

By: Landgraf

H.B. No. 1301

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the sale of wine and malt beverages by certain alcoholic
3 beverage manufacturers at a restaurant operated by the
4 manufacturer; creating a wine, malt beverage, and food permit.

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

6 SECTION 1. Subtitle A, Title 3, Alcoholic Beverage Code, is
7 amended by adding Chapter 59 to read as follows:

8 CHAPTER 59. WINE, MALT BEVERAGE, AND FOOD PERMIT

9 Sec. 59.001. QUALIFICATION FOR PERMIT. A wine, malt
10 beverage, and food permit may be issued only to the holder of a
11 winery permit or a brewer's license who operates a restaurant on the
12 permitted or licensed premises.

13 Sec. 59.002. AUTHORIZED ACTIVITIES. (a) The holder of a
14 wine, malt beverage, and food permit may sell wine and malt
15 beverages to ultimate consumers for consumption at a restaurant
16 operated on the holder's permitted or licensed premises.

17 (b) Food must be available at all times alcoholic beverages
18 are sold.

19 Sec. 59.003. INFORMATION REQUIRED OF APPLICANTS. In
20 addition to the information required of applicants for permits
21 under this code, an applicant for a wine, malt beverage, and food
22 permit shall provide to the commission in the form and manner
23 prescribed by the commission in the original and each renewal
24 permit application:

1 (1) a menu or list of all food and beverages to be
2 offered for sale at the restaurant, including prices;

3 (2) a list of equipment used by the restaurant for food
4 preparation;

5 (3) the hours of operation for the restaurant,
6 including hours during which alcoholic beverages are available;

7 (4) any existing sales data for the restaurant, or if
8 none is available, projected sales for food, alcoholic beverages,
9 and any other major categories of sales by the restaurant; and

10 (5) a floorplan of the restaurant portion of the
11 permitted premises, showing the areas that are dedicated for food
12 preparation and service and the areas that are dedicated for
13 alcoholic beverage preparation and service.

14 Sec. 59.004. RECORDS. (a) A permit holder shall:

15 (1) maintain a summary of daily sales, separating the
16 total sales for:

17 (A) alcoholic beverages;

18 (B) food; and

19 (C) any other major sales categories, including
20 nonalcoholic beverages;

21 (2) maintain each invoice for the purchase of
22 alcoholic beverages sold under the permit until the fourth
23 anniversary of the date the alcoholic beverage was purchased; and

24 (3) make the invoices described by Subdivision (2)
25 available for inspection by the commission on the commission's
26 request.

27 (b) Failure to submit any required documentation to the

1 commission or maintain a record required by this section is:

2 (1) prima facie evidence of noncompliance with the
3 requirements of this chapter; and

4 (2) grounds for the commission to take disciplinary
5 action against the permit holder.

6 SECTION 2. As soon as practicable after the effective date
7 of this Act, the Texas Alcoholic Beverage Commission shall adopt
8 rules necessary to implement the changes in law made by this Act.

9 SECTION 3. This Act takes effect September 1, 2025.