

## GUIDELINES-ALCOHOL DELIVERY FOR ON-PREMISE PERMITS

If your business holds a retail alcohol permit, you may be looking into regulations involving the delivery of alcohol. There is misinformation and confusion around the delivery of alcohol. We are providing the following information to assist you. Good facts will assist you in making decisions about your business. This information is based on law and rules today, 03/17/2020, and prior to any possible government alleviations.

### ON-PREMISE RETAIL PERMIT HOLDERS – MAY I DELIVER ALCOHOL?

Q. What type of on-premise permits must I hold to deliver, alcohol?

A. Mixed beverage with food and beverage certificate (MB with FB, or RM); or wine and beer retailers (BG) with a local cartage permit (E).

Q. I hold the proper on-premise permits; must my alcohol delivery include food?

A. If you hold an MB with FB or RM, you MAY ONLY deliver alcohol IF it accompanies a food delivery; IF you hold a BG with E, you may deliver, regardless of food.

Q. May my employees make the deliveries?

A. Yes, however, if your employees deliver the alcohol, you the permittee, are responsible for its lawful delivery and adhering to the laws regarding sale to a minor or intoxicated person.

Q. May I contract with someone to make the deliveries of alcohol for my on-premise business?

A. Yes, a special permit was created, called a Consumer Delivery Permit (CD) for the delivery of alcohol to consumers. Utilizing this type of delivery, you relinquish your liability for the alcohol delivery and liability passes to the CD permit holder.

Q. How much does a Consumer Delivery Permit cost?

A. TABC fees for the CD permit is \$10,000 and you must meet specific qualifications.

Q. How am I able to know who holds a CD permit?

A. To date, CD permit holders are: DOORDASH, GOOD VIBES, INSTACART, POSTMATES, SHIPIT SPIRIT TREE, AND STEP BY STEP MOVERS.

Q. I have a friend who has offered to make deliveries for me, is that lawful?

A. If your friend does not hold the proper permit for deliver (CD), he/she is acting as your agent, servant or employee and although delivery may be made, you are the responsible party for its lawful delivery.

Q. What kinds of alcohol may I deliver?

A. All alcohol MUST be sealed in the manufacturer's original container. There are no limits in the amount of ale, beer and wine. For MB/FB and RM's, distilled spirits may be delivered in a single-serving container that DOES NOT EXCEED 375 mL.

Q. What constitutes as food for the MB/FB or RM?

A. The only guidance TABC has offered is that the food must be prepared on the licensed premise; and there is NO food to alcohol ratio. Remember you have qualified with a food and beverage certificate and you don't want to jeopardize your food to alcohol ratios.

Q. Can a customer take alcohol to go if the restaurant employee "delivers" to my car outside?

A. No. TABC's official guidance: "The law does not allow for alcohol "to-go" transactions from MB permittees. Deliveries must be made to another physical address that is not licensed/permitted by TABC (may be the recipient's private residence or place of business, or that of another). Thus, alcohol may NOT be delivered to a

customer waiting in an area in close proximity to the retailer that is directly or indirectly controlled by the retailer (like a parking lot or boat dock).

Q. Are there limits to how far we can deliver our alcohol?

A. Yes! You may only deliver within your city limits or within 2 miles of your city limits and the location must be "wet" for the type of alcohol being delivered.

Q. Can I advertise this?

A. Absolutely! Your advertisement must meet all other marketing practices regulations.

Q. I'm the holder of a wine and beer retailers (BG w/E), but I don't have a food and beverage certificate. Does this matter?

A. BG's ARE NOT required to have food accompany the alcohol deliver. So NO, it doesn't matter!

Q. What if I hold a BG, but not an E?

A. Give us a call and we will get you covered. We are making a formal request the TABC prioritize the issuance of E's for a BG. Under current law, you must hold the E, to take advantage of the delivery of your products, with the exception of beer, only.

Q. I have a BG and a drive thru window. May I sale my products to go from the window?

A. Yes, however, your beverages must be "sealed", so your patron is not in violation of other laws. The container must be in the manufacturer's original container or your products like a wine-based margarita must be sealed and not appear to be available for immediate consumption.

