



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Zwiener

Amend C.S.H.B. No. 1545 (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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HOUSE OF REPRESENTATIVES

Sec. 74.01. AUTHORIZED ACTIVITIES. (a) A holder of a wine and dine license for a wine and dine operation located in a wet area, as that term is described by Section 251.71 of this code, may:

- (1) manufacture, brew, bottle, can, package, and label wine;
- (2) sell or offer without charge, on the premises of the brewpub, to ultimate consumers for consumption on or off those premises, wine produced by the holder, in or from a lawful container, to the extent the sales or offers are allowed under the holder's other permits or licenses; and
- (3) sell food on the premises of the holder's winery.

(b) The holder of a wine and dine license may establish, operate, or maintain one or more licensed wineries in this state under the same general management or ownership. The holder shall pay the fee assessed by the commission for each establishment. For the purposes of this subsection, two or more establishments are under the same general management or ownership if:

- (1) the establishments bottle the same brand of wine brewed by the same manufacturer; or
- (2) the person, regardless of domicile, who establishes, operates, or maintains the establishments is controlled or directed by one management or by an association of ultimate management.

(c) A holder of a wine and dine license must also hold a wine and beer retailer's permit, a mixed beverage permit, or a retail dealer's on-premise license.

(d) The holder of a winery license may not hold or have an interest either directly or indirectly, or through a subsidiary, affiliate, agent, employee, officer, director, or other person, in a manufacturer's or distributor's license or any other license or permit in the manufacturing or wholesaling levels of the alcoholic beverage industry regardless of the specific names given to permits or licenses in Title 3 of this code. The holder shall be considered a "retailer" for purposes of Section 102.01 of this code.

(e) A holder of a retail dealer's on-premise license who obtains a wine and dine license may not manufacture, brew, bottle, can, package, label, sell, or offer without charge wine.

(f) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 750, Sec. 9, eff. June 14, 2013.

(g) The holder of a wine and dine license may deliver wine manufactured by the holder to a location other than the holder's premises for the purpose of submitting the wine for an evaluation at an organized wine tasting, competition, or review. At a tasting, competition, or review, a holder of a wine and dine license may:

(1) dispense without charge wine manufactured by the holder to a person attending the event for consumption on the premises of the event; and

(2) discuss with a person attending the event the manufacturing and characteristics of the wine.

Sec. 74.02. FEE. The annual state fee for a wine and dine license is \$500.

Sec. 74.03. PRODUCTION LIMIT. The total annual production of wine by a holder of a wine and dine license may not exceed 35,000 gallons for each licensed wine and dine operation.

Sec. 74.04. LICENSE APPLICATION, RENEWAL, AND MAINTENANCE; RECORDS; LICENSE ISSUANCE. All provisions of this code that apply to a wine and dine licensee's wine and beer retailer's permit, mixed beverage permit, or retail dealer's on-premise license also apply to the brewpub license.

Sec. 74.05. STATEMENT OF INTENT. An applicant for a wine and dine license shall file with the application a sworn statement that the applicant shall be engaged in the business of fermenting and packaging wine in this state in quantities sufficient to operate a wine and dine operation not later than six months after the date of issuance of the original license. If the applicant is a corporation, the statement must be signed by a principal corporate officer. The commission, administrator, or county judge may not issue a wine and dine license to an applicant who does not submit the required sworn statement with the application for a license.

Sec. 74.06. QUALITY STANDARDS. Manufacturing or fermentation equipment used by a holder of a wine and dine license, and process, labeling, and packaging conducted by a holder of a wine and dine license, shall conform to standards and tax requirements imposed by this code and the commission's rules for the manufacture of wine and shall conform to any standards that may be applied by the agency of the United States

charged with supervising and inspecting the manufacture alcoholic beverages.

Sec. .07. SALES BY BREWPUB LICENSE HOLDERS TO RETAILERS.

(a) In addition to the activities authorized by Section 74.01, the holder of a wine and dine license who holds a wine and beer retailer's permit and whose sale of wine consists only of wine manufactured on the brewpub's premises may sell wine produced under the license to those retailers or qualified persons to whom the holder of a general class B wholesaler's permit may sell wine under the Alcoholic Beverage Code provided that the total amount of wine sold under this section to persons in this state may not exceed 35,000 gallons annually for each licensed brewpub location or 100,000 barrels annually for all brewpubs operated by the same licensee.

Sec. .08. SALES TO DISTRIBUTORS. (a) In addition to the activities authorized by Section .01, the holder of a brewpub license may sell wine produced under the license to the holder of a general, local, or branch distributor's license.

Sec. .09. REPORT OF SALES TO RETAILERS. (a) Not later than the 15th day of each month, the holder of a wine and dine license shall file a report with the commission that contains information relating to the sales made by the wine and dine operation to a retailer during the preceding calendar month.

(b) The commission shall by rule determine the information that is required to be reported under this section and the manner in which the report must be submitted to the commission. The commission may require the report to contain the same information reported to the comptroller under Section 151.462, Tax Code.