

By: Goldman

H.B. No. 3405

A BILL TO BE ENTITLED

AN ACT

relating to the possession and consumption of wine on the premises of a mixed beverage permittee.

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

SECTION 1. Section 28.01(c), Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

(c) The holder of a mixed beverage permit may also:

(1) purchase wine and malt beverages containing alcohol of not more than 24 percent by volume in containers of any legal size from any permittee or licensee authorized to sell those beverages for resale; ~~and~~

(2) sell the wine and malt beverages for consumption on the licensed premises;

(3) allow an individual to:

(A) possess and consume on the licensed premises wine acquired by the individual off the licensed premises; and

(B) remove from the premises wine brought onto the premises by the individual under Paragraph (A); and

(4) charge a corkage fee for wine consumed on the premises under Subdivision (3).

SECTION 2. Sections 28.06(a) and (c), Alcoholic Beverage Code, are amended to read as follows:

(a) Except as provided by Sections 14.07, 28.01(c)(3), and 37.01(d), no holder of a mixed beverage permit, nor any officer,

1 agent, or employee of a holder, may possess or permit to be
2 possessed on the premises for which the permit is issued any
3 alcoholic beverage which is not covered by an invoice from the
4 supplier from whom the alcoholic beverage was purchased.

5 (c) Except as provided by Sections [14.07](#), [28.01\(c\)\(3\)](#), and
6 [37.01\(d\)](#), no holder of a mixed beverage permit, nor any officer,
7 agent, or employee of a holder, may knowingly possess or permit to
8 be possessed on the licensed premises any alcoholic beverage which
9 is not covered by an invoice from the supplier from whom the
10 alcoholic beverage was purchased.

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