



**TABC**

**Beer Retail Dealer's On-Premise License (BE)  
with a Food and Beverage Certificate (FB)**

**Know your responsibilities for a**

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**Beer Retail Dealer's On-Premise  
License (BE) with a Food and  
Beverage Certificate (FB)**



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### The License

Your license must be displayed in a publicly visible place at all times. It is your responsibility to renew it prior to expiration. The expiration date is printed on the face of your license. Your license is valid for two (2) years from date of issuance. You will receive a reminder POSTCARD prior to expiration.

[RENEW ONLINE](#) or you may download a [renewal application](#) from our website.

Licensee/permittees are granted a 30 day grace period in which they can renew, you may not resume selling alcoholic beverages until the renewal is filed and the appropriate fees and late fees are paid.

- A \$100 late fee will be assessed for each permit including subordinates if renewed after the expiration date.

***If you engage in activity during the grace period without the appropriate fees being paid, your license is subject to administrative action.***



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

## The License

You cannot sell or transfer your license or let anyone else operate with it. If you anticipate any type of change not limited to; trade name, address, officer, stockholder or entity please contact your [local TABC office](#) for direction and procedures prior to beginning any change.

*Failure to comply with the statutes governing such changes may result in a delay of business operation or administrative action against your permit.*



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

# Food and Beverage Certificate (FB)

Your Food and Beverage Certificate (FB) is a subordinate to your primary license and will be printed on the face of the license. As long as you are maintaining the Food and Beverage Certificate **alcoholic beverage sales cannot exceed 60% of gross receipts of the licensed premise.**

You must have and maintain food service facilities for the preparation and service of multiple entrees:

- Food service facilities means a portion of the license premises here food is stored and prepared primarily for on premise consumption.
- Multiple entrees means no fewer than eight (8) different entrees per meal period must be available to customers.
- Entrée means the main dish of a meal.



# TABAC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

# Food and Beverage Certificate (FB)

You must furnish the following, as well as any other information that might be deemed reasonably necessary by the commission to demonstrate qualifications for a Food and Beverage Certificate:

- Sales data or, if not available, projection of sales which should include breakdown of food, alcoholic beverages and other major categories at the location.
- Copies of floor plans of the licensed premise indicating areas devoted to preparation and service of food and those devoted primarily to the preparation and service of alcoholic beverages.

**Failure to submit the documentation requested or to accurately maintain required records is prima facie evidence of non-compliance to hold a Food and Beverage Certificate. (See Rule 33.5)**

- All provisions of the Texas Alcoholic Beverage Code enacted prior to January 1, 1996, apply to the holder of a Food and Beverage Certificate and those enacted after that date, only if the Food and Beverage Certificate is specifically mentioned in the statute.



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### Food and Beverage Certificate (FB)

If you operate in a hotel/motel, then food service facilities must exist for each of your licensed locations. A licensed location would be any area that has a permanent bar.

The holder of a Food and Beverage Certificate (FB) shall also maintain purchase invoices for alcoholic beverages to be maintained by the vendor. These records must be retained for **four (4) years**, and be made available for inspection and review by any authorized representative of the commission.

***Records are subject to audit by TABC personnel upon request. TABC will certify the holder continues to qualify to hold the food and beverage certificate prior to each renewal of the permit.***



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

# Purchasing Beer

Beer may only be purchased from beer distributors:

- General Distributor's License (BB)
- Branch Distributor's License (BC)
- Local Branch Distributor's License (BD).
- Manufacturer's (BA) who also holds a Self Distribution permit (DB)
- Wine and Beer Retailer's Permit (BG) who also holds a Brew Pub License (BP)\*\*

\*\*You may not purchase or acquire beer from another type of retailer.

***Any beer damaged or determined to be unfit for human consumption while in the possession of the retailer, must be destroyed by the retailer and cannot be exchanged or returned to the seller for credit or refund.***

You may not sell malt beverages classified as ale or malt liquor.



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

# The Selling of Beer

A Beer Retail Dealer's On Premise License (BE) is authorized to sell beer to consumers for consumption on or off the premises. The licensee may not sell beer for resale.

***Neither you nor any of your employees may possess or consume any alcoholic beverages you are not authorized to sell. You may choose to allow your customers to bring in their own alcoholic beverages; however, you may not possess, store, serve, or deliver those alcoholic beverages for or to the customers.***



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### Hours of Sale

Beer may be sold or served during the following hours:

- 7:00 A.M. to 12:00 Midnight, Monday through Saturday
- 12:00 Midnight to 1:00 A.M., Sunday
- 12:00 Noon to 12:00 Midnight, Sunday (Beer may be served beginning at 10:00 A.M. with the service of food or if licensed premises are located at a festival, fair, concert, or sports venue).

If you are in an area for standard hours, no one, including you and your employees may consume any alcoholic beverages on your premises during the following hours:

- 12:15 A.M. to 7:00 A.M., Monday through Saturday
- 1:15 A.M. to 12:00 Noon Sunday (Beer may be consumed beginning at 10:00 A.M. with the service of food or if licensed premises are located at a festival, fair, or sports venue).



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### Hours of Sale

If you are in an area that is legal for extended hours and you also hold a Retail Dealer's On Premise Late Hours (BL) License, you may continue to sell or serve beer, for on premise consumption until 2:00 A.M.

If you are in an area for extended hours, no one, including you and your employees may consume alcoholic beverages on your premises during the following hours:

- 2:15 A.M. to 7:00 A.M., Monday through Saturday
- 2:15 A.M. to 12:00 Noon, Sunday (Beer may be consumed beginning at 10:00 A.M. with the service of food or if licensed premises are located at a festival, fair, concert, or sports venue).



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### Cash Law

Beer purchased from beer distributors (BB/BC/BD), Manufacturer (BA) who also holds a Self Distribution permit (DB) or a Wine and Beer Retailer's Permit (BG) who also holds a Brew Pub License (BP) are subject to cash law and must be paid for in cash (no credit), on or before delivery.

If you give a check in lieu of cash and it is dishonored, the seller of the beer is required by law to report any dishonored check to the TABC and the retailer's license will be placed on the statewide delinquent list until the local distributor notifies the TABC that the retailer has paid in full.

***An action to cancel or suspend a license may be initiated for repeat violations of cash law.***



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

## Invoices

Invoices for the purchase of all alcoholic beverages by the retailer must be maintained for a period of **four (4) years** from the date of delivery.

These invoices are subject to inspection by authorized representatives of the Texas Alcoholic Beverage Commission, or any peace officer.

Invoices must be signed by the retailer upon delivery of the product.



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### Employees

The minimum age for your employees to sell, prepare, serve or otherwise handle an alcoholic beverage is (18) eighteen.

**You may employ a person under 18** to work as a cashier for transactions involving the sale of alcoholic beverages if:

- The alcoholic beverage is served by a person 18 years or older, and
- The sale or service of alcoholic beverages is less than 60 percent of the gross receipts.



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### **Selling to Minors**

You or your employees cannot sell, serve, or give alcoholic beverages to anyone under 21 years of age. The only defense in the Texas Alcoholic Beverage Code against a charge for selling an alcoholic beverage to a minor states, a person who sells a minor an alcoholic beverage does not commit an offense if the minor falsely represents himself to be 21 years old or older by displaying an apparently valid proof of identification that contains a physical description and photograph consistent with the minor's appearance, purports to establish that the minor is 21 years of age or older, and was issued by a governmental agency.

***The proof of identification may include a driver's license or identification card issued by the Department of Public Safety, a passport, or military identification card.***



# TABAC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

## Selling to Minors

You or your employees cannot permit anyone under 21 years of age to possess or consume alcoholic beverages on your premises except;

- If you choose to allow a person under 21 years of age to possess or consume in the visible presence of their adult parent(s), legal age spouse, or court appointed guardian.

If you choose to allow this activity you will have the legal responsibility to ensure that they remain in the visible presence of their adult parent(s), legal age spouse or court appointed guardian and that the legal age adult is in fact their parent(s), legal age spouse or court appointed guardian.

***The Texas Alcoholic Beverage Commission and/or your local law enforcement agency often conduct underage compliance operations. Minors are sent into your establishment under the supervision of a peace officer in an attempt to purchase and obtain an alcoholic beverage to ensure voluntary compliance of state law.***



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### **Sale to Intoxicated Person**

**You may not sell, serve, or deliver an alcoholic beverage to an intoxicated person.**

Your permit can be suspended or cancelled for the sale, service, or delivery of an alcoholic beverage to an intoxicated person. A seller-server training program is available and can help identify intoxicated persons



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

## Reporting Disturbances

You and your employees are responsible for the supervision of all persons permitted on the licensed premises. At the first sign of an argument or trouble between your customers, you should require those customers involved to immediately leave the premises. If necessary, call the local law enforcement authority to have them removed.

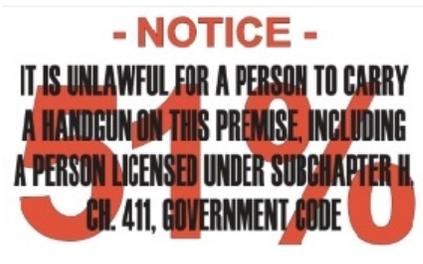
If a breach of the peace (a disturbance, fight or other violent act) occurs on your premises between any customer(s) and/or employee(s), you must notify the [local TABC office](#) as soon as possible, but **not later than five (5) calendar days after the incident**. If a shooting, stabbing or murder, or an incident involving serious bodily injury occurs on the licensed premise, you must notify the local TABC office **not later than 24 hours from the time of the incident**.

Any authorized representative of the Texas Alcoholic Beverage Commission or any other peace officer has the right and authority to enter your premise and make an inspection of your entire premises for violation of the Texas Alcoholic Beverage Code/Rules.



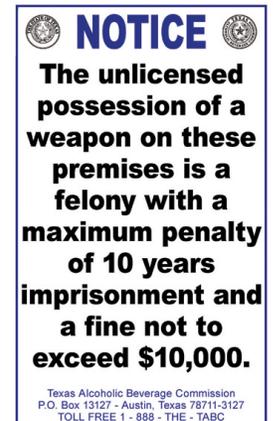
## Signs

The commission will determine which sign you must post at your establishment from information provided on your original application, as well as your renewal applications. These [signs](#) are available from the Texas Alcoholic Beverage Commission at no charge, or you can choose to have the sign made as long as the sign meets the below size/word requirements.



**WEAPONS WARNING SIGN – RED 51%** – Required if you do not also hold a Food and Beverage Certificate issued by this agency and if over 51% of the gross receipts at the licensed premises are derived from alcoholic beverages.

**WEAPONS WARNING SIGN – BLUE** – You are required to post a sign at each entrance of your licensed premises informing persons that the unlicensed possession of a weapon on the premises is a felony.





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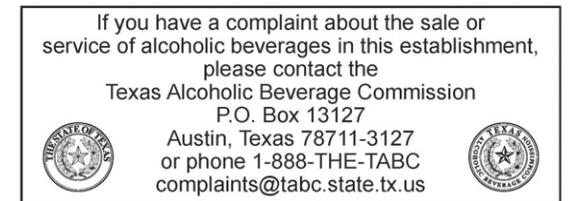
### Signs

**HEALTH RISK WARNING SIGN** – Must be displayed in a prominent place on your premise. The sign must be in both English and Spanish.



**HUMAN TRAFFICKING HOTLINE NUMBER SIGN** – Must be displayed in a prominent place on your premise, unless you hold a food and beverage permit. The sign must be in both English and Spanish.

**PUBLIC INFORMATION/COMPLAINT SIGN** – Must be posted in a prominent place on your premises. The sign shall be no smaller than 6" X 3 ½".





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## Educational Programs

The Texas Alcoholic Beverage Commission has developed [educational programs](#) to assist in your efforts to voluntarily comply with the law. Agents are available to come to your place of business to help instruct you and your employees concerning the laws that apply to your business. Your [local TABC Office](#) will have information concerning this project.



# TABC

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# Seller-Server Training

The commission approves [seller-server training programs](#) sponsored by private businesses and issues certificates to individuals who successfully complete the program. The program covers the laws concerning the sale or service of alcoholic beverages to minors and intoxicated persons, as well as techniques used to prevent such sales.

Depending on the prior violation history of your permit, the actions of an employee may not be attributable to the employer and the employer may claim an exemption from administrative action if:

1. The employer requires only those engaged in the sale, service, or delivery, including managers, to successfully complete a commission-approved seller-server training program within 30 days of their initial employment,
2. The employee that has committed the violation has completed the program and has a current certificate prior to the violation, and
3. The employer has not directly or indirectly encouraged the employee to violate such law.



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# Seller Server Training

The commission shall require the permittee to produce evidence indicating that the above three criteria were met. Such evidence shall indicate that the permittee had adopted policies.

These policies and procedures should be designed to prevent the sale, service and consumption of alcoholic beverages by minors and sale or service to intoxicated persons. The policy should also express a strong commitment by the permittee to prohibit such sales, service and consumption.

In addition, the permittee should have had the employee acknowledge in writing that they have read and understood the policies and procedures.

A current list of commission [approved seller-server training schools](#) is available on our website.



# TABC

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### Local Fees and Taxes

The governing body of an incorporated city or town may levy and collect a fee **not to exceed one-half of the state fee** for each license issued for premises located within the city or town.

The commissioners court of a county may levy and collect a fee **equal to one-half the state fee** for each license issued for premises located within the county.

Those authorities **may not** levy or collect any other fee or tax from the licensee except general ad valorem taxes, the hotel occupancy tax levied under Chapter 351, Tax Code, and the local sales and use tax levied under Chapter 321, Tax Code.

***The commission or administrator may cancel a license if it finds the licensee has not paid a fee levied under this section a licensee who sells an alcoholic beverage without first having paid a fee levied under this section commits a misdemeanor punishable by a fine of not less than \$10 nor more than \$200.***



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### Cancel or Deny Permit

The commission or administrator may cancel or deny a license for the retail sale or service of alcoholic beverages, if it finds that the license holder or applicant has not paid delinquent ad valorem taxes due on that permitted premises or due from a business operated on that premises to any taxing authority in the county of the premises. A license holder or applicant is presumed delinquent in the payment of taxes due if the license holder or applicant:

1. Is placed on a delinquent tax roll prepared under Section 33.03, Tax Code;
2. Has received a notice of delinquency under Section 33.04, Tax Code; and
3. Has not made payment required under Section 42.08, Tax Code.



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### Refusal of Issuance

The commission or administrator shall refuse to issue for a period of three (3) years a permit or license for any location to an applicant who submitted a prior application that expired or was voluntarily surrendered before the hearing on the application was held on a protest involving allegations of prostitution, a shooting, stabbing, or other violent act, or an offense involving drugs or trafficking of persons.

The county judge, commission or administrator shall refuse to issue for a period of one (1) year after cancellation a Beer Retail Dealer's On-Premise License (BE) for a premises where a license or permit has been cancelled during the preceding 12 months as a result of a shooting, stabbing, or other violent act, or as a result of an offense involving drugs, prostitution or trafficking of persons.



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### Bonds

#### **Forfeiture of Conduct Surety Bond (Rule 33.24):**

- When a license or permit is cancelled or there are three or more violations of the Alcoholic Beverage Code while the conduct surety bond is in place, the commission shall notify the licensee or permittee, in writing, of its intent to seek forfeiture of the bond.
- Licensee or permittee may, within thirty days of the notice request a hearing on the question of whether the criteria for the forfeiture of the bond have been satisfied.
- Upon entry of final order against the licensee or permittee in the hearing, the commission shall notify the surety company, bank or credit union to remit to the state the amount of surety required within ten days after notification.



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### Bonds

#### Forfeiture of Performance Bond

Forfeiture of Performance Bond (Wine and Beer Retailer's Permit (BG) or Beer Retail Dealer's On-Premise License (BE) without a Food and Beverage Certificate in **Dallas, Bexar, Harris and Tarrant Counties**) Code 11.61(b-1):

- When a violation of the Alcoholic Beverage Code results in a suspension or civil penalty, the \$2,000 performance bond is forfeited to the commission. Before the suspended license or permit may be reinstated, the licensee or permittee must furnish a second surety bond in an amount of \$4,000.
- If the same license or permit is suspended a second time, the bond is again forfeited. Before the suspended license or permit may be reinstated, the licensee or permittee must furnish a third surety bond in the amount of \$6,000.
- If the same license or permit is suspended a third time, the bond is again forfeited and the license or permit shall be cancelled by the commission.



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

### Bonds

A hearing cannot be requested on the forfeiture of a performance bond.

**NOTE:** A Performance Bond is not needed if the BG or BE is issued to a fraternal or veterans organization.

***If a conduct surety bond is in place at the time of the third forfeiture of the performance bond, it too shall be forfeited.***



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

# Cancellation of Bond by Bond Company

33.24(k)(1)... “Surety may terminate liability by giving the proper 30 day written notice...” — a Notice of Cancellation is sent to the commission notifying the bond is being cancelled. Letters are sent by this office notifying applicant to provide another bond and a 30 grace period to provide is given. Permit will be cancelled if they fail to maintain surety.



**TABC**

**Beer Retail Dealer's On-Premise License (BE)  
with a Food and Beverage Certificate (FB)**

**Congratulations!**



# TABC

## Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB)

# Certificate of Completion

### This certifies that:

Name: \_\_\_\_\_

**Has successfully completed the Responsibilities Course for a Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB) offered by the Texas Alcoholic Beverage Commission.**

Business Trade Name: \_\_\_\_\_

Business Location Address: \_\_\_\_\_

Check this box if you would like additional information in regards to your responsibilities.

**By signing this certificate you acknowledge that you have completed the Responsibilities Course for a Beer Retail Dealer's On-Premise License (BE) with a Food and Beverage Certificate (FB).**

\_\_\_\_\_  
Applicant Signature/Title/Position

\_\_\_\_\_  
Date

Press the Print button to print your Certificate of Completion. After the print dialogue box opens, change "Pages to Print" from "All" to "page 31" to print only your certificate.