



TABC

Mixed Beverage Restaurant Permit with FB (RM)

Know your responsibilities for a

**Mixed Beverage Restaurant
Permit with FB (RM)**



TABC

Mixed Beverage Restaurant Permit with FB (RM)

The Permit

Your permit 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 permit. **Your permit 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.



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The Permit

You cannot sell or transfer your permit 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.



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Food and Beverage Certificate

The holder of a Mixed Beverage Restaurant Permit with FB (RM) must also maintain a Food and Beverage Certificate (FB). Your Food and Beverage Certificate (FB) is a subordinate permit to your primary permit and will be printed on the face of the primary permit.

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:

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



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Food and Beverage Certificate

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:

- A menu or, if no menu is available, a listing of the food and beverages, including prices, offered for sale.
- Hours of operation of food service and hours for the sale or service of alcoholic beverages.
- Sales data or, if not available, projection of sales which should include breakdown of food, alcoholic beverages and other major categories at the location.
- Listing of equipment used in the preparation and service of food, and
- 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)



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Food and Beverage Certificate

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 shall maintain daily sales summaries that reflect separate totals for alcoholic beverage sales, food sales, and other major sales categories at the location.
- The holder 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.

If you are denied a Food and Beverage Certificate, or if your Food and Beverage Certificate is cancelled, you may not reapply for one (1) year.



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The Purchasing of Alcohol

Distilled spirits may only be purchased from holders of a:

- Package Store (P) that holds a local distributor's permit (LP) located in the same county in which your premises are located.

If a local distributor is not located in your county, you must purchase distilled spirits from a local distributor in the county nearest you.

These sales are subject to Credit Law.



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The Purchasing of Alcohol

Ale, malt liquor and wine may be purchased from holders of a:

- Wholesaler's Permit (W)
- General Class B Wholesaler's Permit (X)
- Local Class B Wholesaler's Permit (LX)
- Texas Winery (G)
- Package Store Permit (P) that also holds a Local Distributor's Permit (LP)
- Brewer's Permit (B) who also holds a Brewer's Self-Distribution Permit (DA)
- Wine and Beer Retailers Permit (BG) with a Brewpub License (BP) authorized to sell to retailers

As a retailer you cannot purchase or acquire beer from another type of retailer.

These sales are subject to Credit Law.



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The Purchasing of Alcohol

Beer may only be purchased from holders of a:

- General Distributor's License (BB)
- Branch Distributor's License (BC)
- Local Distributor's License (BD)
- Manufacturer's License (BA) who also holds a Self-Distribution License (DB)
- Package Store Permit (P) who also holds a Local Distributor's Permit (LP) with a Retail Dealer's Off-Premise License (BF)

These sales are subject to Cash Law

Alcoholic beverages 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.



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Selling of Alcohol

The holder of a Mixed Beverage Restaurant Permit with FB (RM) is authorized to sell beer, wine and distilled spirits, including mixed drinks to the consumer for consumption on the licensed premises.

- You may not permit anyone to bring alcoholic beverages onto your premises. Only those alcoholic beverages invoiced to you can be brought into the premises. Alcoholic beverages are not permitted to leave your premises.
- The remaining portion of an open bottle of wine ordered with food is allowed to be removed from the premises by the purchaser.
- An open alcoholic beverage served in a hotel may be permitted to leave the diagramed licensed premises if it is to be consumed on the hotel premises.

Per Section 28.06(c), The commission by rule may allow the holder of a mixed beverage permit or an officer, agent, or employee of the permit holder to possess and use alcoholic beverages that are not covered by an invoice on the permitted premises for cooking purposes.

The holder of a Mixed Beverage Restaurant Permit with FB (RM) must also hold a food and beverage certificate (FB).



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Delivery of Alcohol

Businesses that hold a Mixed Beverage Permit (MB) along with a Food & Beverage (FB) Certificate may deliver alcohol to their customers

OR

These businesses may use third parties acting as an agent of the MB, as well as independent contractors holding a Consumer Delivery Permit (CD), to make deliveries on their behalf.

Any person making these deliveries must be at least 21 years old.



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Delivery Restrictions

Qualifying businesses may deliver any number of beers, ales, wines, and/or distilled spirits to their customers ONLY WHEN:

- Accompanied by a food order that was prepared on the business's premises;
- The alcohol is delivered in the original container that was sealed by the manufacturer; and
- All distilled spirits are delivered in a manufacturer-sealed container that is 375 milliliters or less.

Note: A business may NOT deliver beverages that it pre-mixes and seals itself.



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Limits on Where Alcohol May Be Delivered

Alcohol may only be delivered to a location:

- Where the sale of alcohol is legal;
- NOT licensed/permitted by TABC; and
- Within the county where the business is located, or up to two miles beyond the city limits in which the business is located if that city crosses a county line.



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Substitution of Brand

Substitution of brand without the consent of the consumer is prohibited. An agent, servant or employee commits an offense if he/she substitutes one brand of alcoholic beverage for a brand that had been specifically requested by a consumer, unless the consumer is notified and consents to the substitution.

No holder of a Mixed Beverage Restaurant Permit with FB (RM) may refill with any substance a container which contained distilled spirits.

A permittee who violates this section of the Code is also liable in a civil suit to a consumer for damages resulting from the substitution and for attorney's fee and cost of action.



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Hours of Sale

Alcoholic beverages 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 (Alcoholic beverages may be sold 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 on Sunday; (Alcoholic beverages may be sold 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).



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Hours of Sale

If you are in an area that is legal for extended hours, and you also hold a Mixed Beverage Late Hours Permit (LB), you may continue to sell or serve those alcoholic beverages until 2:00 A.M.

If you are in an area for extended hours, no one 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; (Alcoholic beverage 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 sport venue)



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Invoices

All alcoholic beverages on your premises must be covered by invoice and these invoices must remain on your premises for a period of four (4) years.

- 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.
- Distilled spirits on your premises must have an identification stamp affixed on each container. Any distilled spirits not bearing an identification stamp are in violation of the law and subject to seizure.
- Immediately after emptying a distilled spirit container the identification stamp must be mutilated (serial number scratched). A distilled spirit container may not be refilled with any substance.



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Cash Law

When you purchase **beer** from a seller:

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 commission.

Violations of Cash Law will result in progressive sanctions against the license or permit to include the suspension of the license or permit; or the assessment of civil monetary fines.

Multiple infractions may result in the cancellation of the license or permit holder's conduct surety bond. A pattern of repeat violations of this nature may also result in a recommendation that the permit or license be cancelled for cause.



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Credit Law

If credit is extended when you purchase alcoholic beverages (**ale, malt liquor, distilled spirits or wine**) from a seller:

These alcoholic beverages,

- If purchased between the 1st and 15th of the month, must be paid for by the 25th of the month.
- If they are purchased between the 16th and the last day of the month, they must be paid for by the 10th of the following month.

The retailer is considered delinquent if payment is not received by the seller on or before the 4th business day following the due date (10th or 25th).



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Credit Law

If not paid timely, the seller is required by statute to report this non-payment to the commission and your permit will be placed on the agency's internet-based [credit law delinquent list](#) until the reporting seller notifies the commission that you have paid in full.

An action to cancel or suspend a permit may be initiated for repeat violations of being on the credit law delinquent list.

While the retailer is on the credit law delinquent list, no seller is permitted to sell to the retailer.

If the retailer purchases while on the delinquent list, the commission will take administrative action against the retailer's permit.



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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



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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.



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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 a retail 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.



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Sale to Intoxicated Person

You may not sell 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.



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Reporting Disturbances

You and your employees are responsible for the supervision of all persons permitted on the licensed premises.

At the first sign of 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 and/or employees, 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.



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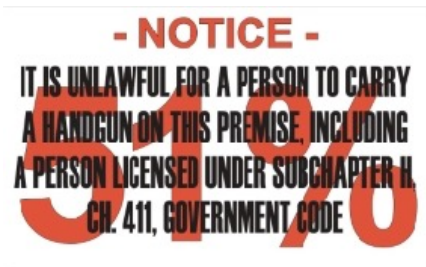
Inspections

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.



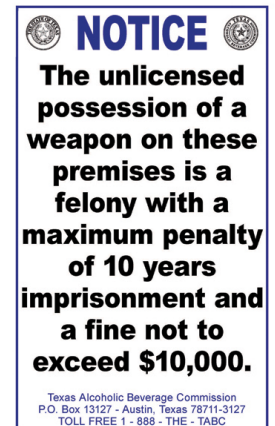
Signs

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. The sign will be provided to you at no charge from the Texas Alcoholic Beverage Commission.





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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. Signs are provided to you at no charge from the Texas Alcoholic Beverage Commission.

HEALTH RISK WARNING SIGN

- Drinking any type of alcohol while pregnant can hurt your baby's brain, heart, kidneys and other organs and can cause birth defects.
- The safest choice is not to drink at all when you are pregnant or trying to become pregnant.
- **If you might be pregnant, think before you drink.**

AVISO SOBRE RIESGOS DE SALUD

- Beber cualquier tipo de alcohol cuando está embarazada puede hacerles daño al cerebro, al corazón a los riñones y a otros órganos de su bebé y puede causar defectos de nacimiento.
- Lo más seguro es no beber nada de alcohol cuando está intentando quedar embarazada o ya lo está.
- **Si es posible que esté embarazada, piénselo antes de beber.**

For more information on birth defects go to: www.dshs.state.tx.us

- WARNING -

OBTAINING FORCED LABOR OR SERVICES IS A CRIME UNDER TEXAS LAW.
CALL THE
NATIONAL HUMAN TRAFFICKING HOTLINE
1-888-373-7888
YOU MAY REMAIN ANONYMOUS.


- ADVERTENCIA -

LA OBTENCIÓN DE SERVICIOS O TRABAJO FORZADO ES UN DELITO SEGUN LA LEY DE TEXAS. LLAME A LA LINEA DIRECTA NACIONAL DE TRAFICO HUMANO AL
1-888-373-7888
USTED PUEDE PERMANECER ANÓNIMO.

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. Signs are provided to you at no charge from the Texas Alcoholic Beverage Commission.

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".

If you have a complaint about the sale or service of alcoholic beverages in this establishment, please contact the
Texas Alcoholic Beverage Commission
P.O. Box 13127
Austin, Texas 78711-3127
or phone 1-888-THE-TABC
complaints@tabc.state.tx.us






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Outdoor Advertising

You may not advertise any prices which may be seen from the street on any sign, billboard, marquee, or any display on or outside of the building.

Advertising signs displaying prices may not be seen from outside of the building.



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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.



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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.



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Local Fees and Taxes

After your 3rd year in business, the governing body of a city or town may levy and collect a fee not to exceed one-half the state fee for permits 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 of the state fee for each permit issued for premises located within the county.

Those authorities may not levy or collect any other fee or tax from the permittee 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 permit if it finds that the permittee has not paid a fee levied as described above. A permittee who sells an alcoholic beverage without first having paid a fee levied as described commits a misdemeanor punishable by a fine of not less than \$10 nor more than \$200.



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Cancel or Deny Permits

The commission or administrator may cancel or deny a permit for the retail sale or service of alcoholic beverages, including a permit held by the holder of a food and beverage certificate, if it finds that the permit 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 permit holder or applicant is presumed delinquent in the payment of taxes due if the permit 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.



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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 commission or administrator shall refuse to issue for a period of one (1) year after cancellation a mixed beverage permit 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 and human trafficking.



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Congratulations!



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Mixed Beverage Restaurant Permit with FB (RM)

Certificate of Completion

This certifies that:

Name: _____

Has successfully completed the Responsibilities Course for a Mixed Beverage Restaurant Permit with FB (RM) 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 Mixed Beverage Restaurant Permit with FB (RM).

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 36" to print your certificate.