

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

AN ACT

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

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

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

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

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

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

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

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

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

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) [7] 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

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.