

By: Kuempel

H.B. No. 2152

A BILL TO BE ENTITLED

AN ACT

relating to the delivery of alcoholic beverages from the premises of a mixed beverage permittee.

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

SECTION 1. Section 28.10(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Except as provided by this section or Sections ~~[Section]~~ 28.01(b) and 28.1001, a mixed beverage permittee may not sell an alcoholic beverage to another mixed beverage permittee or to any other person except for consumption on the seller's licensed premises.

SECTION 2. Chapter 28, Alcoholic Beverage Code, is amended by adding Section 28.1001 to read as follows:

Sec. 28.1001. OFF-PREMISES DELIVERY OF ALCOHOLIC BEVERAGES. (a) Notwithstanding any other provision of this code, the holder of a mixed beverage permit may deliver, or have delivered by a third party, an alcoholic beverage from the permitted premises to an ultimate consumer located off-premises and in an area where the sale of the beverage is legal if:

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

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

(3) the alcoholic beverage is delivered sealed in an

1 original, single-serving container; and

2 (4) the delivery is not made to:

3 (A) a premises that is permitted or licensed
4 under this code; or

5 (B) a location where the possession or
6 consumption of alcohol is prohibited by law.

7 (b) An alcoholic beverage may be delivered under this
8 section only by a person who is 21 years of age or older.

9 (c) An alcoholic beverage may be delivered under this
10 section only to a person who is 21 years of age or older after the
11 person accepting the delivery:

12 (1) presents valid proof of identity and age; and

13 (2) personally signs a receipt acknowledging the
14 delivery.

15 (d) An alcoholic beverage may not be delivered under this
16 section to any person other than:

17 (1) the person who purchased the beverage;

18 (2) a recipient designated in advance by the
19 purchaser; or

20 (3) a person at the delivery address who is 21 years of
21 age or older.

22 SECTION 3. This Act takes effect September 1, 2019.