

Module 4

Other Permits

This module presents other types of permits, including private clubs. This module will take 5 minutes to complete.



Module Objectives

When you complete this module you will be able to:



Correctly describe the rules for serving alcohol in private clubs.



Topics in this module

- ✓ Private Clubs
- ✓ Temporary and Promotional Permits
- ✓ Public Entertainment Facilities

A close-up, shallow depth-of-field photograph of a silver fountain pen resting on a white document. The pen's nib is visible, and the background is blurred, showing hints of green and red. This image occupies the left side of the slide.

Codes and Rules



Sec. 32.01 – Authorized Activities (Texas Alcoholic Beverage Code)

(a) A private club registration permit authorizes alcoholic beverages belonging to members of the club to be:

(1) stored, possessed, and mixed on the club premises; and

(2) served for on-premises consumption only to members of the club and their families and guests, by the drink or in sealed, unsealed, or broken containers of any legal size.

Codes and Rules



Sec. 32.01 - Continued

(b) An applicant for or the holder of a private club registration permit may apply to the commission to have the activities authorized under the permit restricted to the storage and service of wine, beer, and malt liquor for members of the club. Except as otherwise provided by this chapter, an applicant for or the holder of a permit that is restricted under this subsection is subject to all the requirements of this chapter. The commission may adopt rules as necessary to implement this subsection

A close-up, shallow depth-of-field photograph of a silver fountain pen resting on a white document. The pen's nib is visible, and the background is blurred, showing hints of green and red. This image occupies the left side of the slide.

What It Means & Key Points



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

Codes and Rules



Sec. 32.09 – Temporary Members (Texas Alcoholic Beverage Code)

(a) The manager or other person in charge of the club premises may allow a person to enter the club if he possesses a valid temporary membership card which has no erasures or changes and which has the temporary dates in a prominent position on the card. A temporary member may enjoy the club's services and privileges for a period of not more than three days per invitation. A temporary member may bring not more than three guests to the club and must remain in their presence while they are at the club.

Codes and Rules



Sec. 32.09 – Continued

(b) At the time of his admission the temporary member shall pay the club a fee of \$3, which shall represent the fee payable by the permittee to the state. All fees and payments from temporary members shall be collected in cash or through credit cards approved by the commission or administrator.

(c) Temporary memberships shall be governed by rules promulgated by the commission consistent with the provisions of this section.

A close-up, shallow depth-of-field photograph of a silver fountain pen resting on a white document. The pen's nib is visible, and the background is blurred, showing hints of green and red. This image occupies the left side of the slide.

Codes and Rules



Sec. 32.10 – Guests (Texas Alcoholic Beverage Code)

(a) Guests shall be limited to those who accompany a member or temporary member onto the premises or for whom a member, other than a temporary member, has made prior arrangements with the management of the club.

(b) Except as provided in Subsection (c) of this section no guest shall be permitted to pay, by cash or otherwise, for any service of alcoholic beverages. Any charge for a service rendered to a guest by the club must be billed by the club to the member or temporary member sponsoring the guest. A club shall bill a member other than a temporary member for the service of guests in the club's regular billing cycle.

A close-up, shallow depth-of-field photograph of a silver fountain pen resting on a white document. The pen's nib is visible, and the background is blurred, showing hints of other documents and a green plant.

Codes and Rules



Sec. 32.10 – Continued

(c) The manager of a hotel who is a member of a private club located within the hotel building may issue a guest card to a patron of the hotel who is staying in the hotel overnight or longer. The holder of the guest card may be served alcoholic beverages in the club or the holder's hotel room. The guest may not be allowed to pay, by cash or otherwise, at the time of service in the private club. The charge for service shall be billed to the hotel manager's account in the hotel and shall be collected by the hotel manager along with other hotel charges, including the charge for using the hotel room, when the patron leaves the hotel.

Codes and Rules



Sec. 32.10 – Continued

The hotel records shall be available for inspection at the request of the commission. If the club operates under the locker system a guest shall be served from the locker rented to the manager of the hotel.

(d) The commission shall promulgate rules necessary to implement the provisions of this section

A close-up, shallow depth-of-field photograph of a silver fountain pen resting on a white document. The pen's nib is visible, and the background is blurred, showing hints of other documents and a warm, indoor lighting.

What It Means & Key Points



A temporary membership may be issued for a period of not more than three days. A temporary member may bring not more than three guests to the club and must remain in their presence while they are at the club.



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

Once membership is verified, you may serve.

A close-up, shallow depth-of-field photograph of a silver fountain pen resting on a white document. The pen's nib is visible, and the background is blurred, showing hints of green and red. This image occupies the left side of the slide.

What It Means & Key Points

- ✓ 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 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
- ✓ Once a completed preliminary membership or a temporary membership card is issued you may serve. *[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 with whom the permit holder has entered into a contract with, engage in activities to promote and enhance the sale of an alcoholic beverage in this state, including activities that take place on the premises of the holder of a permit or license. This means that a permit holder is allowed to do in store demonstrations and promotions, like offering wine and beer samples.



Temporary and Promotional Permits



The holder of a promotional permit can still face criminal charges for providing alcohol to a minor or serving an intoxicated person. Because these are criminal violations it is important for a promotional permit holder or their agent or employee to:

- ✓ Verify the person is 21 years of age or older before serving;
- ✓ Look for and identify signs of intoxication;
- ✓ Know who to go to when they need help with a customer, and
- ✓ Know how to professionally and safely refuse service.

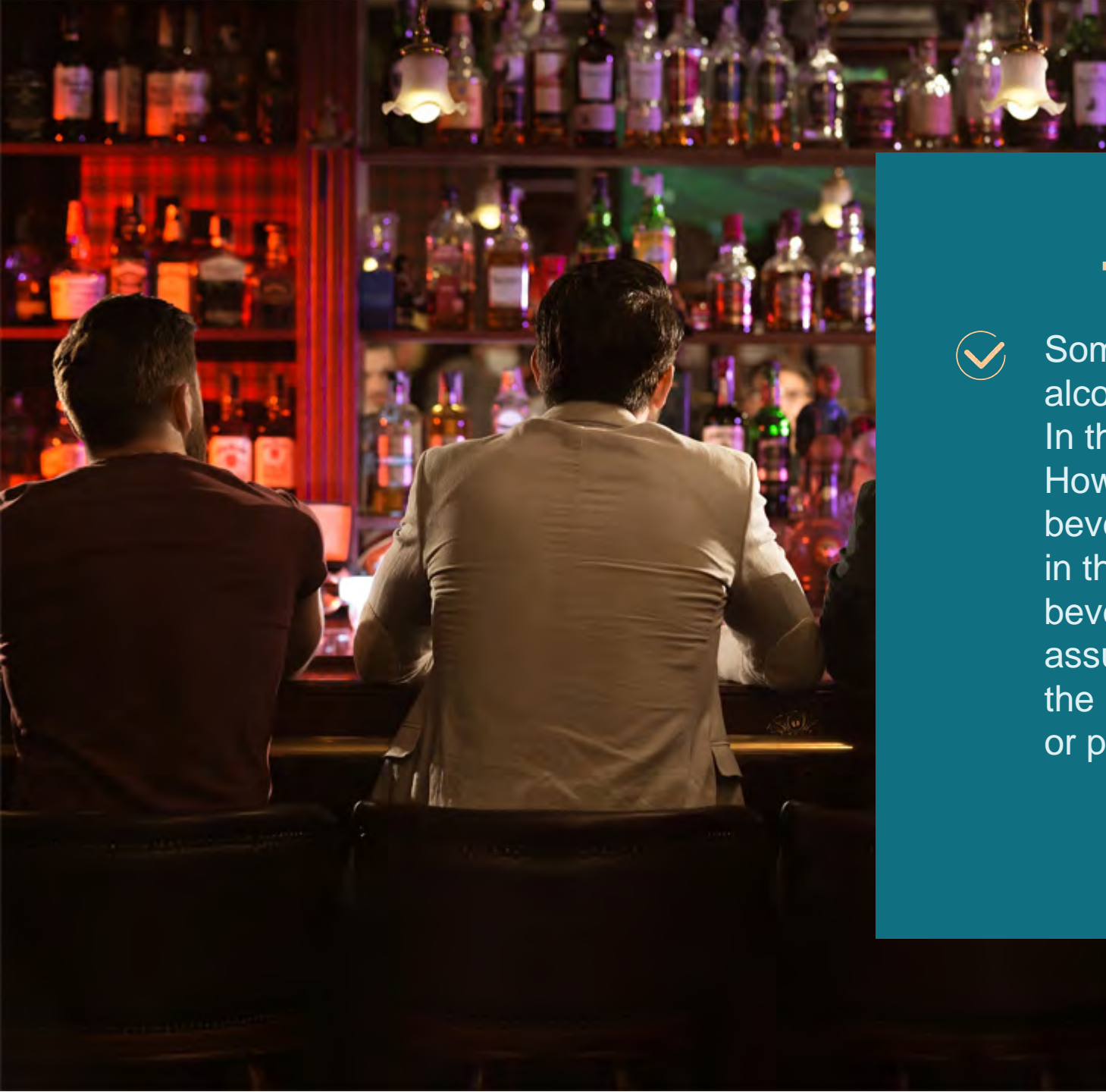


Remember: Even though you are only offering sample beverages, it is a criminal offense to provide alcohol to a minor or serve an intoxicated person.

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

- ✓ Many organizations will apply for temporary permits that allow the sale and service of beer, wine and mixed beverages at locations in which beverages are not usually sold for on-premise consumption.
- ✓ 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.
- ✓ **Remember:** Even though you are a volunteer and aren't being paid for your time, you can still be held civilly and criminally liable for serving and intoxicated person and criminally liable for providing alcohol to a minor.





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. However, in order for this to be the case, the beverages must be offered to any adult that walks in the door and requests a beverage. If the beverages are for paying customers only, it is assumed that the price of the alcohol is included in the price of the service. In that instance a license or permit is required.

Public Entertainment Facilities



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

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.



Public Entertainment Facilities



Examples

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.





Module Summary

You should now be able to:



Correctly describe the rules for serving alcohol in private clubs

This module included:



Private Clubs



Temporary and Promotional Permits