

By: Estes, Burton
Huffines

S.B. No. 326

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;

1 (6) sell wine manufactured or bottled by the winery
2 permit holder to ultimate consumers in unbroken packages for
3 off-premises consumption in an amount not to exceed 155,000 gallons
4 annually;

5 (7) sell wine that is not manufactured or bottled by
6 the winery permit holder to ultimate consumers [~~or~~
7 ~~(B)~~] in unbroken packages for off-premises
8 consumption in an amount not to exceed 25,000 [~~35,000~~] gallons
9 annually;

10 (8) [~~(6)~~] sell the wine outside this state to
11 qualified persons;

12 (9) [~~(7)~~] blend wines;

13 (10) [~~(8)~~] dispense free wine for consumption on the
14 winery premises; and

15 (11) [~~(9)~~] purchase and import wine from the holder
16 of a nonresident seller's permit.

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

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

- 21 (1) sell or ship wine to a minor;
- 22 (2) deliver wine to a consumer using a carrier that
23 does not hold a carrier's permit under this code;
- 24 (3) deliver to the same consumer in this state more
25 than nine gallons of wine within any calendar month or more than 36
26 gallons of wine within any 12-month period; or
- 27 (4) sell to ultimate consumers more than 155,000

1 [~~35,000~~] gallons of wine annually.

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