

Amendment No. 193

Assembly Amendment to Assembly Bill No. 4 (BDR 52-228)

Proposed by: Assembly Committee on Commerce and Labor

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JMM/MSN



Date: 4/18/2015

A.B. No. 4—Deletes provisions specifying the population of a county in which a winery may engage in certain activities. (BDR 52-228)



ASSEMBLY BILL NO. 4—ASSEMBLYMAN HICKEY

PREFILED DECEMBER 19, 2014

Referred to Committee on Commerce and Labor

SUMMARY—~~{Deletes}~~ **Revises** provisions ~~{specifying the population of a county in which}~~ **relating to the operation of** a winery ~~{may engage in certain activities;}~~ **in this State.** (BDR 52-228)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AN ACT relating to wineries; ~~{deleting}~~ **revising** provisions ~~{specifying the population of a county in which}~~ **relating to the operation of** a winery ~~{may engage in certain activities;}~~ **in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a winery which is located in a county whose population is 100,000 or less (currently all counties other than Clark and Washoe Counties) and is federally bonded may: (1) import wine or juice from a bonded winery in another state for fermentation, mixing with other wine or aging in this State; (2) sell at retail or serve by the glass on its premises and at one other location any wine produced, blended or aged by the winery if the wine sold at that other location does not exceed a certain amount; and (3) serve any alcoholic beverage by the glass on its premises. (NRS 597.240) This bill deletes the restriction concerning the population of the county in which such a winery is located ~~{+}~~, **and authorizes a winery located in any county in this State to import wine or juice for the purpose of producing, bottling, blending and aging wine. This bill imposes certain requirements concerning the percentage of wine produced, blended or aged by certain wineries that must be from fruit grown in this State. This bill also imposes certain restrictions governing the sale by a winery of wine produced by the winery and other alcoholic beverages. Additionally, this bill authorizes the State Board of Agriculture to adopt regulations relating to certain requirements established by the Federal Government for the labeling of bottles of wine.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 597.210 is hereby amended to read as follows:
597.210 1. Except as otherwise provided in subsection 2, ~~{and NRS 597.240;}~~ a person engaged in business as a supplier or engaged in the business of manufacturing, blending or bottling alcoholic beverages within or without this State shall not:

(a) Engage in the business of importing, wholesaling or retailing alcoholic beverages; or

(b) Operate or otherwise locate his or her business on the premises or property of another person engaged in the business of importing, wholesaling or retailing alcoholic beverages.

2. This section does not:

(a) Preclude any person engaged in the business of importing, wholesaling or retailing alcoholic beverages from owning less than 2 percent of the outstanding ownership equity in any organization which manufactures, blends or bottles alcoholic beverages.

(b) Prohibit a person engaged in the business of rectifying or bottling alcoholic beverages from importing neutral or distilled spirits in bulk only for the express purpose of rectification pursuant to NRS 369.415.

(c) Prohibit a person from operating a brew pub pursuant to NRS 597.230.

(d) Prohibit a person from operating an instructional wine-making facility pursuant to NRS 597.245.

(e) Prohibit a person from operating a craft distillery pursuant to NRS 597.235.

(f) Prohibit a person from operating a winery pursuant to NRS 597.240.

Sec. 2. NRS 597.240 is hereby amended to read as follows:

597.240 1. A winery ~~located in a county whose population is 100,000 or less, if it~~ that is federally bonded, and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury and that has been issued a winemaker's license pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a ~~bonded~~ winery that is located in another state ~~and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau,~~ to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

~~(b)~~ 2. A winery that has been issued a winemaker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) Sell at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

~~(b)~~ (b) Serve by the glass, on its premises, any alcoholic beverage.

~~2~~ 3. A winery that is issued a winemaker's license pursuant to NRS 369.200 on or after October 1, 2015:

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises, wine produced, blended or aged by the winery.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises, not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

4. The owner or operator of a winery shall not:

(a) Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.

(b) Produce, blend or age wine at any location other than on the premises of the winery.

5. The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the

Federal Government for labeling bottles of wine produced, blended or aged by the winery.

6. For the purposes of this section, an instructional wine-making facility is not a winery. ~~{This section does not prohibit a person from operating an instructional wine making facility in any county.}~~

Sec. 3. Section 2 of this act is hereby amended to read as follows:

597.240 1. A winery that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury and that has been issued a winemaker's license pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a winery that is located in another state and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau, to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

2. A winery that has been issued a winemaker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) ~~{Sell}~~ **Within the limits prescribed by subsection 3, sell** at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

(b) Serve by the glass, on its premises, any alcoholic beverage.

3. A winery that is issued a winemaker's license pursuant to NRS 369.200 ~~on or after October 1, 2015.~~

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises ~~++~~ **and, if applicable, at one other location,** wine produced, blended or aged by the winery.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises ~~++~~ **and, if applicable, at one other location,** not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

4. The owner or operator of a winery shall not:

(a) Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.

(b) Produce, blend or age wine at any location other than on the premises of the winery.

5. The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery.

6. For the purposes of this section, an instructional wine-making facility is not a winery.

Sec. 4. 1. This section and sections 1 and 2 of this act become effective on October 1, 2015.

2. Section 3 of this act becomes effective on October 1, 2025.