

By: Geren, Holland, Thompson of Harris,  
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H.B. No. 1024

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the pickup and delivery of alcoholic beverages from  
3 certain premises for off-premises consumption.

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

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

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

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

12 (a) In this section:

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

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

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

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

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

23 (a-1) Notwithstanding any other provision of this code, the  
24 holder of a mixed beverage permit may deliver, or have delivered by

1 a third party, including an independent contractor acting under  
2 Chapter 57, as added by Chapter 441 (S.B. 1450), Acts of the 86th  
3 Legislature, Regular Session, 2019, an alcoholic beverage from the  
4 permitted premises to an ultimate consumer located off-premises and  
5 in an area where the sale of the beverage is legal if:

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

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

10 (3) the alcoholic beverage is:

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

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

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

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

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

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

27 (4) the delivery is not made to another [~~a~~] premises

1 that is permitted or licensed under this code.

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

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

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

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

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

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

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

26 (e) A person who picks up or delivers an alcoholic beverage  
27 described by Subsection (a-1)(3)(A)(ii) or (a-1)(3)(B)(ii) may not

1 transport the alcoholic beverage in the passenger area of a motor  
2 vehicle.

3 SECTION 3. Section 32.01(a), Alcoholic Beverage Code, is  
4 amended to read as follows:

5 (a) A private club registration permit authorizes alcoholic  
6 beverages belonging to members of the club to be:

7 (1) stored, possessed, and mixed on the club premises;  
8 ~~and~~

9 (2) served for on-premises consumption only to members  
10 of the club and their families and guests, by the drink or in  
11 sealed, unsealed, or broken containers of any legal size; and

12 (3) served for off-premises consumption only to  
13 members of the club in the manner provided by Section 32.155.

14 SECTION 4. Section 32.15, Alcoholic Beverage Code, is  
15 amended to read as follows:

16 Sec. 32.15. REMOVAL OF BEVERAGES FROM PREMISES. A private  
17 club, irrespective of location or system of storage of alcoholic  
18 beverages, may not permit any person to remove any alcoholic  
19 beverages from the club premises, except:

20 (1) as authorized by:

21 (A) Section 28.10(b) or 32.155; or

22 (B) Chapter 57, as added by Chapter 441 (S.B.  
23 1450), Acts of the 86th Legislature, Regular Session, 2019; or

24 (2) for the purpose of removing unused inventory the  
25 person brought onto the premises under Section 14.07, as added by  
26 Chapter 792 (H.B. 1997), Acts of the 86th Legislature, Regular  
27 Session, 2019, or 37.01(d).

1 SECTION 5. Chapter 32, Alcoholic Beverage Code, is amended  
2 by adding Section 32.155 to read as follows:

3 Sec. 32.155. PICKUP AND DELIVERY OF ALCOHOLIC BEVERAGES FOR  
4 OFF-PREMISES CONSUMPTION. (a) In this section:

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

7 (2) "Tamper-proof container" has the meaning assigned  
8 by Section 28.1001.

9 (b) Notwithstanding any other provision of this code, the  
10 holder of a private club registration permit may deliver, or have  
11 delivered by a third party, including an independent contractor  
12 acting under Chapter 57, as added by Chapter 441 (S.B. 1450), Acts  
13 of the 86th Legislature, Regular Session, 2019, an alcoholic  
14 beverage from the permitted premises to an ultimate consumer  
15 located off-premises and in the county in which the private club is  
16 located if:

17 (1) the holder of the private club registration permit  
18 holds a food and beverage certificate for the permitted premises;

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

21 (3) the ultimate consumer is a member of the club;

22 (4) the alcoholic beverage is:

23 (A) a malt beverage or wine delivered in:

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

26 (ii) a tamper-proof container that is  
27 sealed by the permit holder and clearly labeled with the name of the

1 private club registration permit holder and the words "alcoholic  
2 beverage"; or

3 (B) an alcoholic beverage other than a malt  
4 beverage or wine that:

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

8 (ii) the permit holder mixes with other  
9 beverages or garnishes and stores in a tamper-proof container that  
10 is clearly labeled with the name of the private club registration  
11 permit holder and the words "alcoholic beverage"; and

12 (5) the delivery is not made to another premises that  
13 is permitted or licensed under this code.

14 (c) Notwithstanding any other provision of this code, the  
15 holder of a private club registration permit may allow an ultimate  
16 consumer to pick up an alcoholic beverage described by Subsection  
17 (b)(4) and remove the beverage from the permitted premises if:

18 (1) the holder of the private club registration permit  
19 holds a food and beverage certificate for the permitted premises;

20 (2) the pickup of the alcoholic beverage is made as  
21 part of the pickup of food prepared at the permitted premises; and

22 (3) the ultimate consumer is a member of the club.

23 (d) An alcoholic beverage picked up or delivered under this  
24 section may be provided only to a person who is 21 years of age or  
25 older after the person picking up the alcoholic beverage or  
26 accepting the delivery presents valid proof of identity and age  
27 and:

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

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

7           (e) A person who picks up or delivers an alcoholic beverage  
8 described by Subsection (b)(4)(A)(ii) or (b)(4)(B)(ii) may not  
9 transport the alcoholic beverage in the passenger area of a motor  
10 vehicle.

11           SECTION 6. Section 32.17(a), Alcoholic Beverage Code, as  
12 effective September 1, 2021, is amended to read as follows:

13           (a) The commission or administrator may cancel or suspend  
14 for a period of time not exceeding 60 days, after notice and  
15 hearing, an original or renewal private club registration permit on  
16 finding that the permittee club has:

17           (1) sold, offered for sale, purchased, or held title  
18 to any alcoholic beverage so as to constitute an open saloon;

19           (2) refused to allow an authorized agent or  
20 representative of the commission or a peace officer to come on the  
21 club premises for the purposes of inspecting alcoholic beverages  
22 stored on the premises or investigating compliance with the  
23 provisions of this code;

24           (3) refused to furnish the commission or its agent or  
25 representative when requested any information pertaining to the  
26 storage, possession, serving, or consumption of alcoholic  
27 beverages on club premises;

1           (4) except as authorized under Section 32.15,  
2 permitted or allowed any alcoholic beverages stored on club  
3 premises to be served or consumed at any place other than on the  
4 club premises;

5           (5) failed to maintain an adequate building at the  
6 address for which the private club registration permit was issued;

7           (6) caused, permitted, or allowed any member of a club  
8 in a dry area to store any liquor on club premises except under the  
9 locker system;

10          (7) caused, permitted, or allowed any person to  
11 consume or be served any alcoholic beverage on the club premises:

12           (A) at any time on Sunday between the hours of  
13 1:15 a.m. and 10 a.m. or on any other day at any time between the  
14 hours of 12:15 a.m. and 7 a.m., if the club does not have a retailer  
15 late hours certificate, except that an alcoholic beverage served to  
16 a customer between 10 a.m. and 12 noon on Sunday must be provided  
17 during the service of food to the customer; or

18           (B) at any time on Sunday between the hours of 2  
19 a.m. and 10 a.m. or on any other day at any time between the hours of  
20 2 a.m. and 7 a.m., if the club has a retailer late hours  
21 certificate, except that an alcoholic beverage served to a customer  
22 between 10 a.m. and 12 noon on Sunday must be provided during the  
23 service of food to the customer; or

24          (8) violated or assisted, aided or abetted the  
25 violation of any provision of this code.

26          SECTION 7. Section 57.01(b), Alcoholic Beverage Code, is  
27 amended to read as follows:



1 (b) An alcoholic beverage may be delivered under this  
2 section only if the alcoholic beverage is sold or served to the  
3 ultimate consumer by the holder of a:

4 (1) package store permit;

5 (2) wine only package store permit;

6 (3) wine and beer retailer's permit;

7 (4) wine and beer retailer's off-premise permit;

8 (5) retail dealer's on-premise license;

9 (6) retail dealer's off-premise license; [~~or~~]

10 (7) mixed beverage permit authorized to deliver  
11 alcoholic beverages under Section 28.1001; or

12 (8) private club permit authorized to deliver  
13 alcoholic beverages under Section 32.155.

14 SECTION 8. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2021.