

ALCOHOLIC BEVERAGE CODE
TITLE 3. LICENSES AND PERMITS
SUBTITLE A. PERMITS
CHAPTER 36. NONRESIDENT SELLER'S AGENTS

Sec. 36.01. AUTHORIZED ACTIVITIES. (a) A nonresident seller's agent may:

(1) represent only the holders of nonresident seller's permits;

(2) solicit and take orders for the sale of liquor from permittees authorized to import liquor for the purpose of resale; and

(3) if the agent represents the holder of a nonresident seller's permit, provide samples or tastings of distilled spirits on a retailer's premises as authorized by Section [37.01\(d\)](#).

(b) A person acting as a nonresident seller's agent may only represent one permitted or licensed business at a time while soliciting or taking orders.

Acts 1977, 65th Leg., p. 444, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 792 (H.B. [1997](#)), Sec. 8, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 135, eff. September 1, 2019.

Sec. 36.04. INELIGIBILITY TO SERVE AS AN AGENT. A person acting as a nonresident seller's agent may not act as an agent under Chapter [35](#).

Acts 1977, 65th Leg., p. 444, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 136, eff. September 1, 2019.

Sec. 36.05. SAMPLES. A nonresident seller's agent may not transport or carry liquor as samples, but may carry or display empty sample containers.

Acts 1977, 65th Leg., p. 444, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 137, eff. September 1, 2019.

Sec. 36.06. SOLICITATION FROM HOLDER OF MIXED BEVERAGE OR PRIVATE CLUB PERMIT. A nonresident seller's agent may not solicit business directly or indirectly from a holder of a mixed beverage permit or a private club registration permit unless the agent is accompanied by the holder of a wholesaler's permit or the wholesaler's agent.

Acts 1977, 65th Leg., p. 444, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 138, eff. September 1, 2019.

Sec. 36.07. UNAUTHORIZED REPRESENTATION. A nonresident seller's agent in soliciting or taking orders for the sale of liquor may not represent that the agent is an agent of a person other than the person who employs the agent or who has authorized the agent to represent the person.

Acts 1977, 65th Leg., p. 444, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 139, eff. September 1, 2019.

Sec. 36.08. RESTRICTION AS TO SOURCE OF SUPPLY. A nonresident seller's agent may not represent a person with respect to an alcoholic beverage unless the person represented is the primary American source of supply of the beverage as defined in Section [37.10](#).

Acts 1977, 65th Leg., p. 445, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 140, eff. September 1, 2019.