

ALCOHOLIC BEVERAGE CODE

TITLE 3. LICENSES AND PERMITS

SUBTITLE A. PERMITS

CHAPTER 55. MANUFACTURER'S AGENT'S WAREHOUSING PERMIT

Sec. 55.01. AUTHORIZED ACTIVITIES. (a) The holder of a manufacturer's agent's warehousing permit may:

(1) receive malt beverages from the holder of a nonresident brewer's license and store the alcoholic beverages on the permitted premises;

(2) ship, cause to be shipped, sell, and otherwise transfer the malt beverages to licensed distributors in this state and to persons outside this state who are qualified to receive the malt beverages under the regulatory laws of the state or other jurisdiction in which the malt beverages are received; and

(3) return malt beverages to the brewer from which they were originally received.

(b) The holder of a manufacturer's agent's warehousing permit may ship only to distributors in this state who have been issued a territorial designation by the actual brewer of the brand or brands to be shipped. This territorial designation for the sale of malt beverages must be under and a part of the agreement entered into between the actual brewer of the brand and the distributor under Subchapters C and D, Chapter 102. This chapter does not affect the requirement that the actual brewer, and the agreement between the actual brewer and the distributor, comply with Subchapters C and D, Chapter 102.

(c) Malt beverages received at premises permitted under this chapter that are not labeled and approved for sale in this state may be held and stored at the premises and may be shipped from the premises if the malt beverages are consigned and transported to qualified persons in other states or jurisdictions where their sale is legal.

(d) The provisions of this code related to the residency of an applicant for a permit do not apply to a permit under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 247 (H.B. 2727), Sec. 1,

eff. September 1, 2007.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. 1545), Sec. 157, eff. September 1, 2021.

Sec. 55.03. ELIGIBILITY FOR PERMIT. A manufacturer's agent's warehousing permit may be issued to an entity:

(1) that receives malt beverages from another entity, or that other entity's immediate successor in interest, that:

(A) is located and chartered in the United Mexican States;

(B) has held, for the two years preceding the date of the application:

(i) a nonresident manufacturer's license, nonresident brewer's permit, and a nonresident seller's permit;

(ii) a nonresident brewer's license and a nonresident seller's permit; or

(iii) a combination of Subparagraph (i) and Subparagraph (ii); and

(C) during each of those two years has shipped or caused to be shipped into this state for ultimate sale to qualified distributors and wholesalers in this state at least one-half million barrels of malt beverages of the various brands manufactured or brewed by the entity; and

(2) whose employees, located in this state or elsewhere, perform the activities authorized under Chapters 36 and 73 on behalf of the entity.

Added by Acts 2007, 80th Leg., R.S., Ch. 247 (H.B. 2727), Sec. 1, eff. September 1, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 129 (S.B. 350), Sec. 1, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. 1545), Sec. 158, eff. September 1, 2021.

Sec. 55.04. LOCATION OF PREMISES. The premises of a permit holder under this chapter must be located in an area that is wet for

the sale of malt beverages.

Added by Acts 2007, 80th Leg., R.S., Ch. 247 (H.B. [2727](#)), Sec. 1, eff. September 1, 2007.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 159, eff. September 1, 2021.

Sec. 55.05. REPORTING REQUIREMENTS. The commission shall require monthly reports from a permit holder under this chapter showing the brands, types, sizes of containers, and quantities of malt beverages received at and shipped from the premises to persons authorized to receive them. The reports must conform in all respects to the requirements and forms prescribed by the commission and contain any other information required by the commission.

Added by Acts 2007, 80th Leg., R.S., Ch. 247 (H.B. [2727](#)), Sec. 1, eff. September 1, 2007.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 160, eff. September 1, 2021.