



This book belongs to:



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For more information on TABC programs and services, or to order additional copies of this publication, please call your local TABC office or e-mail: **education@tabc.texas.gov**

or write to:

**Texas Alcoholic Beverage Commission  
P.O. Box 13127  
Austin, Texas 78711  
(512) 206-3333**

To report a violation of the Texas Alcoholic Beverage Code, call toll-free:  
**1-888-THE-TABC**

**www.tabc.texas.gov  
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P.O. Box 13127  
Austin, Texas 78711

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# Texas Alcoholic Beverage Commission

## **Mission:**

To serve the people of Texas, and protect the public health and safety through consistent, fair, and timely administration of the Alcoholic Beverage Code.

## **Vision:**

A safe and healthy Texas served by an innovative Alcoholic Beverage Commission regulating a responsible and compliant alcoholic beverage industry.

## **Philosophy:**

The Texas Alcoholic Beverage Commission will:

- Apply the Alcoholic Beverage Code in a fair, consistent, and timely manner;
- Exemplify courteous, ethical, and professional behavior;
- Be fiscally responsible and accountable; and
- Be accessible, transparent, efficient and effective.

## **Cornerstones:**

Service, Courtesy, Integrity, Accountability

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For more information on licenses and permits download the  
TABC:Mobile App  
on the  
Google Play  
and  
Apple App Store







**Commission** is the Texas Alcoholic Beverage Commission.

**Criminal Negligence** - “A person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor’s standpoint.” [Section 6.03(d) of the *Texas Penal Code*]

**Distilled Spirits** is alcohol or any liquor produced in whole or in part by the process of distillation (for example: whiskey, tequila, rum and vodka) and includes spirit coolers that may have an alcohol content as low as 4% alcohol by volume.

**Human Trafficking** is the illegal trade in human beings through the use of force, fraud or coercion, for purposes of sexual exploitation or forced labor or services. Trafficking does not always involve transporting a person, and it is common among US citizens as well as foreign nationals.

Trafficking victims can be found in bars and restaurants, as well as domestic help, sweat shops, prostitution rings, child pornography, agricultural work, au pair programs, janitorial services, construction, and salons.



**Illicit Beverage** means an alcoholic beverage:

1. manufactured, distributed, bought, sold, bottled, rectified, blended, treated, fortified, mixed, processed, warehoused, stored, possessed, imported, or transported in violation of the Code;
2. on which a tax imposed by the laws of this state has not been paid and to which the tax stamp, if required, has not been affixed; or
3. possessed, kept, stored, owned, or imported with intent to use, transport or sell in violation of this Code.

A **License** or **Permit** is a privilege, not a right. Generally, a *permit* authorizes the handling of liquor while a *license* authorizes the handling of beer. "A person commits an offense if the person knowingly allows another person to display or use a permit or license issued by the commission in any manner not allowed by law." [Section 101.76 AB Code]

**Licensed Premises** are any premises covered by permit or license issued by the Commission.

**Licensee or Permittee** or is a person who is the holder of a permit or license provided for in this Code, or any agent, servant, or employee of that person.

**Liquor** is any alcoholic beverage containing alcohol in excess of 4% by weight, unless otherwise indicated. It includes distilled spirits, wine, ale and malt liquor.

A **Minor** is a person under 21 years of age. [Section 106.01 AB Code]

**Premises** are the grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

**Public Intoxication (PI)** - A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another.-

**Public place** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops. [Section 1.07 Penal Code]

For the purposes of legal hours of public consumption and/or the offense of public intoxication, a licensed or permitted premise is a public place. [Section 49.02 Penal Code]

**Wine** and **Vinous Liquor** is the product obtained from the alcoholic fermentation of juice of grapes, fruits, berries, or honey, and includes wine coolers.

## **ARREST, SEARCH AND SEIZURE**

### ***Arrest without a Warrant***

A peace officer may arrest without a warrant any person he observes violating any provision of this Code or any rule of the Commission. The officer shall take possession of all illicit beverages the person has in his possession or on his premises. [Section 101.02 AB Code] The beverages may be eventually forwarded to TABC for disposal. [Section 103.6 AB Code]

### ***Search without a Warrant***

A peace officer may inspect or conduct an inspection of the premises covered by a license or permit at any time without a search warrant for the purpose of performing any duty imposed by the Code.

A permittee or licensee may designate a portion of the grounds, building, vehicles, and appurtenances to be excluded from the licensed premises (for example: a private residence or hotel room). The diagram which shows the designation is approved by TABC and must be displayed next to the license or permit on the premises.

By accepting a license or permit, the holder consents that the Commission, an authorized representative of the Commission, or a peace officer may enter the license premises at any time to conduct an investigation or inspect the premises for the purpose of performing any duty imposed by the Code.

A person commits an offense (Class A misdemeanor) if the person refuses to allow the commission, an authorized representative of the commission, or a peace officer to enter a licensed or permitted premises. [Section 101.04 AB Code]

No holder of a permit may refuse to allow the Commission, its authorized representative, or a peace officer, on request, to make a full inspection, investigation, or search of any vehicle. The vehicle must belong to the permit/license holder or be used for business related to the permit/license unless other search exceptions exist (e.g. plain view). [Section 101.71 AB Code]

### ***Search with a Warrant***

In most circumstances, if the place to be searched is not a licensed premise then the agent or peace officer must obtain a search warrant to search (e.g. includes unlicensed/unregistered clubs, sales without permit/license at apartments or homes, or from vehicles).

A search warrant must be obtained in order to search licensed premises for items which do not involve a violation of the Code.

Check with local prosecutors. If the CPO is searching a specific area of a licensed premises for a specific item or items, the prosecutor may advise to obtain a warrant.

A search warrant is required if the contraband may be located in an area for which the permit/license holder cannot

give consent to search (e.g. employee/customer purses, employee gym bags, employee lockers and employee vehicles, etc.).

**NOTE:** Warrant exceptions apply. It is best to follow your agency's policies and procedures.

Any items seized by the officer with a search warrant are retained by the officer pending final judgment in the proceedings. [Section 101.03 AB Code]

The affidavit for a search warrant:

1. Must be based on probable cause to believe that the property to be seized will be found on the premises;
2. To search any place other than a private residence requires only one affiant;
3. To search a private residence requires the signature of two affiants.

The warrant must clearly indicate the premises to be searched and must state the objects or things to be seized. [The 4<sup>th</sup> Amendment]

### ***Authorized Seizures without a Warrant***

A Peace Officer may seize without a Warrant:

1. Any illicit beverage, its container, and its packaging;
2. Any vehicle, including an aircraft or watercraft, used to transport an illicit beverage;
3. Any equipment designed for use in or used in manufacturing an illicit beverage;

4. Any material to be used in manufacturing an illicit beverage.

A person found in possession of the above items may be arrested without a warrant at the time of the seizure. [Sections 103.03 and 103.04 AB Code]

### ***Evidence Custody Reports***

A peace officer who makes a seizure of alcoholic beverages is required to make a report in triplicate, one of which shall be verified by oath. [Section 103.05 AB Code]

1. The verified copy shall be retained in the permanent files of the agency making the seizure.
2. One copy shall be given to the person from whom the seizure is made.
3. The third copy is generally kept with the seizure of alcoholic beverages.

A peace officer who makes a false report of property seized commits a felony punishable by confinement in the penitentiary for two to five years. [Section 103.05(d) AB Code]

A peace officer who fails to file the reports of a seizure as required commits a misdemeanor punishable by a fine of \$50 to \$100, or by confinement in jail for 10 to 90 days, or by both. [Section 103.05(e) AB Code]

After final judgment has been rendered, any alcoholic

beverage, its container, and its packaging which has been seized by a peace officer may not be replevied and shall be delivered to the Commission for immediate disposal or sale. [Sections 101.03 and 103.06 AB Code]

## **CRIMINAL OFFENSE PROVISIONS**

### ***Violation of Code or Rule***

A person who fails or refuses to comply with a requirement of this code or a valid rule of the Commission violates this code [Section 101.61 AB Code]

### ***General Penalty***

A person who violates a provision of this Code for which a specific penalty is not provided is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 or by confinement in the county jail for not more than one year or by both. The term *specific penalty*, as used in this section, means a penalty which might be imposed as a result of a criminal prosecution. [Section 1.05 AB Code]

### ***Offenses Relating to Minors***

[Chapter 106 AB Code]

**NOTE:** When possible, please include a photograph of non-juvenile minors in the report, along with a copy of the identification. This helps to show their youthful appearance

in cases in which a sale or making alcoholic beverages available case occurred.

**911 Lifeline Legislation**

[Section 106.04(e) and 106.05(d) AB Code]

The offenses of possession or consumption of alcohol by a minor do NOT apply to a minor who:

- requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person;
- was the first person to make a request for medical assistance; and
- remained on the scene and cooperated with medical assistance and law enforcement personnel; or
- reports the sexual assault of the minor or another person, or is the victim of a sexual assault reported by another person to:
  - (1) a health care provider treating the victim of the sexual assault;
  - (2) an employee of a law enforcement agency, including an employee of a campus police department of an institution of higher education; or
  - (3) the Title IX coordinator of an institution of higher education or another employee of the institution responsible for responding to reports of sexual assault.



***Possession of Intoxicants on Public School Grounds***

[Section 37.122 Texas Education Code]

A person commits an offense if the person possesses an intoxicating beverage for consumption, sale or distribution while: (1) On the grounds or in the building of a public school; or (2) Entering or inside any enclosure, field, or stadium where an athletic event sponsored or participated in by a public school of this state is being held. An offense under this section is a Class C misdemeanor.

***Consumption / Open Containers of Alcoholic Beverages near Schools***

[Section 101.75 AB Code]

A person commits an offense if the person possesses an open container or consumes an alcoholic beverage on a public street, public alley, or public sidewalk within 1,000 feet of the property line of a facility that is a public or private school, including a parochial school that provides all or any part of prekindergarten through twelfth grade education.

***Purchase of Alcohol by a Minor***

[Section 106.02 AB Code]

A minor commits an offense if the minor purchases an alcoholic beverage. The minor may purchase an alcoholic beverage if under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this Code (minor sting or compliance check).





county with a population of less than 75,000 and another course is not readily available.

Second Offense:

1. Class C misdemeanor
2. Alcohol awareness course (judge's discretion)
3. Community service: 40-60 hours relating to education about or prevention of misuse of alcohol
4. The court shall order the Department of Public Safety to suspend or deny the minor's driver's license for 120 days, 90 days of which the minor is not eligible for an occupational license.
5. The charge cannot be a lesser included offense of DWI.

Third Offense:

If it is shown at the trial of the defendant that the defendant is a minor who is not a child, the offense is punishable by the following:

1. Class B misdemeanor: a fine of not less than \$500 or not more than \$2,000;
2. Confinement in jail for a term not to exceed 180 days, or
3. Both the fine and confinement.
4. The court shall order the Department of Public Safety to suspend or deny the minor's driver's license for 180 days, during which the minor is not eligible for an occupational license.
5. Is not eligible for deferred disposition.
6. Cannot be a lesser included offense of DWI.



commissioned peace officer engaged in enforcing the provisions of this Code; or

- if the beverage is lawfully provided to the minor under [Section 106.16 AB Code].

The term “possession” has the same meaning as that found in Section 1.07(a) (39) of the *Texas Penal Code*. The minor-in-possession offense can be proven if the minor is in actual control of the alcoholic beverage(s) by physical contact or by establishing an “affirmative link” between the alcoholic beverage and the minor.

Some affirmative links include:

1. the alcoholic beverages were within the minor’s plain view;
2. the amount of alcoholic beverages;
3. the alcoholic beverage was accessible to the minor;
4. the minor’s ownership or right of possession of the site of the alcoholic beverages;
5. the relationship of the minor to other persons with access to the alcoholic beverages; or
6. knowledge of the presence of the alcoholic beverages.

The number of factors present is not as important as the constructive possession (affirmative action) or the degree to which the factors, alone or in combination, tend to link the minor to the alcoholic beverages.

Affirmative Links originated from caselaw from drug possession cases, so you are likely already familiar with them. Contact the local prosecutor in your area to determine







- consumption of alcohol by a minor [Section 106.04 AB Code]
- attempted purchase of alcoholic beverages by a minor [Section 106.025 AB Code]
- purchase of alcoholic beverages by a minor [Section 106.02 AB Code]
- misrepresentation of age [Section 106.07 AB Code]
- public intoxication by a minor [*Texas Penal Code*, Section 49.02(e)]

*First Offense:*

1. Class C misdemeanor
2. Alcohol awareness class
3. Community service: 8-12 hours relating to education about or prevention of misuse of alcohol or drugs, as applicable.
4. The court shall order the Department of Public Safety to suspend or deny the minor's driver's license for 30 days.

*Second Offense:*

1. Class C misdemeanor
2. Alcohol awareness class at the judge's discretion
3. Community service: 20-40 hours relating to education about or prevention of misuse of alcohol or drugs as applicable.
4. The court shall order the Department of Public Safety to suspend or deny the minor's driver's license for 60 days.

**NOTE:** [Section 106.115 AB Code] authorizes a court to allow an individual to take an online awareness course and serve no less than 8 hours of community service if they live in a county with a population of less than 75,000 and another course is not readily available.

Third Offense:

If it is shown at the trial of the defendant that the defendant is a minor who is not a child, the offense is punishable by:

1. Fine of not less than \$250 or not more than \$2,000;
2. Confinement in jail not to exceed 180 days, or
3. Both the fine and confinement
4. The court shall order the Department of Public Safety to suspend or deny the minor's driver's license for 180 days.

If the minor is a child (under 17 years of age as defined by Section 51.02, Family Code), the offense is punishable by the following:

1. The court shall order the Department of Public Safety to suspend or deny the minor's driver's license for 180 days.
2. The child shall be remanded to juvenile court as a child in need of supervision; or remanded to criminal court to be adjudicated as an adult.

For the purpose of determining whether a minor has been previously convicted of an offense (enhancement only) to which this section applies:









In an extended hours area, a person commits an offense if he consumes or possesses with intent to consume an alcoholic beverage in a public place at any time on Sunday between 2:15 a.m. and 12 noon and on any other day between 2:15 a.m. and 7:00 a.m.

Proof that an alcoholic beverage was possessed with intent to consume in violation of this section requires evidence that the person consumed an alcoholic beverage on that day in violation of this section. Exception: Alcoholic beverages may be served to a customer between 10:00 a.m. and 12 noon on Sunday with the service of food and to persons located at a festival, fair or concert or Sports Venue, as defined by Section 108.7 of the Alcoholic Beverage Code. The beverages shall be served for on-premises consumption at establishments where consumption of the premises is authorized.

An offense under this section is a Class C misdemeanor.

“Extended hours area” means an area subject to the extended hours of sale provided as follows:

1. In a city/county having a population of 800,000 or more, according to the last preceding federal census, or 500,000 or more, according to the 22<sup>nd</sup> Decennial Census of the United States, as released by the Bureau of the Census on March 15, 2010. A holder of a mixed beverage late hours permit may also sell and offer for sale mixed beverages between midnight and 2:00 a.m. on any day.
2. In a city/county other than a city or county described















1. The use of loud and vociferous or obscene, vulgar, or indecent language, or permitting its use;
2. The exposure of a person or permitting a person to expose himself or herself; Refer to Section 21.08 or 42.01 (a) (10) of the *Texas Penal Code*.
3. Rudely displaying or permitting a person to rudely display a pistol or other deadly weapon in a manner calculated to disturb persons in the retail establishment;
4. Solicitation of any person to buy drinks for consumption by the retailer or any of the retailer's employees;  
For the purposes of Subsection (a)(4), a solicitation is presumed if an alcoholic beverage is sold or offered for sale for an amount in excess of the retailer's listed, advertised, or customary price. The presumption may be rebutted only by evidence presented under oath. [Section 104.01(b) AB Code]
5. Being intoxicated on the licensed premises;
6. Permitting lewd or vulgar entertainment or acts; Refer to Chapter 21 of the *Texas Penal Code* for actions that constitute public lewdness.
7. Permitting solicitations of persons for immoral or sexual purposes;
8. Failing or refusing to comply with state or municipal health or sanitary laws or ordinances; or
9. Possession of a narcotic or any equipment used or designed for the administering of a narcotic or permitting a person on the licensed premises to do so. [Narcotic is defined in the Health and Safety Code, *Texas Controlled Substances Act* §481.002.]







Sections 11.61(e) and 61.71(f) of the Alcoholic Beverage Code and Section 46.02 of the Texas Penal Code do not apply to a person who:

1. holds a security officer commission issued under Chapter 1702 by the Texas Occupations Code, if:
  - a. the person is engaged in the performance of the person's duties as a security officer;
  - b. the person is wearing a distinctive uniform; and
  - c. the weapon is in plain view;
2. is a peace officer;
3. is an alcoholic beverage licensee or permittee or employee of a licensee or permittee if the person is supervising the operation of the premises; or the firearm is possessed for ceremonial and/or display purposes, if such firearm is disabled from use as a firearm;
4. possesses a handgun and the person is licensed to carry;
5. is engaged in an historic reenactment approved by the Commission and no live ammunition is present; or
6. possesses a concealed handgun inside of or directly en route to a motor vehicle that is owned by the person or under the person's control and the person is not:
  - a. engaged in criminal activity other than a Class C misdemeanor traffic or boating violation; or
  - b. prohibited by law from possessing a firearm; or
  - c. a member of a criminal street gang as defined in the Penal Code.













- is insolvent or mentally or physically unable to carry on the management of the establishment;
- is in the habit of using alcoholic beverages to excess;
- was intoxicated on the licensed premises;
- with criminal negligence sold, served, or delivered an alcoholic beverage to a person under 21 years of age;
- sold, served, or delivered an alcoholic beverage to an intoxicated person;
- sold, served, or delivered alcoholic beverages at a time when its sale is prohibited;
- does not have at his licensed premises running water, if it is available, and separate, identified toilets for both sexes; employed a person under 18 years of age to sell, handle, or dispense beer, or to assist in doing so, in an establishment where beer is sold for on-premise consumption;
- refused to allow or interfered with an inspection of the licensed premises by an authorized representative of the Commission or a peace officer;
- permitted the use or display of his license or permit in the conduct of a business for the benefit of a person not authorized by law to have an interest in the license;
- maintained blinds or barriers at his place of business in violation of the Code;
- consumed an alcoholic beverage or allowed one to be consumed on the licensed premises at a time when the consumption of alcoholic beverages is prohibited by the Code;
- purchased, sold, offered for sale, distributed, or







Grounds for Cancellation and Suspension or Grounds to Deny a license or a permit: *“the licensee or permittee conducted his business in a place or manner which warrants the cancellation or suspension of the license based on the general welfare, health, peace, morals, safety, and sense of decency of the people.”*

Any of the following offenses are regarded as “place and manner violations” and are grounds to suspend, cancel or deny permits and licenses. Civil notices or criminal citations must have been issued or arrests made. The offense must be shown to have been committed on a premise by a retailer, an applicant or by a person permitted to be on the premises if the retailer or applicant knew or should have known that such offense was occurring on the premise:

1. The preparatory offenses of: criminal intent, criminal conspiracy and criminal solicitation as defined in Chapter 15 of the Texas Penal Code;
2. Any assaultive offenses including but not limited to: assault, sexual assault, aggravated assault, aggravated sexual assault, injury to a child, elderly or disabled individual, abandoning or endangering a child, deadly conduct, terroristic threat, tampering with consumer product, as defined in Chapter 22 of the Texas Penal Code;
3. Theft offenses as defined in Chapter 31 of the Texas Penal Code;

4. Offenses that are subject to Subchapter D. Place and Manner, Offenses against the General Welfare [Section 35.31(c) TABC Administrative Rules]. The offenses that are subject to this rule are as follows:
  - (1) any preparatory offense described in Chapter 15 of the Texas Penal Code;
  - (2) any homicide offense described in Chapter 19 of the Texas Penal Code;
  - (3) any sexual offense described in Chapter 21 of the Texas Penal Code;
  - (4) any assaultive offense described in Chapter 22 of the Texas Penal Code;
  - (5) any arson, criminal mischief or property damage or destruction offense described in Chapter 28 of the Texas Penal Code;
  - (6) any theft offense described in Chapter 31 of the Texas Penal Code;
  - (7) any fraud offense described in Chapter 32 of the Texas Penal Code;
  - (8) any money laundering offense described in Chapter 34 of the Texas Penal Code;
  - (9) any bribery offense described in Chapter 36 of the Texas Penal Code;
  - (10) any obstruction offense described in Chapter 38 of the Texas Penal Code;
  - (11) any disorderly conduct or related offenses described in Chapter 42 of the Texas Penal Code;
  - (12) any public indecency offense described in Chapter 43 of the Texas Penal Code;
  - (13) any weapons offense described in Chapter 46 of



































at the time in question. This can be accomplished by obtaining an employment application, payroll records, etc.

20. In order to establish negligence by the licensee, attempt to show that the minor did not present false or altered identification to gain employment.
21. Disposition of the minor: Was the minor issued a citation or arrested? Attach a copy of the citation and other relevant documentation to the case report. Note in the case report if no criminal action was taken.
22. Disposition of the licensee: Was the licensee issued a citation or arrested? Attach a copy of the citation and other relevant documentation to the case report. Note in the case report if no criminal action was taken.
23. Disposition of the alcoholic beverages: If a seizure is made, attach a copy of the seizure report to the case. Also indicate where the seized evidence is being stored. If a beverage is destroyed at the scene of the offense, be sure to note this in the case report.
24. If possible, photograph the minor at the time of the offense and include the picture with the case report as possible evidence of criminal negligence.
25. If applicable, attach witness statements to the case report including phone numbers and addresses.

## Administrative Checklist for Intoxication Offenses

**In addition to the items listed under “Common Elements” above, please provide TABC with the following information:**

### ***Sale to Intoxicated Person***

[Sections 11.61(14) and 61.71(a)(6) for administrative cases; and 101.63 for criminal cases AB Code]

1. Observance of the intoxicated person: What initially caused you to focus on the intoxicated person? Describe where the individual is located on the premises. Note intoxicating characteristics such as slurred or incoherent speech, loss of balance, glazed expression, etc.

**NOTE:** Evidence must indicate that the licensee/permittee, sold, served, or delivered an alcoholic beverage to the intoxicated individual for administrative cases. Evidence must indicate that the licensee/permittee with criminal negligence, sold, served, or delivered an alcoholic beverage to the intoxicated individual for criminal cases. The case report must depict how the licensee/permittee should have known the individual was intoxicated prior to selling the person the alcoholic beverage.

2. Observance of the licensee/permittee selling an alcoholic beverage to the intoxicated individual.

Describe the transaction that took place between the licensee/permittee and the intoxicated individual.

3. Examination of the alcoholic beverage that was transferred to the intoxicated individual in order to verify its contents (sight, smell, taste, labeling, etc.).
4. Identity of the intoxicated individual: Including name, address, phone number, driver's license or identification card number, date of birth, and social security number.
5. Res gestae statements of the intoxicated individual and answers to any questions asked.
6. Field sobriety tasks: It is important to perform sobriety tasks in order to confirm that the individual is intoxicated. Provide a detailed explanation if sobriety tasks cannot be performed.
7. Identity of the licensee/permittee: How was the licensee/permittee identified? Include the licensee's/permittee's name, address, phone number, driver's license or identification card number, date of birth, employment status, and personal identification number.

**NOTE:** It is essential that the licensee's/permittee's personal identification number is obtained. This information is needed to confirm seller-server training status and in order to obtain a final disposition for the administrative case.

8. Res gestae statements made by the licensee/permittee and answers to any questions asked.
9. Disposition of the licensee/permittee: Was the licensee/permittee issued a citation or arrested? Attach a copy of the citation and other relevant documentation the case report.
10. Determine if all elements exist for a restrained case:
  - Has the alleged seller attended a commission approved seller-server training program?
  - Are all management personnel and employees who are responsible for the sale, service, or delivery of alcoholic beverages required to attend a seller-server training program within 30 days of their initial employment?
  - Did the licensee/permittee directly or indirectly encourage employees to sell to intoxicated individuals? If so, how?
11. Disposition of the intoxicated individual: Was the individual arrested, taken to a detoxification center, or released to a responsible party? Attach a copy of the citation and other relevant documentation to the case report. Note in the case report if no criminal action was taken and why.
12. Disposition of the alcoholic beverages: If a seizure is made, attach a copy of the seizure report to the case. Also indicate where the seized evidence is being

stored. If a beverage is destroyed at the scene of the offense, be sure to note this in the case report.

13. If applicable, attach witness statements to the case report including phone numbers and addresses.

This format may also be used for the service, delivery, or dispensing of alcoholic beverages to an intoxicated individual.

***Permittee or Licensee Intoxicated on the Licensed Premises***

[Sections 11.61(b)(13) and 104.01(5) AB Code]

1. Observance of the intoxicated licensee/permittee: What initially caused you to focus on the individual? Describe where the licensee is located on the premises. Note intoxicating characteristics such as slurred or incoherent speech, loss of balance, glazed expression, etc. Was the licensee/permittee in possession of an alcoholic beverage? If the licensee/permittee is recognized based on previous contacts, note this in the case report. Also note the licensee's/permittee's demeanor while intoxicated as opposed to the demeanor that was observed during previous contacts.
2. Identity of the licensee/permittee: How was the licensee/permittee identified? Include the licensee's/permittee's name, address, phone number, driver's



license or identification card number, date of birth, employment status, and social security number.

3. Proof that the individual was employed as a licensee/ permittee at the time in question. This can be accomplished by obtaining an employment application, payroll records, TABC records, etc. Remember that "licensee" and "permittee" mean any agent, servant, or employee of that person or a person who is the holder of a license/permit provided in this Code.
4. Res gestae statements made by the licensee /permittee and answers to any questions asked.
5. Field sobriety tasks: It is important to perform sobriety tasks in order to confirm that the licensee is intoxicated. Provide a detailed explanation if sobriety tasks cannot be performed.
6. Disposition of the intoxicated licensee/permittee: Was the licensee/permittee arrested, taken to a detoxification center, or released to a responsible party? Attach a copy of the citation and other relevant documentation to the case report. Note in the case report if no criminal action was taken and why.
7. If applicable, attach witness statements to the case report including phone numbers and addresses.

### ***On-Premise Promotions***

TABC Rule 45.103 Prohibits on-premise retailers from practices that result in excessive consumption of alcoholic beverages if they constitute manner of operation contrary to: public welfare, health and safety.

The standard for “Excessive Consumption” is Public Intoxication (49.02, Texas Penal Code). If officers handle several PI arrests at an on-premise location in a single episode, the TABC will review the promotional activities and standard serving practices to determine whether to file an Administrative Case. The goal is to stop or prevent more serious intoxication offenses that are generated by the licensed or permitted premises.

### ***Source Investigations***

A source investigation attempts to identify the source of the alcoholic beverages consumed by persons who are involved in a serious accident or collision, a DWI/BWI/DUI violation, or an assaultive violation directly related to level of intoxication. The source investigation attempts to determine if the source of the alcoholic beverages acted within the law when they provided the alcoholic beverages to the intoxicated person.

If the alcoholic beverages were sold or delivered illegally, the TABC commissioned peace officer will prepare and file appropriate criminal and administrative charges against the provider of the alcoholic beverages.

**If there is an alcohol-related fatality or serious injury in your area please, contact you local TABC office so that we can work together to address the total incident and to prevent future incidents from the particular source.**

Some issues to consider when working alcohol-related incidents that could result in a TABC Source investigation:

Potential charges under the alcoholic beverage code:

- Sale to intoxicated person(s)
- Sale to minor
- Making alcoholic beverage available to a minor
- Permitting minor to possess/consume alcoholic beverage
- Permittee/licensee intoxicated on the licensed premises
- Sale or permitting consumption during prohibited hours
- Place or Manner of Operation: On-Premise Promotion
- Breach of the Peace
- Place or Manner of Operation: other criminal offense

**First responding agency reports are vital.** A complete list of witnesses and involved parties is critical along with their statements and contact information.

## **Administrative Checklist for Prohibited Hours Violations**

[Sections 24.07, 61.71(a)(7), 105.01-105.05 AB Code]

**In addition to the items listed under “Common Elements” above, please provide TABC with the following information:**

If permittees/licensees are operating outside the legal hours of sale and consumption, then it is likely that they are allowing or participating in other public safety violations (e.g. prostitution, trafficking of persons, narcotics offenses, intoxication offenses, assaultive offenses, sexual assaults, etc.). The results are annoyance and hazards to the public we serve and annoyance and hazards to the officers who handle the area.

**Legal Hours of Sale – On-Premise Retail Locations** (bars, nightclubs, restaurants – some locations may be able to sell for off-premise consumption (to go) during Standard Hours – check the table of permits and licenses):

Standard Hours (depends on size or local ordinance):

Monday through Saturday	7:00 a.m. - midnight
Sunday (Saturday Night)	midnight - 1:00 a.m.
Sunday ***	noon - midnight

Extended Hours (depends on size or local ordinance and whether they have a late hours permit):

Monday through Saturday	7:00 a.m. - 2:00 a.m.
Sunday ***	noon - 2:00 a.m.

\*\*\* 10:00 a.m. with the service of food or at a festival, fair, concert or Sports Venue

**Legal Hours of Sale – Off-Premise Retail Locations** (sale to go) locations (e.g. convenience stores, grocery stores,

truck stops – some have a type of on-premise permit – if they do, there should be tables for consumers):

Monday through Saturday	7:00 a.m. - midnight
Sunday (Saturday Night)	midnight - 1:00 am
Sunday	noon - midnight

**Legal Hours of Sale – Package Stores** (Liquor Stores)  
10:00 a.m. to 9:00 p.m. Monday through Saturday

Closed: Sunday, New Year's Day, Thanksgiving, and Christmas Day. If Christmas or New Year's Day falls on a Sunday, closed the following Monday.

If a customer has entered a package store during hours in which the package store may sell alcohol and is still in the store at the time the hours of legal sale end, the permittee may allow the customer to remain in the store for a reasonable amount of time to finish shopping, and the permittee may sell an alcoholic beverage to that customer even though the sale occurs after the designated end of the hours of legal sale. [Section 22.17 AB Code]

**Legal Hours of Sale & Consumption – Brewery**  
Monday through Saturday 8:00 a.m. – midnight  
Sunday 10:00 a.m. – midnight

**Legal Hours of Sale & Consumption – Winery**  
Monday through Saturday 8:00 a.m. – midnight  
Sunday 10:00 a.m. – midnight  
New Year's Day midnight – 2:00 a.m.

**Legal Hours of Sale - Distillery for On-Premise Consumption (same as Mixed Beverage Permit)**

Monday through Saturday	7:00 a.m. - midnight
Sunday (Saturday Night)	midnight - 1:00 a.m.
Sunday ***	noon - midnight

\*\*\* 10:00 am to noon on Sunday with the service of food

**Legal Hours of Sale - Distillery for Off-Premise Consumption (same as a Package Store Permit)**

10:00 a.m. to 9:00 p.m. Monday through Saturday

No Off-Premise Sales at Distillery: Sunday, New Year's Day, Thanksgiving, Christmas Day. If Christmas or New Year's Day falls on a Sunday, no off-premise sales on the following Monday.

**Legal Hours of Public Consumption**

[Section 105.06 AB Code]

Standard Hours (depends on size or local ordinance):

Monday through Saturday	7:00 a.m. - 12:15 a.m.
Sunday (Saturday Night)	midnight - 1:15 a.m.
Sunday ***	noon - 12:15 a.m.

Extended Hours (depends on size or local ordinance):

Monday through Saturday	7:00 a.m. - 2:15 a.m.
Sunday ***	noon - 2:15 a.m.

\*\*\* 10:00 a.m. with the service of food or at a festival, fair or concert or Sports Venue

In addition to the individual criminal violation of Consuming Alcoholic Beverage during Prohibited Hours, there are several violations that have an Administrative nexus – they involve the behavior of permittees/licensees.

### ***Sale during Prohibited Hours***

[Sections 24.07, 61.71(a)(7), 105.01-105.05 AB Code]

1. Determine whether or not the establishment has a late hours license or permit and indicate so on your report.
2. Observance of the sales transaction: Exact time of the sale according to the officer's watch or clock. Describe the purchaser and the licensee/permittee. Describe the sales transaction that is viewed, including the transfer of money and alcoholic beverages. Observe the time displayed on the cash register, the establishment's clock, or the licensee's/permittee's watch.

**NOTE:** A minimum of fifteen minutes beyond the legal hour of sale is recommended in order to sustain a case. Example: If an establishment may legally sell alcoholic beverages until 2:00 a.m., a case should not be filed for sales occurring prior to 2:15 a.m.

3. Identity of the purchaser: Including name, address, phone number, driver's license or identification card number, date of birth, and social security number.
4. Res gestae statements of the purchaser and answers to any questions asked.

5. Examination of the alcoholic beverage that was transferred to the purchaser in order to verify its contents (sight, smell, taste, labeling, etc.).
6. Disposition of the purchaser: Was the purchaser arrested or issued a citation? Attach a copy of the citation and other relevant documentation to the case report. Note in the case report if no criminal action was taken.
7. Identity of the licensee/permittee: How was the licensee/permittee identified? Include the licensee's/permittee's name, address, phone number, driver's license or identification card number, date of birth, employment status, and social security number.
8. Res gestae statements of the licensee and answers to any questions asked.
9. Disposition of the licensee/permittee: Was the licensee arrested or issued a citation? Attach a copy of the citation and other relevant documentation to the case report. Note in the case report if no criminal action was taken.
10. Disposition of the alcoholic beverages: If a seizure is made, attach a copy of the seizure report to the case. Also indicate where the seized evidence is being stored. If a beverage is destroyed at the scene of the offense, be sure to note this in the case report.



11. If applicable, attach witness statements to the case report including phone numbers and addresses.

***Permitting Consumption of Alcoholic Beverages on Licensed Premises during Prohibited Hours***

[Sections 11.61(b)(7)(22), 32.17(a)(7), 61.71(a)(18), 105.06 AB Code]

1. Observance of the consumption: Note the exact time according to the officer's watch or clock. Describe the beverage in the consumer's possession and indicate that a portion of the beverage was actually swallowed. List where the consumer is located on the licensed premises.
2. Describe where the licensee/permittee is located in relation to the consumer. Observance of the licensee/permittee permitting the consumption. Show that the licensee/permittee either saw the individual consuming the beverage, or was in a position to see the same.

**NOTE:** Prima facie evidence of permitting consumption exists if the licensee/permittee is consuming alcoholic beverages during prohibited hours on the licensed premises.

3. Identity of the consumer: Including name, address, phone number, driver's license or identification card number, date of birth, and social security number.
4. Res gestae statements of the consumer and answers to any questions asked.

5. Examination of the alcoholic beverage that is possessed by the consumer in order to verify its contents (sight, smell, taste, labeling, etc.).
6. Disposition of the consumer: Was the consumer arrested or issued a citation? Attach a copy of the citation and other relevant documentation to the case report. Note in the case report if no criminal action was taken.
7. Identity of the licensee/permittee: How was the licensee/permittee identified? Include the licensee's/permittee's name, address, phone number, driver's license or identification card number, date of birth, employment status, and social security number.
8. Res gestae statements of the licensee and answers to any questions asked.
9. Disposition of the licensee/permittee: Was the licensee arrested or issued a citation? Attach a copy of the citation and other relevant documentation to the case report. Note in the case report if no criminal action was taken.
10. Disposition of the alcoholic beverages: If a seizure is made, attach a copy of the seizure report to the case. Also indicate where the seized evidence is being stored. If a beverage is destroyed at the scene of the offense, be sure to note this in the case report.

11. If applicable, attach witness statements to the case report including phone numbers and addresses.

\* A mixed beverage permittee who permits consumption during prohibited hours can be filed on administratively under section 11.61(b)(7) or 11.61 (b)(22) of the Code and criminally under 1105.03 of the Code.

## **Administrative Checklist for Permitting Lewd Conduct or Indecent Exposure**

[Sections 61.71(a)(11) and 104.01(2)(7)\* AB Code]

### **In addition to the items listed under “Common Elements” above, please provide TABC with the following information:**

1. Observance of an individual performing a lewd act or exposing their person.

Lewd act: Describe the lewd act in detail. Refer to chapter 21 of the Texas Penal Code for actions that constitute public lewdness.

Indecent exposure: Provide a detailed description of the activity that constitutes indecent exposure. Refer to section 21.08 or 42.01(a)(10) of the Texas Penal Code.

2. Describe where the licensee/permittee is located in relation to the act of lewdness or exposure. Show that

the licensee/permittee saw either the lewd conduct or exposure, or was in a position to see the same.

**NOTE:** Prima facie evidence of permitting lewd conduct or indecent exposure exists if the licensee is a participant in either of the offenses.

3. Identity of the licensee/permittee: How was the licensee identified? Include the licensee's/permittee's name, address, phone number, driver's license or identification card number, date of birth, employment status, and social security number.
4. Res gestae statements of the licensee/permittee and answers to any questions asked.
5. Disposition of the licensee/permittee: Was the licensee/permittee arrested or issued a citation? Attach a copy of the citation and other relevant documentation to the case report. Note in the case report if no criminal action was taken.
6. Identity of other individuals involved: Including name, address, phone number, driver's license or identification card number, date of birth, and social security number.
7. Res gestae statements of others involved and answers to any questions asked.

- Disposition of others involved: Were other individuals arrested or issued a citation? Attach a copy of citations and other relevant documentation to the case report. Note in the case report if no criminal action was taken.
- If applicable, attach witness statements to the case report including phone numbers and addresses.

\* Should the offense committed violate chapter 21 or 43 of the Texas Penal Code, both criminal and administrative charges can be pursued.

## **Administrative Checklist for Possession of Narcotics on the Licensed Premises**

[Section 104.01(9) AB Code]

**In addition to the items listed under “Common Elements” above, please provide TABC with the following information:**

The Texas Alcoholic Beverage Code gives peace officers the authority to enter a licensed premise to conduct investigations or inspect the premises for the purpose of performing any duty imposed by the Code.

Section 104.01(9): No person authorized to sell beer at retail, nor the person's agent, servant, or employee, may engage in or permit conduct on the premises of the retailer which is lewd, immoral, or offensive to public decency, including, but not limited to, any of the following acts:

(9) possession of a narcotic or any equipment used or designed for the administering of a narcotic or permitting a person on the licensed premises to do so.

In addition to the normal criminal elements for possession or sale of drugs, please consider the following:

- Permittee/Licensee
  - possesses
  - sells
  - allows another to possess
  - allows another to sell
- Illicit Drugs and/or related equipment
- On the licensed premises

Demonstrate that permittees/licensees were in a position to observe/allow the activity and/or demonstrate direct involvement in the activity by permittees/licensees.

1. Finding what appears to be narcotics or narcotic paraphernalia on the licensed premises. Indicate the exact location on the premises where the apparent narcotics or paraphernalia was found.

**NOTE:** It is important to show that the licensee had care, custody, or control of the narcotics or paraphernalia based on its location on the premises. Factors such as public complaints may also serve as possible probable cause which would link a licensee to items found on the premises. A diagram of the premises indicating the exact location where the illicit materials were found will serve as a beneficial supplement to the case report.

2. Identity of the licensee/permittee: How was the licensee identified? Include the licensee's/permittee's name, address, phone number, driver's license or identification card number, date of birth, employment status, and social security number.
3. Res gestae statements of the licensee/permittee and answers to any questions asked.
4. Disposition of the licensee/permittee: Was the licensee/permittee arrested or issued a citation? Attach a copy of the citation and other relevant documentation to the case report. Note in the case report if no criminal action was taken.
5. Verification by field testing or other means that the substance in question is a narcotic.
6. Disposition of the narcotics or paraphernalia: Complete a seizure report and attach a copy of it to the case. Also indicate where the seized evidence is being stored for chain of custody purposes.
7. If applicable, attach witness statements to the case report including phone numbers and addresses.

It is important to emphasize that a search was not being conducted if narcotics or paraphernalia is found on a licensed premise during the course of an inspection. The Texas Alcoholic Beverage Code gives peace officers the authority to enter a licensed premise to conduct

investigations or inspect the premises for the purpose of performing any duty imposed by the Code.

One duty clearly imposed by the code is ensuring that a licensee does not possess, or permit the possession, of narcotics or narcotic paraphernalia on the licensed premises. A search warrant must be obtained in order to search licensed premises for items which do not involve a violation of the Code.

Example: A complainant states that stolen radios are stored on the licensed premises of Joe's Bar and Grill. Possession of stolen property does not constitute a violation of the Code. Therefore, a warrant must be obtained in order to search the premises for the stolen property.

## **Administrative Checklist for Breach of the Peace**

[Sections: 22.12; 24.11; 28.11; 32.24; 69.13 AB Code]  
(Package Store, Wine and Beer Retailer's, Mixed Beverage, Private Club, Retail Dealer's On-Premise License)

**In addition to the items listed under "Common Elements" above, please provide TABC with the following information:**

Typically when a breach of the peace (assaults, injuries, disturbances) occurs, it is the local patrol agency that first responds. The information may be further investigated by that agency and TABC. It is critical that the first responding agency gather as much information as possible.



The focus of the TABC investigation will be on whether/how the breach of the peace was addressed and on whether the actions or inactions of permittees/licensees contributed to the breach of the peace.

Elements necessary to show that a breach of the peace incident was “not beyond the control” of the permittees/licensees:

***Permitting a Breach of the Peace on the Licensed Premises***

[Sections 22.12, 24.11, 25.04(b), and 28.11 AB Code]

1. Illustrate that due to improper supervision of the premises, the licensee/permittee was permitting conduct that might result in a breach of the peace (inadequate staffing, overcrowding, over-service of alcoholic beverages, poor lighting, etc.).
2. List the exact place where the conduct occurred on the premises. Describe in chronological detail the acts that constituted a breach of the peace. When did staff observe the problem or potential problem, when did they act (if ever), when did the call for service occur (and from whom, etc.) This will help show whether staff should have been aware of the problem.
3. Show that the licensee/permittee either saw the conduct, or was in a position to see the conduct, but did nothing to prevent it.

4. Indicate whether the licensee/permittee attempted to prevent or stop the breach of the peace after it started.
5. Show that permittees/licensees failed to act or were part of the problem.

**NOTE:** Without an articulated threat, staff cannot legally grab someone any more than anyone else can. Some breaches occur because the management of the involved parties escalates the situation.

6. Indicate whether the licensee/permittee attempted to notify law enforcement officials in order to quell the breach, or to report that a breach had occurred. Determine the location of telephones on the licensed premises and if they are operable.
7. Identity of the licensee/permittee: How was the licensee/permittee identified? Include the licensee's/permittee's name, address, phone number, driver's license or identification card number, date of birth, employment status, and social security number.
8. Res gestae statements of the licensee/permittee and answers to any questions asked.
9. Disposition of the licensee/permittee: Was the licensee/permittee arrested or issued a citation? Attach a copy of the citation and other relevant documentation to the

case report. Note in the case report if no criminal action was taken.

10. Identity of witnesses: Include name, address, residential phone number, driver's license or identification card number, date of birth, place of employment and phone number.

**NOTE:** It is essential to obtain all possible witness information. Most breach occurrences are verified through eyewitness testimony which corroborates other information.

11. Draw a diagram of the premises which portrays where the acts constituting the breach occurred and the location of all telephones.
12. Photograph the crime scene and any individuals who were injured during the breach.
13. Obtain all relevant injury reports if persons involved in the breach required medical attention.
14. Obtain any additional reports filed with local law enforcement agencies and report to your local TABC office.

## **Administrative Checklist for Inspection Refusal / Interfering With Inspection**

[Sections 32.17(2), 61.71(a)(14), 61.74(a)(7), and 101.04 AB Code]

**In addition to the items listed under “Common Elements” above, please provide TABC with the following information:**

1. Indicate how the officer’s authority and presence were brought to the attention of the licensee/permittee. How did the officer request to enter and inspect the premises?
2. Show that the licensee/permittee was aware of the officer’s presence, identity, and desire to inspect the premises. Was the licensee/permittee in a position to see and/or hear the officer’s requests?
3. Observance that the licensee/permittee positively refused to permit the officer to inspect the premises, or interfered with an inspection being performed.
4. How was the officer able to gain entrance to the premises?
5. Identity of the licensee/permittee: How was the licensee identified? Include the licensee’s/permittee’s name, address, phone number, driver’s license or identification card number, date of birth, employment status, and social security number.
6. Res gestae statements of the licensee/permittee and answers to any questions asked.

- Disposition of the licensee/permittee: Was the licensee/permittee arrested or issued a citation? Attach a copy of the citation and other relevant documentation to the case report. Note in the case report if no criminal action was taken.
- Explain that the officer was not able to conduct or complete an inspection of the premises because of the licensee/permittee interfering or refusing entrance.
- If applicable, attach witness statements to the case report including phone numbers and addresses.

## **Trafficking of Persons**

Texas Penal Code: Chapter 20A

**National Hotline: 1-888-373-7888**

If you encounter a case in which you suspect or may prove that human trafficking is taking place at a permitted or licensed premises, take the measures required by law and please include the TABC local field office in your contacts.

Some potential issues to consider:

- Workers exploited/forced labor
- Often involves Organized Crime
- Sex trade often involved – typically what we once considered criminal behavior (e.g. prostitution) may be forced/victim behavior
- May require victim assistance

### ***The Role of TABC in Curbing Trafficking***

- TABC is part of the Office of the Attorney General's Human Trafficking Prevention Task Force as well as regional task forces around the state.
- TABC has unique access to permitted or licensed locations and the owners/employees through inspections, interviews and requests for information.
- TABC has unique access to information on permit holders: financial records, bank accounts, tax records, ownership, landlord, lease agreements, employee information.
- The Public Inquiry database on TABC's website is a useful resource for law enforcement agencies: it contains permit information, location addresses, owners, violation history and complaint history.
- TABC can take Administrative Action against a permit/license including but not limited to: suspension or cancellation and refusal to renew, after an administrative hearing.
- Chapter 81 Common Nuisance: This chapter of the Alcoholic Beverage Code authorizes the placement of a Temporary Order pending a hearing. TABC may place restrictions on the permit based on reasonable likelihood that the nuisance will continue. The order is in place until all appeals are over following the hearing. This can be used to close a location almost immediately and indefinitely if the temporary order prohibits the sale or service of alcoholic beverages.

## **COMMON RETAIL ALCOHOLIC BEVERAGE PERMITS AND LICENSES**

[Refer to Section 107 AB Code for additional information]

### ***Introduction***

The following is a list of types of retail alcoholic beverage licenses and permits which a peace officer may encounter:

On-premise consumption means the license or permit only allows the holder to sell or serve alcoholic beverages to be consumed on the premises and alcohol may not be taken off the licensed premises.

Off-premise consumption means the license or permit only allows the holder to sell alcoholic beverages to be consumed off the licensed premises (to go).

Some licenses and permits allow both types of sales and service. (On- and Off-premises)

Coin operated machines or similar devices are prohibited if operated by the consumer. [Section 51.09 AB Code]

Alcoholic beverage permit and license holders are required to display their license or permit in a conspicuous place on the premises.

In examining the document, notice that the permit or license number begins with a one or two letter alphabetical code, which identifies the type of establishment, followed by a

six digit number which identifies the specific permittee or licensee (example: MB222222). In submitting cases to the Commission, please include this permit or license number.

## **On- and Off-Premises Consumption Authorized**

### ***Retail Dealer's On-Premise License (Code BE):***

- Authorizes the sale of beer.
- Minimum age of employee who can handle alcoholic beverages: 18 years of age.
- Hours of Sale:  
7:00 a.m. - midnight on any day except Sunday.  
Sunday: midnight to 1:00 a.m., noon to midnight, and 10:00 a.m. to noon if the beer is served to a customer during the service of food to the customer.
- Other activities (stocking, deliveries from suppliers, etc.) are allowed at other times based on the type of permit or license.
- May also hold a retail dealer's on-premise late hours license (code BL) which authorizes the holder to sell alcoholic beverages for consumption on the premises until 2:00 a.m.

### ***Wine and Beer Retailer's Permit (Code BG):***

- Authorizes the sale of: beer, ale, malt liquor, and either wine not over fourteen percent (14%) or wine not over



seventeen percent (17%). Also, sale of port or sherry for consumption on the premises.

- Minimum age of employee who can handle alcoholic beverages: 18 years of age.
- Hours of Sale:  
7:00 a.m. - midnight on any day except Sunday.  
Sunday: midnight to 1:00 a.m., noon to midnight  
Between 10:00 a.m. and noon if the beer is served to a customer during the service of food to the customer.
- Other activities (stocking, deliveries from suppliers, etc.) are allowed at other times based on the type of permit or license.
- May also hold a retail dealer's on-premise late hours license (code BL) which authorizes the holder to sell alcoholic beverages for consumption on the premises until 2:00 a.m.

***Brewpub License (Code BP):***

- Authorizes the manufacture and sale of malt liquor, ale, and beer. A holder of a brewpub license must also hold a wine and beer retailer's permit (BG), a mixed beverage permit (MB), or a retail dealer's on-premise license (BE).
- Minimum age of employee who can handle alcoholic beverages: 18 years of age.
- Hours of Sale: See primary license/permit (BG, MB, or BE).

## Off-Premises Consumption Only

### ***Retail Dealer's Off-Premise License (Code BF):***

- Authorizes the sale of beer.
- Age of employee who can handle alcoholic beverages:  
No minimum age.
- Hours of Sale:  
Monday - Saturday: 7:00 a.m. to midnight;  
Sunday: Midnight to 1:00 a.m., noon to midnight.
- Other activities (restocking, etc.) are allowed at other times based on the type of permit or license.

### ***Wine and Beer Retailer's Off-Premise Permit (Code BQ):***

- Authorizes the sale of beer, malt liquors, and either wine not over fourteen percent (14%) or wine not over seventeen percent (17%). Age of employee who can handle alcoholic beverages: No minimum age.
- Hours of Sale:  
Monday - Saturday: 7:00 a.m. to midnight;  
Sunday: Midnight to 1:00 a.m., noon to midnight
- Other activities (restocking, etc.) are allowed at other times based on the type of permit or license.

### ***Package Store Permit (Code P):***

- Authorizes the sale of spirits, malt liquor, and wine. A package store permittee may also hold a retail dealer's off-premise license (BF) to sell beer.
- Package store permit with beer off-premise license

(BF): Hours are the same as package store.

- Minimum age of employee who can handle alcoholic beverages: 21 years of age.  
Exception: Does not apply to a person who is employed by the person's parent or legal guardian if the parent or legal guardian is the permittee.
- Hours of Sale:  
Monday - Saturday, 10:00 a.m. to 9:00 p.m.  
Closed on Sunday, Thanksgiving Day, Christmas Day, New Year's Day. If Christmas or New Year's Day fall on Sunday, closed following Monday.
- Other activities (restocking, etc.) are allowed at other times based on the type of permit or license.
- May sell non-alcoholic products and may conduct other lawful business on the premises of a package store, but the premises must be closed to entry by the general public during all hours in which the sale of liquor by a package store is prohibited by law. "The general public" means retail customers and does not include vendors, service personnel, and other persons entering the premises for purposes other than the purchase of goods sold on the premises.

**NOTE:** Traditionally TABC gives a package store up to an additional 15 minutes after 9:00 p.m. to finish ringing up customers who were in the store before 9:00 p.m.

### ***Wine Only Package Store Permit (Code Q):***

- Authorizes the sale of wine, ale, malt liquor.

May also hold a retail dealer's off-premise license (BF) to handle beer.

- Minimum age of employee who can handle alcoholic beverages: 16 years of age.
- Hours of Sale: Wine Only Package Store with Beer Off-Premise (BF):  
Monday - Saturday: 7:00 a.m. to midnight.  
Sunday: midnight to 1:00 a.m., noon to midnight.  
Wine over 17% alcohol by volume may not be sold after 10:00 p.m. any day and can never be sold on Sunday.
- Other activities (restocking, etc.) are allowed at other times based on the type of permit or license.

## **On-Premises Consumption Only**

### ***Mixed Beverage Permit (Code MB):***

- Authorizes the sale of all types of alcoholic beverages by the drink.
- Minimum age of employee who can handle alcoholic beverages: 18 years of age.
- Hours of Sale: 7:00 a.m. - midnight on any day except Sunday.
- Sunday: midnight - 1:00 a.m. and 10:00 a.m. - midnight,
- 10:00 a.m. to noon if the alcoholic beverage is served to a customer during the service of food to the customer.
- May also hold a mixed beverage late hours permit (LB) which authorizes a mixed beverage permittee to sell mixed beverages until 2:00 a.m.

- Other activities (restocking, etc.) are allowed at other times based on the type of permit or license.

***Private Club Registration Permit (Code N):***

- Authorizes the service only of all types of alcoholic beverages by the drink. Alcoholic beverages must belong to members of the club to be stored, possessed, and mixed on club premises, and served for on-premises consumption only to members, their families, and guests.
- Minimum age of employee who can handle alcoholic beverages: 18 years of age.
- Hours of Sale: 7:00 a.m. - midnight on any day except Sunday. Sunday: midnight - 1:00 a.m. and 10:00 a.m. - midnight, except that an alcoholic beverage served to a customer between 10:00 a.m. and noon on Sunday must be provided during the service of food to the customer.
- May also hold a Private Club Late Hours Permit (NL) which authorizes the holder to allow persons to consume or be served alcoholic beverages on club premises until 2:00 a.m.
- Other activities (restocking, etc.) are allowed at other times based on the type of permit or license.

## **MANUFACTURING TIER**

### **Other Permits Authorized to sell direct to Consumers:**

#### ***Winery Permit (Code G):***

- Authorizes the selling of wine to the ultimate consumer for consumption on the winery premises or in unbroken packages for off-premise consumption.
- Minimum age of employee who can handle alcoholic beverages: 18 years of age.
- Hours of Sale: 8:00 a.m. - midnight on any day except Sunday.
- Sunday: 10:00 a.m. – midnight
- May also sell between midnight – 2:00 a.m. on New Year's Day.

#### ***Brewer's Permit (Code B):***

- Authorizes the selling of ale and malt liquor to the ultimate consumer if the permittee's annual production is less than 225,000 barrels.
- They may only sell 5,000 barrels of beer and ale combined annually direct to consumers.
- Minimum age of employee who can handle alcoholic beverages: 18 years of age.
- Hours of Sale: 8:00 a.m. – midnight on any day except Sunday.
- Sunday: 10:00 a.m. – midnight

### ***Manufacturer's License (Code BA):***

- Authorizes the selling of beer to the ultimate consumer if the permittee's annual production is less than 225,000 barrels.
- They may only sell 5,000 barrels of beer annually direct to consumers.
- Minimum age of employee who can handle alcoholic beverages: 18 years of age.
- Hours of Sale: 8:00 a.m. – midnight on any day except Sunday.
- Sunday: 10:00 a.m. – midnight

### ***Distiller's and Rectifier's Permit (D):***

- Authorizes the holder to sell to the ultimate consumer for consumption on the permitted premises, for off-premises consumption in unbroken packages containing not more than 750 milliliters.
- May not sell more than two 750 milliliter bottles of distilled spirits or the equivalent to the same consumer within a 30-day period.
- Minimum age of employee who can handle alcoholic beverages: 18 years of age.
- Hours of Sale for On-Premise: Same as Mixed Beverage, except Distilleries are not given 15 extra minutes for patrons to consume after closing.
- Hours of Sale for Off-Premise Consumption: Same as Package Store.

## **APPENDIX I** **TABC OFFICES IN TEXAS**

### **AUSTIN HEADQUARTERS**

**PHYSICAL ADDRESS:**  
5806 Mesa Drive  
Austin, Texas 78731  
(512) 206-3333 (Information)  
1-888-THE-TABC (Complaint)  
Dial 711 to Reach TTY/TDD  
(512) 206-3350 Fax

**MAILING ADDRESS:**  
P.O. Box 13127  
Austin, Texas 78711

### **REGION 1 - LUBBOCK**

**Lubbock Regional Office**  
**612 West Loop 289,**  
**Suite 100**  
**Lubbock, Texas 79416**  
**(806) 793-3221**  
**(806) 793-3222 Fax**

**Amarillo**  
Palo Duro Office Plaza  
3131 Bell, Suite 106  
Amarillo, Texas 79106  
(806) 353-1286 Ext 2886  
(806) 353-1287 Fax

**Abilene**  
Enterprise Tower  
500 Chestnut Street,  
Suite 1573  
Abilene, Texas 79602  
(325) 672-8111  
(325) 670-9838 Fax

**El Paso**  
El Paso State Office Building  
401 East Franklin Avenue,  
Suite 120  
El Paso, Texas 79901  
(915) 351-3697  
(915) 351-2458 Fax



**Fort Davis Outpost**

103 Court Avenue  
Fort Davis, Texas 79734  
(432) 426-3623  
(432) 426-3682 Fax

**San Angelo**

622 South Oakes, Suite P  
San Angelo, Texas 76903  
(325) 659-7931  
(325) 659-7933 Fax

**Odessa**

6010 East Highway 191,  
Suite 234  
Odessa, Texas 79762  
(432) 367-0760  
(432) 367-0808 Fax

**REGION 2 – ARLINGTON**

**Arlington Regional Office**

2225 East Randol Mill,  
Suite 200  
Arlington, TX 76011  
(817) 652-5912  
(817) 607-2492 Fax

**Denton Outpost**

Denton County Building  
121 North Woodrow Lane  
Suite 101  
Denton, TX 76205  
(940) 349-2877  
(940) 349-2879 Fax

**Cleburne Outpost**

1102 East Kilpatrick  
Cleburne, Texas 76031  
(817) 556-6058  
(817) 202-9596 Fax

**Greenville Outpost**

Hunt County Criminal Justice  
Center  
2801 Stuart Street  
Greenville, Texas 75401  
(903) 453-6884  
(903) 453-6886 Fax

**Longview Outpost**

2800 Gilmer Road, Suite 4  
Longview, Texas 75604-1824  
(903) 759-7828  
(903)759-7834 Fax

**McKinney**

825 North McDonald,  
Suite 180  
McKinney, Texas 75069  
(972) 547-5099  
(972) 547-5093 Fax

**Mineral Wells Outpost**

109 North Oak  
Mineral Wells, TX 76067  
(940) 325-9372  
(940) 325-1834 Fax

**Sherman Outpost**

Grayson County Courthouse  
100 West Houston Street,  
Third Floor  
Sherman, Texas 75090  
(903) 813-4256  
(903) 898-2629 Fax

**Tyler**

3800 Paluxy Drive, Suite 501  
Tyler, Texas 75703-1666  
(903) 939-0481  
(903) 939-0485 Fax

**Wichita Falls**

624 Indiana Street, Suite 300  
Wichita Falls, Texas 76301  
(940) 322-8606 Ext 2786  
(940) 322-8607 Fax

**REGION 3 – HOUSTON**

**Houston Regional Office**

**427 West 20<sup>th</sup> Street,  
Suite 600  
Houston, Texas 77008-2497  
(713) 426-7900  
(713) 426-7979 Fax**

**Beaumont**

3535 Calder Avenue, Suite 238  
Beaumont, Texas 77705  
(409) 838-9040  
(409) 832-0851 Fax

**Brazoria Outpost**

202 South Main Street  
Brazoria, Texas 77422  
(979) 798-7441  
(979) 798-7442 Fax

**Conroe**

North Thompson Professional  
Plaza  
702 North Thompson,  
Suite 120  
Conroe, Texas 77301  
(936) 756-0050 Ext. 1386  
(936) 756-1710 Fax

**Huntsville Outpost**

1220 11th Street  
Huntsville, Texas 77340  
(936) 291-5434  
(936) 291-5455 Fax

**REGION 4 - AUSTIN**

**Austin Regional Office**  
**7700 Chevy Chase Drive,**  
**Suite 200**  
**Austin, Texas 78752**  
**(512) 451-0231**  
**(512) 451-0240 Fax**

**Lufkin**

Angelina County Sherriff's Office  
2311 East Lufkin Avenue  
Lufkin, Texas 75901  
(936) 634-1030

**Richmond**

Fort Bend County Sheriff's Office  
1521 Eugene Heimann Circle,  
Suite 111  
Richmond, Texas 77469  
(281) 239-2607  
(281) 239-2545 Fax

**Wharton Outpost**

Wharton County Sheriff's Office  
315 East Elm  
Wharton, Texas  
(979) 532-1550  
(979) 282-2849 Fax

**Belton**

550 East Second Street  
Belton, Texas 76513  
(254) 933-5380  
(254) 933-5369 Fax

**Bryan**

1716 Briarcrest Drive,  
Suite 508  
Bryan, Texas 77802-2700  
(979) 260-8222  
(979) 260-8224 Fax

**Georgetown Outpost**

517 Pine  
Georgetown, Texas 78626  
(512) 930-3203  
(512) 930-3116 Fax

**Llano Outpost**

Llano County Sheriff's Office  
2001 North State Highway 16,  
Suite A  
Llano, Texas 78643  
(325) 247-3550  
(325) 247-3273 Fax

**New Braunfels Outpost**

1297 Church Hill Drive  
New Braunfels, Texas 78130  
(830) 221-1175  
(830) 620-5380 Fax

**San Marcos**

Hays County Courthouse  
111 East San Antonio Street,  
Suite 100  
San Marcos, Texas 78666  
(512) 393-7744  
(512) 392-7260 Fax

**Waco**

900 Washington Avenue,  
Suite 600  
Waco, Texas 76701  
(254) 776-7626  
(254) 776-7628 Fax

**REGION 5 - SAN ANTONIO**

**San Antonio Regional Office**

**Goliad Building**  
**4203 Woodcock Drive,**  
**Suite 120**  
**San Antonio, Texas 78228-**  
**1372**  
**(210) 731-1720**  
**(210) 731-1759 Fax**

**Cameron County**

1390 West Expressway 83  
San Benito, Texas 78586  
(956) 361-9348  
(956) 361-1572 Fax

**Corpus Christi**

2820 S. Padre Island Drive,  
Suite 120  
Corpus Christi, Texas 78415  
(361) 851-2531  
(361) 851-2536 Fax

**Del Rio Outpost**

1505 East Gibbs  
Del Rio, Texas 78840  
(830) 775-6582  
(830) 774-8716 Fax

**Floresville Outpost**

800 10<sup>th</sup> Street  
Floresville, Texas 78114  
(830) 393-2535 Ext. 252  
(830) 393-3259

**Hondo**

Medina County Sheriff's Office  
801 Avenue Y  
Hondo, Texas 78861  
(830) 741-6150 Ext 112  
(830) 426-7106 Fax

**Laredo**

1601 Ortiz Street  
Laredo, Texas 78041  
(956) 722-0404  
(956) 722-1414 Fax

**McAllen**

Nightingale Plaza  
6521 North 10<sup>th</sup> Street, Suite D  
McAllen, Texas 78504  
(956) 687-5141  
(956) 687-5585 Fax

## **APPENDIX II**

### **SPECIAL PROGRAMS AVAILABLE FROM**

### **TABC \*Updated 2017\***

Contact your local TABC office if your police agency is interested in participating in any of these programs.

#### ***Cops in Shops (CIS)***

During Cops In Shops operations, TABC agents, with the cooperation of retailers and their employees, pose as customers or employees of an establishment and apprehend underage violators as they attempt to purchase alcoholic beverages. TABC agents also have a secondary, educational role, which is to share their expertise with the retailer's employees on such subjects as false or fake ID's, the signs of intoxication, and the physical and behavioral characteristics of minors.

#### ***Operation Fake Out***

To counter the use of fake ID's by underage drinkers, the TABC has developed Operation Fake Out. Operation Fake Out is a cooperative venture involving the alcoholic beverage retailers, the TABC, the Texas Department of Public Safety, U.S. Secret Service and whenever possible, local law enforcement.

TABC agents with expertise in detecting fake ID's work alongside the employees of participating on-premises retailers. The establishment's doorman checks an ID

presented and passes it to the TABC agent. The TABC agent re-checks the ID to detect tell-tale imperfections and then closely compares the person to the physical description and photo. Those found to be using fake or altered ID's are arrested and transported to jail.

### ***Check the Label, Check the ID***

Many malt beverages on the market today do not look like traditional beer or malt liquor products. The cans and bottles are similar to non-alcoholic containers, and the difference may go unnoticed.

Retailers, parents and teachers should be aware that many alcoholic beverages don't appear to be alcoholic, and it's worth taking a second look. All alcoholic beverages are required to state the alcohol content on the label.

TABC promotes safe and responsible practices related to alcoholic beverages by raising awareness. Retailers have a responsibility to check the label and check the ID.

### ***Inspection Awareness and Safety Campaigns***

TABC agents routinely inspect licensed premises and inspect or patrol other locations looking for violations of the *Texas Alcoholic Beverage Code* and other state laws. These inspection and patrol activities constitute a major portion of the TABC's overall enforcement effort and result in a substantial share of the criminal and administrative violations found by enforcement agents.

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**Save a Life™**  
Texas Department of Transportation