

# Module 4

Alcohol To-Go, Delivery and Other Permits

# Objectives

After completing this module, the trainee will be able to do the following:

- Identify the requirements for selling an alcoholic beverage for delivery and to-go orders.
- How to properly check and document identification for delivery orders containing alcoholic beverages.
- Recall that there are private club rules for serving members and non-members.

# Private Clubs

In a private club, alcoholic beverages may be served only to and consumed only by a member, a member's family or a guest who is brought to the club by the member.

➤ Before service is provided, ask the customer if he or she is a member or family member of a member of the club. If the answer is YES, verify membership by:

- Membership card
- Membership roster
- Electronic membership system
- Temporary membership card

# Private Clubs

- Once membership is verified, you may serve.
- If the answer is NO, ask the customer if they are a guest of a member.
- If the answer is YES, verify membership of member. Once membership is verified you may serve, but only accept payment from the member.
- If the answer is NO,
  - do not serve; or
  - depending on the club, you may obtain a completed preliminary membership or issue a temporary membership card
  - [Texas Alcoholic Beverage Code Sec. 32.01]

# Temporary and Promotional Permits

## Promotional Permit

- The holder of a promotional permit may, on behalf of a brewer, distiller, rectifier, manufacturer, winery, or wine bottler promote and enhance the sale of an alcoholic beverage, including activities that take place on the premises of the holder of a permit or license.
- The holder of a promotional permit can still face criminal charges for providing alcohol to a minor or serving an intoxicated person.

# Temporary and Promotional Permits

## Temporary Events (Fairs, Festivals, Special Events, etc.)

It is important for a seller or server to know that regular alcoholic beverage laws apply even though they are working/volunteering at a special event. When working/volunteering for a special event, remember how to:

- Check ID's;
- Recognize signs of intoxication;
- Safely and professionally refuse a sale; and
- Ask for help from management or law enforcement.

# Temporary and Promotional Permits

## Free Drinks

- Some organizations choose to provide “free” alcoholic beverages as part of a promotion or event. In this instance no license or permit is needed.
- Example- nail salon that offers wine while getting a pedicure. The beverage must be available to even non-paying customers . If the wine is only available to paying customers it is considered as part of the service and the location would require a license or permit through TABC.

# Public Entertainment Facilities

A Public Entertainment Facility (PEF), as a stadium, arena, or other permanent structure that is used for sporting events.

Many people may be working in PEF's such as the Ranger's Ball Park, Cowboy's Stadium or other sports venues. With the increase in alcohol being served at sporting events, more sellers and servers will find themselves working in this type of facility. The seller/server will no longer have to make sure that patrons are leaving the designated premises within the PEF with open alcoholic beverages. Alcoholic Beverages are not allowed to leave the interior of the PEF.



# Public Entertainment Facilities

Effective 6/10/2015, TABC approved PEF's in which all licenses and permits are held by a single holder, may allow a patron who possesses an alcoholic beverage to enter or leave a licensed or permitted premises within the facility if the alcoholic beverage:

- In an open container;
- Appears to be possessed to currently consume;
- Remains within the facility, excluding the parking lot; and
- Was purchased legally at a licensed or permitted premises at the facility.

# Alcohol To-Go and Delivery

HB 1024 - This law authorizes Mixed Beverage and Private Club permittees to sell alcohol — including mixed drinks — for pickup by customers or delivery, if they meet the requirements in the law.

**“Tamper proof container”** is defined as a “container that once sealed, clearly shows whether it has been opened. The term includes a cup or similar container that is placed into a bag that has been sealed with a zip tie or staple or sealed with shrink wrap or a similar seal.”

# Alcohol To-Go and Delivery

## Alcohol To-Go

- Allow customers to pick up alcohol with food orders,
- Malt beverages and wine are in their original container sealed by the manufacturer.
- Malt beverages and wine are in a tamper-proof container that is sealed by the permit holder (example: growlers of ale) and clearly labeled with the permit holder's business name and the words "alcoholic beverage."
- Distilled spirits are in an original single-serving container sealed by the manufacturer and not larger than 375 milliliters (example: cocktail kit); or
- Distilled spirits are mixed with other beverages or garnishes and stored in a tamper-proof container (example: in-house mixed margarita) clearly labeled with the permit holder's business name and the words "alcoholic beverage."

# Alcohol To-Go and Delivery

Requirements for completing the delivery of alcohol to the customer:

- Recipients must not be intoxicated;
- Recipients must present valid proof of their identity that confirms they are at least 21 years old before the alcoholic beverage is handed over to the recipient; and
- Recipients must sign a receipt (may be electronically signed) acknowledging the pickup/delivery, OR the individual representing the permitted business (restaurant employee or third party) must acknowledge the completion of the pickup or delivery through a software application. Permit holders should retain the signed receipts or the software application data for a period of one year following the transaction and should be able to make those receipts/data available to TABC upon request for audit purposes.

# Alcohol To-Go and Delivery

## Restrictions on transporting alcohol

- Alcoholic beverages that are **sealed by the permit holder** and are picked up or delivered under this authority may not be transported in the passenger area of a motor vehicle. Therefore, alcoholic beverages that are **sealed by the permit holder** must be placed in the trunk of a vehicle; the area behind the last upright seat of the vehicle, if the vehicle does not have a trunk; or a glove compartment or similar storage container that is locked (See Texas Penal Code, Section 49.031(a)(2)).