

By: Landgraf

H.B. No. 1301

Substitute the following for H.B. No. 1301:

By: Phelan

C.S.H.B. No. 1301

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sale of wine and malt beverages by certain alcoholic  
3 beverage manufacturers at a restaurant operated by the  
4 manufacturer.

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

6 SECTION 1. Section 16.01, Alcoholic Beverage Code, is  
7 amended by adding Subsection (f) to read as follows:

8 (f) The holder of a winery permit may purchase malt  
9 beverages from the holder of a distributor's license and sell those  
10 malt beverages to ultimate consumers for consumption at a  
11 restaurant operated by the permit holder on the winery premises.

12 SECTION 2. Chapter 16, Alcoholic Beverage Code, is amended  
13 by adding Section 16.13 to read as follows:

14 Sec. 16.13. ON-PREMISES RESTAURANT. (a) The holder of a  
15 winery permit may sell wine and malt beverages to ultimate  
16 consumers for consumption at a restaurant operated by the permit  
17 holder on the winery premises.

18 (b) Food must be available at the restaurant at all times  
19 alcoholic beverages are sold.

20 (c) The holder of a winery permit who operates a restaurant  
21 as provided by this section shall maintain and make available for  
22 inspection by the commission on the commission's request:

23 (1) a menu or list of all food and beverages to be  
24 offered for sale at the restaurant, including prices;

C.S.H.B. No. 1301

1                   (2) a list of equipment used by the restaurant for food  
2 preparation;

3                   (3) a record of the hours of operation for the  
4 restaurant, including hours during which alcoholic beverages are  
5 available;

6                   (4) a floor plan of the restaurant portion of the  
7 permitted premises, showing the areas that are dedicated for food  
8 preparation and service and the areas that are dedicated for  
9 alcoholic beverage preparation and service;

10                   (5) a summary of daily sales, separating the total  
11 sales for:

12                   (A) alcoholic beverages;  
13                   (B) food; and  
14                   (C) any other major sales categories, including  
15 nonalcoholic beverages; and

16                   (6) each invoice for the purchase of alcoholic  
17 beverages sold under the permit until the fourth anniversary of the  
18 date the alcoholic beverage was purchased.

19                   (d) Failure to make available any required documentation to  
20 the commission on the commission's request or maintain a record  
21 required by this section is:

22                   (1) prima facie evidence of noncompliance with the  
23 requirements of this section; and

24                   (2) grounds for the commission to take disciplinary  
25 action against the permit holder.

26                   SECTION 3. Section 19.01, Alcoholic Beverage Code, is  
27 amended to read as follows:

1                   Sec. 19.01. AUTHORIZED ACTIVITIES. The holder of a  
2 wholesaler's permit may:

3                   (1) purchase and import liquor from distillers,  
4 wineries, and rectifiers who are holders of nonresident seller's  
5 permits or from their agents;

6                   (2) purchase liquor from other wholesalers in the  
7 state;

8                   (3) sell liquor in the original containers in which it  
9 is received to retailers and wholesalers in this state authorized  
10 to sell the liquor; [and]

11                  (4) sell liquor to qualified persons outside the  
12 state;

13                  (5) sell wine to the holder of a winery permit  
14 authorized to sell wine to ultimate consumers for consumption at a  
15 restaurant operated by the permit holder on the winery premises  
16 under Section 16.13; and

17                  (6) sell wine to the holder of a brewer's license  
18 authorized to sell wine to ultimate consumers for consumption at a  
19 restaurant operated by the license holder on the brewery premises  
20 under Section 62.16.

21                  SECTION 4. Chapter 62, Alcoholic Beverage Code, is amended  
22 by adding Section 62.16 to read as follows:

23                  Sec. 62.16. ON-PREMISES RESTAURANT. (a) The holder of a  
24 brewer's license authorized to sell malt beverages to ultimate  
25 consumers for consumption on the brewer's premises under Section  
26 62.122 may:

27                  (1) purchase wine from wholesalers authorized to sell

1 wine;

2                   (2) purchase malt beverages from the holder of a  
3 distributor's license authorized to sell malt beverages; and  
4                   (3) sell the wine and malt beverages to ultimate  
5 consumers for consumption at a restaurant operated by the license  
6 holder on the brewery premises.

7                   (b) Food must be available at the restaurant at all times  
8 alcoholic beverages are sold.

9                   (c) Section 62.122(b) does not apply to a malt beverage  
10 purchased by the holder of a brewer's license under Subsection (a)  
11 and sold to an ultimate consumer for consumption at a restaurant  
12 operated by the license holder under this section.

13                   (d) The holder of a brewer's license who operates a  
14 restaurant as provided by this section shall maintain and make  
15 available for inspection by the commission on the commission's  
16 request:

17                   (1) a menu or list of all food and beverages to be  
18 offered for sale at the restaurant, including prices;

19                   (2) a list of equipment used by the restaurant for food  
20 preparation;

21                   (3) a record of the hours of operation for the  
22 restaurant, including hours during which alcoholic beverages are  
23 available;

24                   (4) a floor plan of the restaurant portion of the  
25 licensed premises, showing the areas that are dedicated for food  
26 preparation and service and the areas that are dedicated for  
27 alcoholic beverage preparation and service;

1                   (5) a summary of daily sales, separating the total  
2 sales for:

3                   (A) alcoholic beverages;  
4                   (B) food; and  
5                   (C) any other major sales categories, including  
6 nonalcoholic beverages; and

7                   (6) each invoice for the purchase of alcoholic  
8 beverages sold under the license until the fourth anniversary of  
9 the date the alcoholic beverage was purchased.

10                  (e) Failure to make available any required documentation to  
11 the commission on the commission's request or maintain a record  
12 required by this section is:

13                  (1) prima facie evidence of noncompliance with the  
14 requirements of this section; and  
15                  (2) grounds for the commission to take disciplinary  
16 action against the license holder.

17                  SECTION 5. Section 102.31(a), Alcoholic Beverage Code, is  
18 amended to read as follows:

19                  (a) This section applies to:

20                  (1) the sale of malt beverages or malt beverage  
21 containers or the original packages in which malt beverages are  
22 received, packaged, or contained by a distributor's licensee to a  
23 retail dealer's on-premise or off-premise licensee, a wine and malt  
24 beverage retailer's permittee, or a wine and malt beverage  
25 retailer's off-premise permittee; and

26                  (2) the sale of malt beverages by a local distributor's  
27 permittee, or by any licensee authorized to sell those beverages

1 for resale, to:

2 (A) a mixed beverage permittee;

3 (B) a winery permittee authorized to sell malt  
4 beverages to an ultimate consumer at a restaurant operated by the  
5 permittee under Section 16.13; or

6 (C) a brewer's licensee authorized to sell malt  
7 beverages to an ultimate consumer at a restaurant operated by the  
8 licensee under Section 62.16.

9 SECTION 6. Section 102.32(a), Alcoholic Beverage Code, is  
10 amended to read as follows:

11 (a) In this section:

12 (1) "Wholesale dealer" means a wholesaler, class B  
13 wholesaler, winery, or local distributor's permittee.

14 (2) "Retailer" means a package store, wine only  
15 package store, wine and malt beverage retailers, wine and malt  
16 beverage retailer's off-premise, or mixed beverage permittee, any  
17 other retailer, or a private club registration permittee. For  
18 purposes of this section:

19 (A) [ ] the holder of a winery permit issued  
20 under Chapter 16 is a retailer when the winery permit holder  
21 purchases wine from the holder of a wholesaler's permit issued  
22 under Chapter 19 for resale to ultimate consumers in unbroken  
23 packages or for consumption on the premises of a restaurant  
24 operated by the holder of the winery permit under Section 16.13; and

25 (B) the holder of a brewer's license issued under  
26 Chapter 62 is a retailer when the brewer's license holder purchases  
27 wine from the holder of a wholesaler's permit issued under Chapter

C.S.H.B. No. 1301

1 19 for resale to ultimate consumers for consumption on the premises  
2 of a restaurant operated by the holder of the brewer's license under  
3 Section 62.16.

4 (3) "Month" means a calendar month.

5 SECTION 7. As soon as practicable after the effective date  
6 of this Act, the Texas Alcoholic Beverage Commission shall adopt  
7 rules necessary to implement the changes in law made by this Act.

8 SECTION 8. This Act takes effect September 1, 2025.