87R6364 JAM-F

By:  Hancock S.B. No. 298

A BILL TO BE ENTITLED

AN ACT

relating to the pickup and delivery of alcoholic beverages for off-premises consumption.

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

SECTION 1.  The heading to Section 28.1001, Alcoholic Beverage Code, is amended to read as follows:

Sec. 28.1001.  PICKUP AND [~~OFF-PREMISES~~] DELIVERY OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.

SECTION 2.  Section 28.1001, Alcoholic Beverage Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (a-1), (a-2), and (e) to read as follows:

(a)  In this section:

(1)  "Passenger area of a motor vehicle" has the meaning assigned by Section 49.031, Penal Code.

(2)  "Tamper-proof container" means a container that, once sealed, clearly shows whether it has been opened. The term includes a closed cup or similar container that is:

(A)  placed into a bag that has been sealed with a zip tie or staple;

(B)  sealed with shrink wrap or a similar seal; or

(C)  sealed by other methods approved by rule of the commission.

(a-1)  Notwithstanding any other provision of this code, the holder of a mixed beverage permit may deliver, or have delivered by a third party, including an independent contractor acting under Chapter 57, 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:

(A)  a malt beverage [~~beer, ale,~~] or wine delivered in:

(i)  an original container sealed by the manufacturer; or

(ii)  a tamper-proof container that is sealed by the permit holder and clearly labeled with the permit holder's business name and the words "alcoholic beverage"; or

(B)  an alcoholic beverage other than a malt beverage [~~beer, ale,~~] or wine that:

(i)  is [~~,~~] delivered in an original, single-serving container sealed by the manufacturer and not larger than 375 milliliters; or

(ii)  the permit holder mixes with other beverages or garnishes and stores in a tamper-proof container that is clearly labeled with the permit holder's business name and the words "alcoholic beverage"; and

(4)  the delivery is not made to another [~~a~~] premises that is permitted or licensed under this code.

(a-2)  Notwithstanding any other provision of this code, the holder of a mixed beverage permit may allow an ultimate consumer to pick up an alcoholic beverage described by Subsection (a-1)(3) and remove the beverage from the permitted premises if:

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

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

(c)  An alcoholic beverage picked up or [~~may be~~] delivered under this section may be provided only to a person who is 21 years of age or older after the person picking up the alcoholic beverage or accepting the delivery presents valid proof of identity and age and:

(1)  the person picking up the alcoholic beverage or accepting the delivery personally signs a receipt, which may be electronic, acknowledging the pickup or delivery; or

(2)  the person providing the beverage for pickup or making the delivery acknowledges the completion of the pickup or delivery through a software application.

(d)  This section does not authorize the holder of a brewpub license who also holds a wine and malt beverage [~~beer~~] retailer's permit to deliver alcoholic beverages directly to ultimate consumers for off-premise consumption at a location other than the licensed premises.

(e)  A person who picks up or delivers an alcoholic beverage described by Subsection (a-1)(3)(A)(ii) or (a-1)(3)(B)(ii) may not transport the alcoholic beverage in the passenger area of a motor vehicle.

SECTION 3.  This Act takes effect September 1, 2021.