qualified
1-35 persons;

1-36 (7) blend wines; and

1-37 (8) dispense free wine for consumption on the winery
1-38 premises.

1-39 SECTION 2. Section 54.02, Alcoholic Beverage Code, is
1-40 amended to read as follows:

1-41 Sec. 54.02. PROHIBITED ACTIVITIES. The holder of an
1-42 out-of-state winery direct shipper's permit may not:

1-43 (1) sell or ship wine to a minor;

1-44 (2) deliver wine to a consumer using a carrier that
1-45 does not hold a carrier's permit under this code;

1-46 (3) deliver to the same consumer in this state more
1-47 than nine gallons of wine within any calendar month or more than 36
1-48 gallons of wine within any 12-month period; or

1-49 (4) sell to ultimate consumers more than 55,000
1-50 [~~35,000~~] gallons of wine annually.

1-51 SECTION 3. This Act takes effect September 1, 2011.

1-52

* * * * *