

By: Jetton

H.B. No. 1779

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 closed cup or similar container that, once sealed, clearly shows whether it has been opened.

(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~~

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:

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

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

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

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

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

21 (2) ~~[(4)]~~ the delivery is not made to another [~~a~~]
22 premises that is permitted or licensed under this code.

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

27 (c) An alcoholic beverage picked up or [~~may be~~] delivered

1 under this section may be provided only to a person who is 21 years
2 of age or older after the person picking up the alcoholic beverage
3 or accepting the delivery presents valid proof of identity and age
4 and:

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

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

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

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

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