

ALCOHOLIC BEVERAGE CODE  
TITLE 3. LICENSES AND PERMITS  
SUBTITLE A. PERMITS

Text of chapter effective on September 1, 2021

CHAPTER 26. WINE AND MALT BEVERAGE RETAILER'S OFF-PREMISE PERMIT

Sec. 26.01. AUTHORIZED ACTIVITIES. (a) The holder of a wine and malt beverage retailer's off-premise permit may sell for off-premises consumption only, in unbroken original containers, but not for resale, wine and malt beverages containing alcohol in excess of one-half of one percent by volume but not more than 17 percent by volume.

(b) The holder of a wine and malt beverage retailer's off-premise permit may conduct free product samplings of wine and malt beverages containing alcohol in excess of one-half of one percent by volume but not more than 17 percent by volume on the permit holder's premises during regular business hours as provided by Section 26.08.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. 1545), Sec. 114, eff. September 1, 2021.

Sec. 26.03. ISSUANCE, CANCELLATION, AND SUSPENSION OF PERMIT. (a) A wine and malt beverage retailer's off-premise permit is issued by the commission. The qualifications of applicants and the application for and issuance of the permit are governed by the same provisions which apply to the application for and issuance of a retail dealer's off-premise license.

(b) The provisions of this code applicable to the cancellation and suspension of a retail dealer's off-premise license also apply to the cancellation and suspension of a wine and malt beverage retailer's off-premise permit.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. 1545), Sec. 115(a), eff. December 31, 2020.

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. 1545), Sec. 115(b), eff. September 1, 2021.

Sec. 26.04. APPLICATION OF OTHER CODE PROVISIONS. Sections 61.78, 61.81, 61.82, and 61.84 also apply to a wine and malt beverage retailer's off-premise permit. The restrictions in this code relating to malt beverages as to the application of local restrictions, sales to minors and intoxicated persons, and age of employees apply to the sale of alcoholic beverages by a wine and malt beverage retailer's off-premise permittee.

Acts 1977, 65th Leg., p. 428, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. 1545), Sec. 116, eff. September 1, 2021.

Sec. 26.05. WARNING SIGN REQUIRED. (a) Each holder of a wine and malt beverage retailer's off-premise permit shall display in a prominent place on the permittee's premises a sign stating in letters at least two inches high: IT IS A CRIME (MISDEMEANOR) TO CONSUME LIQUOR OR MALT BEVERAGES ON THESE PREMISES. The commission or administrator may require the holder of the permit to also display the sign in a language other than English if it can be observed or determined that a substantial portion of the expected customers speak the other language as their familiar language.

(b) A permittee who fails to comply with this section commits a misdemeanor punishable by a fine of not more than \$25.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. 1545), Sec. 117, eff. September 1, 2021.

Sec. 26.08. SAMPLING EVENT. (a) An employee of the holder of a wine and malt beverage retailer's off-premise permit may open, touch, or pour wine or malt beverages, make a presentation, or answer questions at a sampling event.

(b) For purposes of this code and any other law or ordinance:

(1) a wine and malt beverage retailer's off-premise permit does not authorize the sale of alcoholic beverages for on-premises consumption; and

(2) none of the permit holder's income may be considered to be income from the sale of alcoholic beverages for on-premises consumption.

(c) Any wine or malt beverages used in a sampling event under this section must be purchased from or provided by the retailer on whose premises the sampling event is held. This section does not authorize the holder of a wine and malt beverage retailer's off-premise permit to withdraw or purchase alcoholic beverages from the holder of a wholesaler's permit or a distributor's license or provide alcoholic beverages for a sampling on a retailer's premises that is not purchased from the retailer. The amount of alcoholic beverages purchased from the retailer may not exceed the amount of alcoholic beverages used in the sampling event.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 118, eff. September 1, 2021.