

ALCOHOLIC BEVERAGE CODE  
TITLE 3. LICENSES AND PERMITS  
SUBTITLE B. LICENSES  
CHAPTER 74. BREWPUB LICENSE

Sec. 74.01. AUTHORIZED ACTIVITIES. (a) A holder of a brewpub license for a brewpub located in a wet area, as that term is described by Section 251.71, may:

(1) brew, bottle, can, package, and label malt beverages;

(2) sell or offer without charge, on the premises of the brewpub, to ultimate consumers for consumption on or off those premises, malt beverages produced by the holder, in or from a lawful container, to the extent the sales or offers are allowed under the holder's other permits or licenses;

(3) sell food on the premises of the holder's breweries; and

(4) conduct samplings of malt beverages, including tastings, at a retailer's premises.

(a-1) An agent or employee of the holder of a brewpub license may open, touch, or pour malt beverages, make a presentation, or answer questions at a sampling event.

(b) The holder of a brewpub license may establish, operate, or maintain one or more licensed brewpubs in this state under the same general management or ownership. The holder shall pay the fee assessed by the commission for each establishment. For the purposes of this subsection, two or more establishments are under the same general management or ownership if:

(1) the establishments bottle the same brand of malt beverage or bottle malt beverages brewed by the same brewer; or

(2) the person, regardless of domicile, who establishes, operates, or maintains the establishments is controlled or directed by one management or by an association of ultimate management.

(c) A holder of a brewpub license must also hold a wine and malt beverage retailer's permit, a mixed beverage permit, or a retail dealer's on-premise license.

(d) The holder of a brewpub license may not hold or have an interest either directly or indirectly, or through a subsidiary, affiliate, agent, employee, officer, director, or other person, in a brewer's or distributor's license or any other license or permit in the manufacturing or wholesaling levels of the alcoholic beverage industry regardless of the specific names given to permits or licenses in Title 3 of this code. The holder shall be considered a "retailer" for purposes of Section [102.01](#).

(e) The holder of a brewpub license may deliver malt beverages brewed by the holder to a location other than the holder's premises for the purpose of submitting the malt beverages for an evaluation at an organized malt beverage tasting, competition, or review. At a tasting, competition, or review, a holder of a brewpub license may:

(1) dispense without charge malt beverages brewed by the holder to a person attending the event for consumption on the premises of the event; and

(2) discuss with a person attending the event the brewing and characteristics of the malt beverages.

(f) This section does not authorize the holder of a brewpub license who also holds a wine and malt beverage retailer's permit to deliver alcoholic beverages directly to ultimate consumers for off-premise consumption at a location other than the licensed premises.

Added by Acts 1993, 73rd Leg., ch. 478, Sec. 1, eff. Aug. 30, 1993; Acts 1993, 73rd Leg., ch. 934, Sec. 59, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 387, Sec. 1, eff. Aug. 28, 1995.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 750 (S.B. [515](#)), Sec. 9, eff. June 14, 2013.

Acts 2019, 86th Leg., R.S., Ch. 434 (S.B. [1232](#)), Sec. 4, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 257, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 165 (S.B. [1226](#)), Sec. 1, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. [3607](#)), Sec. 2.002,

eff. September 1, 2021.

Sec. 74.03. PRODUCTION LIMIT. The total annual production of malt beverages by a holder of a brewpub license may not exceed 10,000 barrels for each licensed brewpub.

Added by Acts 1993, 73rd Leg., ch. 478, Sec. 1, eff. Aug. 30, 1993; Acts 1993, 73rd Leg., ch. 934, Sec. 59, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 750 (S.B. [515](#)), Sec. 4, eff. June 14, 2013.

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 258, eff. September 1, 2021.

Sec. 74.04. LICENSE APPLICATION, RENEWAL, AND MAINTENANCE; RECORDS; LICENSE ISSUANCE. All provisions of this code that apply to a brewpub licensee's wine and malt beverage retailer's permit, mixed beverage permit, or retail dealer's on-premise license also apply to the brewpub license.

Added by Acts 1993, 73rd Leg., ch. 478, Sec. 1, eff. Aug. 30, 1993; Acts 1993, 73rd Leg., ch. 934, Sec. 59, eff. Sept. 1, 1993.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 259, eff. September 1, 2021.

Sec. 74.05. STATEMENT OF INTENT. An applicant for a brewpub license shall file with the application a sworn statement that the applicant shall be engaged in the business of brewing and packaging malt beverages in this state in quantities sufficient to operate a brewpub not later than six months after the date of issuance of the original license. If the applicant is a corporation, the statement must be signed by a principal corporate officer. The commission may not issue a brewpub license to an applicant who does not submit the required sworn statement with the application for a license.

Added by Acts 1993, 73rd Leg., ch. 478, Sec. 1, eff. Aug. 30, 1993; Acts 1993, 73rd Leg., ch. 934, Sec. 59, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 763 (S.B. [1035](#)), Sec. 13, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 260(a), eff. December 31, 2020.

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 260(b), eff. September 1, 2021.

Sec. 74.06. QUALITY STANDARDS. Brewing equipment used by a holder of a brewpub license, and process, labeling, and packaging conducted by a holder of a brewpub license, shall conform to standards and tax requirements imposed by this code and the commission's rules for the brewing of malt beverages and shall conform to any standards that may be applied by the agency of the United States charged with supervising and inspecting the brewing of alcoholic beverages.

Added by Acts 1993, 73rd Leg., ch. 478, Sec. 1, eff. Aug. 30, 1993; Acts 1993, 73rd Leg., ch. 934, Sec. 59, eff. Sept. 1, 1993.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 261, eff. September 1, 2021.

Sec. 74.07. CONTAINER SIZE. In addition to any other container for malt beverages authorized elsewhere in this code, a holder of a brewpub license may store or serve to consumers malt beverages brewed by the holder of the license at the premises of the brewpub license from any container having the capacity of one barrel or whole multiples of one barrel.

Added by Acts 1993, 73rd Leg., ch. 478, Sec. 1, eff. Aug. 30, 1993; Acts 1993, 73rd Leg., ch. 934, Sec. 59, eff. Sept. 1, 1993.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 262, eff. September 1, 2021.

Sec. 74.08. SALES BY BREWPUB LICENSE HOLDERS TO RETAILERS.  
(a) In addition to the activities authorized by Section [74.01](#), the holder of a brewpub license who holds a wine and malt beverage retailer's permit and whose sale of malt beverages consists only of

malt beverages brewed on the brewpub's premises may sell malt beverages produced under the license to:

(1) those retailers to whom the holder of a general distributor's license may sell malt beverages under Section [64.01](#); or

(2) qualified persons to whom the holder of a general distributor's license may sell malt beverages for shipment and consumption outside the state under Section [64.01](#).

(b) With regard to a sale under Subsection (a)(1), the holder of a brewpub license has the same authority and is subject to the same requirements that apply to a sale made by the holder of a general class B wholesaler's permit.

(c) With regard to a sale under Subsection (a)(2), the holder of a brewpub license has the same authority and is subject to the same requirements that apply to a sale made by the holder of a general distributor's license.

(d) The total amount of malt beverages sold under this section to persons in this state may not exceed 1,000 barrels annually for each licensed brewpub location or 2,500 barrels annually for all brewpubs operated by the same licensee.

Added by Acts 2013, 83rd Leg., R.S., Ch. 750 (S.B. [515](#)), Sec. 5, eff. June 14, 2013.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 160 (H.B. [2097](#)), Sec. 1, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 263, eff. September 1, 2021.

Sec. 74.09. SALES TO DISTRIBUTORS. (a) In addition to the activities authorized by Section [74.01](#), the holder of a brewpub license may sell malt beverages produced under the license to the holder of a general or branch distributor's license.

(b) The holder of a brewpub license who sells malt beverages under Subsection (a) shall comply with the requirements of Section [102.51](#).

Added by Acts 2013, 83rd Leg., R.S., Ch. 750 (S.B. [515](#)), Sec. 5, eff. June 14, 2013.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. [1545](#)), Sec. 264, eff. September 1, 2021.

Sec. 74.11. REPORT OF SALES TO RETAILERS. (a) Not later than the 15th day of each month, the holder of a brewpub license shall file a report with the commission that contains information relating to the sales made by the brewpub to a retailer during the preceding calendar month.

(b) The commission shall by rule determine the information that is required to be reported under this section and the manner in which the report must be submitted to the commission. The commission may require the report to contain the same information reported to the comptroller under Section [151.462](#), Tax Code.

Added by Acts 2013, 83rd Leg., R.S., Ch. 750 (S.B. [515](#)), Sec. 5, eff. June 14, 2013.