

By: Miller of Comal

H.B. No. 2874

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 (a) Except as provided by Section 16.011, the holder of a  
8 winery permit may:

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

11 (2) manufacture fruit brandy and:

12 (A) use that brandy on the winery permit holder's  
13 permitted premises for fortifying purposes only; or

14 (B) sell that brandy to other winery permit  
15 holders;

16 (3) import or buy fruit brandy from a permit holder  
17 authorized to manufacture fruit brandy and use that brandy on the  
18 winery permit holder's permitted premises for fortifying purposes  
19 only;

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

23 (5) sell wine to ultimate consumers:

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

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

3 (6) sell the wine outside this state to qualified  
4 persons;

5 (7) blend wines;

6 (8) dispense free wine for consumption on the winery  
7 premises; and

8 (9) purchase and import wine from the holder of a  
9 nonresident seller's permit.

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

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

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

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

17 (3) deliver to the same consumer in this state more  
18 than nine gallons of wine within any calendar month or more than 36  
19 gallons of wine within any 12-month period [~~, or~~

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

22 SECTION 3. This Act takes effect September 1, 2015.