

By: Dominguez

H.B. No. 1102

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the pickup and delivery of alcoholic beverages for
3 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 closed cup or
16 similar container that is sealed with tape and placed into a bag
17 that has been sealed with a zip tie.

18 (a-1) Notwithstanding any other provision of this code, the
19 holder of a mixed beverage permit may deliver, or have delivered by
20 a third party, including an independent contractor acting under
21 Chapter 57, an alcoholic beverage from the permitted premises to an
22 ultimate consumer located off-premises and in an area where the
23 sale of the beverage is legal if:

24 (1) ~~[the holder of the mixed beverage permit holds a~~

1 ~~food and beverage certificate for the permitted premises;~~

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

4 ~~[(3)]~~ the alcoholic beverage is:

5 (A) a malt beverage [~~beer, ale,~~] or wine
6 delivered in an original container sealed by the manufacturer; or

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

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

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

16 (2) [~~4~~] the delivery is not made to another [~~a~~]
17 premises that is permitted or licensed under this code.

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

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

27 (1) the person picking up the alcoholic beverage or

1 accepting the delivery personally signs a receipt, which may be
2 electronic, acknowledging the pickup or delivery; or

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

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

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

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