

By: Beckley

H.B. No. 1519

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the delivery of alcoholic beverages from an alcoholic  
3 beverage retailer to an ultimate consumer.

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

5 SECTION 1. Section 22.03(a), Alcoholic Beverage Code, as  
6 effective September 1, 2021, is amended to read as follows:

7 (a) The holder of a package store permit or wine only  
8 package store permit issued for a location within a city or town or  
9 within two miles of the corporate limits of a city or town may make  
10 deliveries of and collections for alcoholic beverages off the  
11 premises [~~in areas where the sale of the beverages is legal~~]. The  
12 permittee must travel by the most direct route and may make  
13 deliveries and collections [~~only within the county or the city or~~  
14 ~~town or within two miles of its corporate limits, and~~] only in  
15 response to bona fide orders placed by the customer, either in  
16 person at the premises, in writing, by mail, or by telegraph or  
17 telephone. This section shall not be construed as preventing a  
18 holder of a package store permit or wine only package store permit  
19 from delivering alcoholic beverages to the holder of a carrier's  
20 permit for transportation to persons who have placed bona fide  
21 orders and who are located in an area that the holder of a package  
22 store permit or wine only package store permit is authorized to  
23 directly deliver to under this section. The holder of a package  
24 store permit or wine only package store permit may also deliver

1 alcoholic beverages to the holder of a carrier's permit for  
2 transportation outside of this state in response to bona fide  
3 orders placed by persons authorized to purchase the beverages.

4 SECTION 2. Section 28.1001(a), Alcoholic Beverage Code, is  
5 amended to read as follows:

6 (a) Notwithstanding any other provision of this code, the  
7 holder of a mixed beverage permit may deliver, or have delivered by  
8 a third party, including an independent contractor acting under  
9 Chapter 57, an alcoholic beverage from the permitted premises to an  
10 ultimate consumer located off-premises [~~and in an area where the~~  
11 ~~sale of the beverage is legal~~] if:

12 (1) the holder of the mixed beverage permit holds a  
13 food and beverage certificate for the permitted premises;

14 (2) the delivery of the alcoholic beverage is made as  
15 part of the delivery of food prepared at the permitted premises;

16 (3) the alcoholic beverage is:

17 (A) beer, ale, or wine delivered in an original  
18 container sealed by the manufacturer; or

19 (B) an alcoholic beverage other than beer, ale,  
20 or wine, delivered in an original, single-serving container sealed  
21 by the manufacturer and not larger than 375 milliliters; and

22 (4) the delivery is not made to a premises that is  
23 permitted or licensed under this code.

24 SECTION 3. Section 57.01(a), Alcoholic Beverage Code, as  
25 added by Chapter 441 (S.B. 1450), Acts of the 86th Legislature,  
26 Regular Session, 2019, is amended to read as follows:

27 (a) The holder of a consumer delivery permit may contract

1 with or employ a driver for the delivery of an alcoholic beverage  
2 from the premises of the holder of a retailer's permit described by  
3 Subsection (b) to an ultimate consumer [~~located in an area where the~~  
4 ~~sale of the beverage is legal~~]. The permit holder may make  
5 deliveries of alcoholic beverages under this section only in  
6 response to bona fide orders placed by the consumer.

7 SECTION 4. Section 57.02, Alcoholic Beverage Code, as added  
8 by Chapter 441 (S.B. 1450), Acts of the 86th Legislature, Regular  
9 Session, 2019, is repealed.

10 SECTION 5. This Act takes effect September 1, 2021.