

By: Buckingham

S.B. No. 814

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 and winery 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, 2021.