

By: Goldman

H.B. No. 3785

A BILL TO BE ENTITLED

AN ACT

relating to the manufacture of wine by the holder of a winery permit.

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

SECTION 1. Chapter 16, Alcoholic Beverage Code, is amended by adding Section 16.045 to read as follows:

Sec. 16.045. MANUFACTURING REQUIRED. (a) The holder of a winery permit must be a bona fide winery actively engaged in the manufacture of wine.

(b) The commission shall adopt rules necessary to implement this section. Rules adopted under this section must provide:

(1) a reasonable amount of time after the issuance of a winery permit for the permit holder to begin manufacturing wine; and

(2) reasonable variances for crop failure or other impediments to manufacture that are beyond the permit holder's control.

(c) The holder of a winery permit which was applied for or issued on or before March 7, 2019 and who on that date was not actively engaged in the manufacture of wine may be grandfathered from this section by filing a sworn affidavit with the commission on or before December 31, 2019 stating those facts and stating that it does not intend to actively engage in the manufacture of wine in the future. This section shall not apply to a winery permit which timely

1 files such an affidavit with the commission.

2 SECTION 2. (a) Section 16.045(a), Alcoholic Beverage Code,
3 as added by this Act, takes effect on the effective date of the
4 rules adopted by the Texas Alcoholic Beverage Commission under
5 Section 16.045(b), Alcoholic Beverage Code, as added by this Act.

6 (b) Rules adopted under Section 16.045(b), Alcoholic
7 Beverage Code, as added by this Act, must provide a reasonable
8 amount of time after the effective date of the rules for a holder of
9 a winery permit issued before the effective date of the rules to
10 begin manufacturing wine and otherwise come into compliance with
11 the rules.

12 SECTION 3. This Act takes effect September 1, 2019.