

By: Campbell

S.B. No. 1789

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of certain holders of a wine and beer
3 retailer's permit to manufacture and sell wine and engage in
4 certain related activities.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The legislature finds that:

7 (1) the state is authorized under the Twenty-first
8 Amendment of the United States Constitution to promote the public's
9 interest in the fair, efficient, and competitive marketing of wine
10 in this state;

11 (2) the Texas wine industry operates within the
12 traditional three-tier system of alcoholic beverage regulation
13 that has been recognized as unquestionably legitimate by the United
14 States Supreme Court in Granholm v. Heald, 544 U.S. 460 (2005);

15 (3) within the state statutes that are the basis of the
16 three-tier system there are occasional exceptions, some of which
17 have been in place for years, that do not undermine or compromise
18 the three-tier system of alcoholic beverage regulation or threaten
19 the welfare, health, peace, temperance, or safety of the people of
20 Texas;

21 (4) the Texas wine industry is a growing segment of the
22 Texas economy, expanding opportunities for grape growers, wine
23 makers, wine wholesalers, and wine retailers, while generating more
24 excise tax and sales tax revenue every year; and

1 (5) it is in the state's interest to encourage
2 entrepreneurial and small business development opportunities in
3 the state that will lead to new capital investment in the state,
4 create new jobs in the state, and expand the state and local tax
5 base.

6 SECTION 2. Chapter 25, Alcoholic Beverage Code, is amended
7 by adding Section 25.15 to read as follows:

8 Sec. 25.15. MANUFACTURE AND SALE OF WINE BY CERTAIN PERMIT
9 HOLDERS. (a) This section applies only to the holder of a wine and
10 beer retailer's permit whose premises is located in the territory
11 described by Section 3858.005, Special District Local Laws Code.

12 (b) Notwithstanding any other law, a holder of a permit
13 under this chapter may engage in any activity authorized under
14 Chapter 16 except that the permit holder may not:

15 (1) ship wine under Section 16.09 unless the wine is:
16 (A) bottled by the permit holder; and
17 (B) produced from grapes or other fruit grown in
18 this state; or

19 (2) sell wine to the holder of a winery permit or the
20 holder of any permit authorizing the retail sale of wine.

21 (c) The holder of a permit who engages in the activities
22 authorized under this section shall be considered a "retailer" for
23 purposes of Section 102.01.

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