



TABC

**Wine and Beer Retailer's Permit (BG) with
a Food and Beverage Certificate (FB)**

Know your responsibilities for a

**Wine and Beer Retailer's Permit (BG)
with a Food and Beverage
Certificate (FB)**



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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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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 the total 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 (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.



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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.



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Purchasing Alcohol

Beer may only be purchased from:

- General Distributor's License (BB)
- Branch Distributor's License (BC)
- Local Branch Distributor's License (BD)
- Manufacturer's License (BA) that also holds a Self Distribution License (DB)
- Wine and Beer Retailer's Permit (BG) that also holds a Brewpub License (BP) authorized to sell to retailers **

****You cannot purchase beer from another retailer.**

These sales are subject to Cash Law



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Purchasing Alcohol

Wine may only be purchased from a:

- Wholesaler (W)
- General Class B Wholesaler (X)
- Local Class B Wholesaler (LX)
- Winery (G)

Ale and Malt Liquor purchased from a:

- Wholesaler (W, X, or LX) that does not also hold a Distributor's license (BB/BC/BD)
- Wine and Beer Retailer's Permit (BG) that also holds a Brewpub License (BP) authorized to sell to retailers **
- Brewer's Permit (B) that also holds a brewer's self-distribution permit (DA)

**** You may NOT purchase or acquire wine, ale or malt liquor from any other retailer.**

These sales are subject to Credit Law



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Selling of Alcohol

A Wine and Beer Retailer's Permit (BG) is authorized to sell beer, malt liquor, ale and wine containing up to 14% or 17% alcohol by volume to the consumer for consumption on or off the premises.

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. The permittee is also authorized to sell for on premise consumption only, traditional port or sherry with an alcohol content of not more than 24% by volume.

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.



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Hours of Consumption

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;

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 sports venue.



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Hours of Consumption

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 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 sports venue.



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Cash Law

Beer purchased from beer distributors (BB/BC/BD) or Manufacturer's License (BA) who also holds a Self-Distribution License (DB) 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.



Credit Law

Wine may only be purchased from a winery (G) and wholesaler (W, X, LX) and is subject to Credit Law.

Ale and Malt Liquor purchased from a wholesaler (W, X, LX) that does not also hold a distributor's (BB/BC/BD) license is subject to credit law.

- If credit is extended, 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 commission and your permit will be placed on the agency's internet-based [credit law delinquent list](#) until the reporting wholesaler notifies 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.



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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.

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.



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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 the age of 18 to work as a cashier for transactions involving the sale of alcoholic beverages if the alcoholic beverages are served by a person 18 years of age or older.



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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, 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



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Reporting Disturbances

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

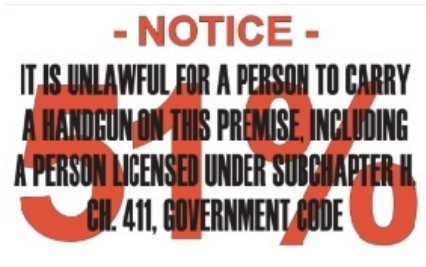
If a breach of the peace (a disturbance, fight or other violent act) occurs on your premises between any customer(s) and/or employee(s), you must notify the local TABC office as soon as possible, but not later than **five (5) calendar days** after the incident. If a shooting, stabbing or murder, or an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



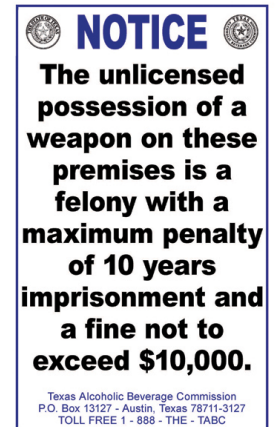
Signs

You must post at each public entrance of your premises, a notice sign concerning the possession of weapons on your licensed premises. The commission will determine which sign you must post 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 requirement. [Signs are also available for download.](#)



FELONY NOTICE – 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.

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.





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Signs

HEALTH RISK WARNING SIGN – Must be posted on the door to each public restroom on the licensed premise. The sign must be in both English and Spanish and not less than 8 1/2 x 11 inches in size. The sign must contain bold black letters on a white background. The sign will be 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 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

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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.



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Local Fees and Taxes

The governing body of a city or town may levy and collect a fee not to exceed one-half the state fee for permit 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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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.



Forfeiture of Performance Bond

Forfeiture of Performance Bond (Wine and Beer Retailer's Permit or Beer Retailer's Permit 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.
- 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.



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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.



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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 Permit (BG) 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 for holding a Mixed Beverage Permit (MB).

By signing this certificate you acknowledge that you have completed the Responsibilities Course for a Mixed Beverage Permit (MB).

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 33" to print your certificate.