



TABC

Wine and Beer Retailer's Off-Premise Permit (BQ)

Know your responsibilities for a



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



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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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Purchasing

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.

These sales are all subject to Cash Law



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Purchasing

Wine, ale and malt liquor may be purchased from wholesalers that do not hold a distributors license (BB/BC/BD):

- Wholesaler's Permit (W)

These sales are all subject to Credit 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.



Selling Alcohol

You are authorized to sell beer, malt liquor, ale and wine up to 14% or 17% alcohol by volume for **off premise consumption only**.**

- No one may possess an open container of an alcoholic beverage on or near the licensed premise where it was sold. Premise means the grounds and all buildings at the licensed address, as well as all adjacent premises, if they are directly or indirectly under your control.
- Beer must be sold in its original packaging and cannot be repackaged by the retailer. **The only exception is the sale of individual containers (singles).**

The percentage of alcohol by volume available is determined by the local option election in the area where the premise is located. The percentage you are authorized to sell will be printed on the face of the permit.

**PREMISE means the grounds and all buildings at the licensed address, as well as all adjacent premises, if they are directly or indirectly under your control.



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Hours of Sale

Wine and beer may be sold during the following hours:

- 7:00 AM to 12:00 Midnight, Monday through Friday
- 7:00 AM Saturday to 1:00 AM, Sunday
- 12:00 Noon to 12:00 Midnight, Sunday



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Product Sampling

You are permitted to conduct free product samplings of wine, beer or malt liquor on the licensed premise in compliance with § 26.08.

Any open containers of beer remaining from the conclusion of the sampling event must be immediately destroyed or removed from the premises.



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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.
- Invoices must be signed by the retailer upon delivery of the product.
- These invoices are subject to inspection by authorized representatives of the Texas Alcoholic Beverage Commission, or any peace officer.

The only exception is the sale of individual containers (singles).



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Employees

There is no minimum age for your employees to sell or otherwise handle wine and beer while working on your premises.

You or your employees cannot sell, serve, or give alcoholic beverages to anyone under 21 years of age.

You may not sell beer to an intoxicated person. Your license can be suspended or cancelled for the sale, service or delivery of an alcoholic beverage to an intoxicated person.



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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.

The Texas Alcoholic Beverage Commission and/or your local law enforcement agency often conduct minor stings. 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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Cash Law

Beer purchased from beer distributors (BB/BC/BD), manufacturer (BA) who also holds a Self Distribution permit (DB) or wine and beer retailer's permit (BG) who also holds a brewpub 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.



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Credit Law

Wine may only be purchased from a wholesaler and is subject to Credit Law. Ale and malt liquor purchased from a wholesaler that does not also hold a Distributors (BB/BC/BD) license is subject to credit law.

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. If not paid timely, the wholesaler is required by statute to report this non-payment to the TABC and your permit will be placed on the agency's internet based credit law delinquent list until the reporting wholesaler notifies the TABC 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 wholesaler is permitted to sell to the retailer. If the retailer purchases while on the delinquent list, the TABC will take administrative action against the retailer's permit.



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(s) of the Texas Alcoholic Beverage Code/Rules.



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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.



CONSUMPTION SIGN – You are required to display in a prominent place, a sign stating in letters at least two inches high: **IT IS A CRIME (MISDEMEANOR) TO CONSUME LIQUOR OR BEER ON THESE PREMISES.** Even though the sign is posted, it is still your responsibility to ensure that no one on your premises consumes an alcoholic beverage. The only legal exception is the consumption of beer during an organized free product sampling event. The sign will be provided to you at no charge from the Texas Alcoholic Beverage Commission.



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Signs

NOTICE (Weapons Sign) – 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.

NOTICE

The unlicensed possession of a weapon on these premises is a felony with a maximum penalty of 10 years imprisonment and a fine not to exceed \$10,000.

Texas Alcoholic Beverage Commission
P.O. Box 13127 - Austin, Texas 78711-3127
TOLL FREE 1 - 888 - THE - TABC

- 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 ANONIMO.

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 1/2" and state the following: "If you have a complaint about the sale or service of alcoholic beverages in this establishment, please contact the Texas Alcoholic Beverage Commission at P. O. Box 13127, Austin, Texas, 78711-3127, or phone 1-888-THE-TABC Complaints@tabc.texas.gov".

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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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.



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.



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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.



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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.



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Congratulations!



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Certificate of Completion

This certifies that:

Name: _____

Has successfully completed the Responsibilities Course for a Wine and Beer Retailer's Off-Premise Permit (BQ) 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 Wine and Beer Retailer's Off-Premise Permit (BQ).

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 26" to print your certificate.