

ALCOHOLIC BEVERAGE CODE

TITLE 4. REGULATORY AND PENAL PROVISIONS

CHAPTER 111. SECONDARY WINE SALES

Sec. 111.001. DEFINITIONS. In this chapter:

(1) "Permitted restaurant" means a restaurant that holds:

(A) a mixed beverage permit, a wine and malt beverage retailer's permit, or a private club registration permit; and

(B) a food and beverage certificate.

(2) "Wine collection seller" means a person who:

(A) is at least 21 years of age;

(B) does not hold a license or permit under this code; and

(C) is:

(i) an administrator, executor, receiver, or other fiduciary who receives and sells wine in execution of the person's fiduciary capacity;

(ii) a creditor who receives or takes possession of wine as security for, or in payment of, debt, in whole or in part;

(iii) a public officer or court official who levies on wine under order or process of any court or magistrate to sell the wine in satisfaction of the order or process; or

(iv) any other person who does not hold or have an interest in a permit or a license or in the business of a permit or license holder under this code and is not engaged in the business of selling alcoholic beverages.

Added by Acts 2023, 88th Leg., R.S., Ch. 361 (S.B. [1932](#)), Sec. 1, eff. September 1, 2023.

Sec. 111.002. AUTHORIZED ACTIVITIES. A wine collection seller may sell to a permitted restaurant wine that is:

(1) lawfully owned or possessed by the wine collection seller;

(2) in an original container sealed by the

manufacturer; and

(3) manufactured not less than 20 years before the date the wine collection seller sells the wine to a permitted restaurant.

Added by Acts 2023, 88th Leg., R.S., Ch. 361 (S.B. 1932), Sec. 1, eff. September 1, 2023.

Sec. 111.003. PURCHASE BY RESTAURANT; SALE TO CONSUMER. A permitted restaurant may purchase wine from a wine collection seller and sell that wine to an ultimate consumer for on-premises consumption in accordance with the permit held by the permitted restaurant.

Added by Acts 2023, 88th Leg., R.S., Ch. 361 (S.B. 1932), Sec. 1, eff. September 1, 2023.

Sec. 111.004. RECORDS. (a) A permitted restaurant that purchases wine under this chapter shall maintain a record of each purchase. A permitted restaurant shall maintain the record until the second anniversary of the date the restaurant sells the wine to an ultimate consumer.

(b) The record, at a minimum, must include:

(1) the name, address, and phone number of the wine collection seller who sold the wine to the permitted restaurant;

(2) a description of the wine;

(3) details of the transaction between the wine collection seller and the permitted restaurant, including the brand name and quantity of containers purchased by the permitted restaurant;

(4) the date of the purchase; and

(5) any documents that support the provenance of the wine.

(c) A permitted restaurant shall make a record of a wine purchase made under this chapter available upon request to the ultimate consumer who purchases the wine. The ultimate consumer may request the records either before or after the sale to the consumer. The permitted restaurant may redact from the record the price the restaurant paid for the wine.

(d) The commission shall assess an administrative penalty in the amount of \$500 against a permitted restaurant for each violation of this section.

Added by Acts 2023, 88th Leg., R.S., Ch. 361 (S.B. 1932), Sec. 1, eff. September 1, 2023.

Sec. 111.005. TAX. Sales of wine by a wine collection seller to a permitted restaurant under this chapter are exempt from the taxes imposed under Subchapter A, Chapter 201.

Added by Acts 2023, 88th Leg., R.S., Ch. 361 (S.B. 1932), Sec. 1, eff. September 1, 2023.