

BILL ANALYSIS

Senate Research Center
81R17410 AJA-D

H.B. 1084
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law authorizes the holder of a winery permit or an out-of-state winery direct shipper's permit to deliver only three gallons of wine every 30 days to a consumer, which creates a de facto cap on wine shipments of 36 gallons of wine per year. Because the hot Texas weather creates challenges to delivering wine during certain times of the year, it is difficult for wine permit holders to exercise their ability to deliver the full amount of wine under the statute.

This bill fulfills the intent of current law by expressly limiting the amount of wine that may be shipped by a holder of a winery permit or an out-of-state winery direct shipper's permit to 36 gallons of wine per year, but enables permit holders to ship up to nine gallons of wine in a single month as long as the 36-gallon limit is not exceeded for that year.

H.B. 1084 amends current law relating to shipment of wine to ultimate consumers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.09(e), Alcoholic Beverage Code, to prohibit the holder of a winery permit from delivering to the same consumer in this state more than nine, rather than three, gallons of wine within any 30-day period or more than 36 gallons of wine within any 12-month period. Makes a nonsubstantive change.

SECTION 2. Amends Section 54.02, Alcoholic Beverage Code, as follows:

Sec. 54.02. PROHIBITED ACTIVITIES. Prohibits the holder of an out-of-state winery direct shipper's permit from delivering to the same consumer in this state more than nine, rather than three, gallons of wine within any 30-day period or more than 36 gallons of wine within any 12-month period. Makes a nonsubstantive change.

SECTION 3. Effective date: September 1, 2009.