



TABC

Wholesaler's Permit (W)

Know Your Role As A

Wholesaler



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TABC wants your business to prosper. One part of your success is understanding how Texas law affects your business. We've designed this course to provide the basics of what you can and can't do with your business. This is a summary of your responsibilities and isn't meant to be an exhaustive list. Please see the [Alcoholic Beverage Code](#) (Code), [TABC Administrative Rules](#) (Rules) and our [Marketing Practices Advisories](#) for more details.



What Can I Do With My Permit?

Purchasing

You can purchase wine and distilled spirits from in-state distillers and wineries, out-of-state distillers and wineries (i.e., holders of a Nonresident Seller's Permit), and other in-state wholesalers.

Sales

- You can sell distilled spirits and wine directly to package stores or other wholesalers.
- You can sell wine to all other retailers and can also sell glassware and nonalcoholic beverages to retailers.
- You may import, sell, offer for sale, and possess for the purpose of resale distilled spirits, wine, and vinous liquors in miniature containers of not less than one ounce nor more than two ounces.
- You may enter the licensed premises of a Mixed Beverage or Private Club establishment to promote the sale of the wholesaler's brands.
- You can conduct sales and deliver any day except Sundays (and Christmas Day).

All sales to retailers are subject to restrictions known as "credit law."

For more information, see **TABC's Credit Law Module**.



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What Can I Do With My Permit?

Samples

You can give samples of wine and distilled spirits to retailers under certain conditions:

- Samples cannot be something the retailer has previously purchased from you.
- The quantity is limited to a single 750 ml bottle of liquor and not more than three liters of any brand of wine.
- Retail employees can only sample the product while your representative is present. Samples may not be given to customers.

Restocking and Rotating Products

Employees can restock and rotate sales displays at a retail establishment. This includes the retailer's storage areas, sales floor, display counters, or coolers.

Storage

In addition to your facility, you can store product either at a warehouse that holds a bonded warehouse permit with TABC, or at a private warehouse you own or lease within the same county as your main facility.

For more information on allowable activities, see all applicable [TABC Marketing Practices Advisories](#).

See Sections 102.02 and 19.07 of the Code.
See Section 45.109 of the Rules.



Can I Exchange a Retailer's Products — or Give a Credit or Refund?

No. Some exceptions may apply:

- You may replace alcoholic beverages with the same or similar product, provided that one of the following circumstances applies:
 - Product was damaged upon or prior to delivery by the wholesaler.
 - Product was unfit for consumption upon delivery to the retailer.
 - Upon request, TABC may determine that a consumer safety issue occurred during the product's manufacturing process.

You can issue a refund or credit if the delivery was inconsistent with the order originally placed by the retailer and you:

- Issue the refund or credit within 48 hours after the wholesaler made the first delivery.
- State the reason and date of the exchange on the credit memo or exchange receipt.



How Do I Transport Product?

- You may transport distilled spirits and wine from where you purchased it (e.g., the distillery) to your business.
- You may then transport liquor from your business (the place of sale) to the retailer or other wholesaler (place of purchase) in a vehicle you own or lease.
- You may not transport the product directly from the place of purchase to the retailer.
- You must mark and identify each vehicle you use to deliver product before any delivery and register each delivery vehicle with TABC.
- If you also hold a distributor's permit, you can make deliveries of malt beverages at the same time as wine and distilled spirits.
- You may transport liquor from one wet area to another wet area across a dry area if that course of transportation is necessary or convenient.



What Are Employees Allowed To Do at Tasting Events?

Employees **can** engage with the consumer at a retailer's location during a tasting **but they can't**:

- Attend a tasting at an on- and off-premise retailer's location.
- Answer questions along with a Texas winery, Texas distillery or nonresident seller.
- *Fund or participate* in the opening or pouring of the product during a consumer tasting event at an off-premise location.

They may *fund and participate* in the opening or pouring of the product during a consumer tasting event at an on-premise location.

For more help, see the **Marketing Practices Module**.



What Are My Recordkeeping Requirements?

Purchase Invoices

Invoices for all purchases must be kept for two years. As with all other records, these are subject to inspection and audit by agency representatives.

Sales Invoices

Invoices for the sales of all alcoholic beverage by you to the retailer must be maintained for two years from the date of delivery and are subject to inspection and audit by any representative of the agency.

Invoices must be signed by the retailer when the product is delivered to acknowledge receipt of the alcohol.



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What Else Do I Need to Know?

Permit and Sign Posting

Your permit must be always displayed in a publicly visible place. TABC will determine which [signs](#) you must post at your establishment from information provided on your original application, as well as your renewal applications.

Employees

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

Permit Renewal

Your permit is valid for two years from the date its issued. You're responsible for renewing your permit before it expires. You can apply for renewal starting 30 days before your permit's expiration date. TABC will send you a notice of renewal.

TABC Inspections

Any authorized TABC representative or any other peace officer has the right and authority to enter and inspect your entire premises for violation(s) of the Texas Alcoholic Beverage Code and TABC Rules.

Inspection refusal is a violation of the Alcoholic Beverage Code and class A misdemeanor.



What Other Modules Should I Take?

You've now completed the Know Your Role module. Please proceed to the following modules for additional guidance for your permit.

- **Excise Tax Module** – How do I file my excise tax reports?
- **Cash and Credit Law Module** – What is cash and credit law?
- **Marketing Practices Module** – What marketing promotions and advertisements are allowed?



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Questions?

Please contact your local TABC office.

tabc.texas.gov/contact-us/