



**TABC**

# Wine and Malt Beverage Retailer's Off-Premise Permit (BQ)

**Know Your Role As A**

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**Wine and Malt Beverage Retailer's  
Off-Premise Permit (BQ)**



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# Wine and Malt Beverage Retailer's Off-Premise Permit (BQ)

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?

You are authorized to sell malt beverages and wine for customers to-go (“off-premise”) for consumption away from your store’s premises. The term “premises” refers not only to your store’s building(s), but also the grounds and surrounding areas, including parking areas. Here are some details about what can and cannot occur at your premises:

- **No Open Containers.** No one may possess or consume an open container of an alcoholic beverage on or near the licensed premise where it was sold.
- **No Repackaging.** Malt beverages must be sold in their original packaging and cannot be repackaged by the retailer. The only exception is the sale of individual containers (singles). A package may be broken down into singles for resale.
- **Product Sampling.** You can conduct free product samplings of wine and malt beverages at your store. You or your employees must oversee the event and dispense the samples for the customers.

*\* Most BQs are in areas that allow for the sale of wine with up to 17% alcohol by volume content. In other parts of the state, that limit is 14%. The percentage you are authorized to sell will be printed on the face of the permit.*



## Who Can I Buy Wine and Malt Beverages From?

You can only purchase wine and malt beverages from certain types of businesses. You cannot buy alcohol from retailers like grocery stores or corner stores. That is strictly forbidden and will result in significant fines and penalties. You can buy from these types of businesses:

**Malt Beverages** can be purchased from businesses that hold these permits/licenses:

- General (BB) and Branch Distributors (BC)
- Brewer's License (BW) with a Self-Distribution License (SD)
- Brewpub (BP) with a Wine & Malt Beverage Retailer's Permit (BG)

Malt beverage purchases are subject to "cash law". For more information, see TABC's **Cash and Credit Law Module**.

**Wine** can be purchased from business that hold these permits:

- Winery Permit (G)
- Wholesaler's Permit (W) and General Class B Wholesaler's Permit (X)

Wine purchases are subject to "credit law." For more information, see TABC's **Cash and Credit Law Module**.



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## Can Product Be Exchanged or Refunded?

You cannot receive a refund or credit for alcoholic beverages purchased and in your possession. Alcoholic beverages may be replaced/exchanged 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 or distributor.
- Product was unfit for consumption upon delivery to the retailer.
- Upon request by the manufacturer of the product, TABC may determine that a consumer safety issue occurred during the product's manufacturing process and authorize it be removed from the market.



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## When Can I Be Open to the Public?

### Hours of Sale

Your permit allows you to sell wine and malt beverages during these standard hours:

- **Monday through Friday, 7:00 AM to 12:00 Midnight, Monday through Friday**
- **7:00 AM Saturday to 1:00 AM, Sunday**
- **10:00 A.M. to 12:00 Midnight, Sunday**



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## What Are My Record Keeping Requirements?

### Record Keeping Requirements

All alcoholic beverages on your premises must be covered by invoice and these invoices must remain on your premises for a period of two years.

- 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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## What Else Do I Need to Know?

### License and Sign Posting

You must always display your permit 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

There is no minimum age for your employees to prepare, serve or otherwise handle an alcoholic beverage.

### License Renewal

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

### TABC Inspections

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

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





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# Wine and Malt Beverage Retailer's Off-Premise Permit (BQ)

## Public Safety Considerations

You're responsible for maintaining public safety at your facility. This includes maintaining order among customers and with staff. Make your employees are aware of these requirements and call law enforcement when you need assistance. Public safety violations can result in administrative penalties — potentially even cancellation of your license.

### Serving Minors

You are responsible for ensuring that your employees do not sell, serve or give alcoholic beverages to anyone younger than 21. **Check IDs.** The only exception is if the minor is in the visible presence of a parent, spouse over 21 or legal guardian. Valid proof of identification may include a: state-issued driver's license or ID card issued by the Texas Department of Public Safety, passport, or military ID card.

### Serving People Who Are Intoxicated

The same principle applies to customers who are intoxicated. **Don't sell or overserve.** If a customer enters your business inebriated, provide water or soft drinks but not alcohol. When you refuse service to an intoxicated person make sure another patron isn't purchasing alcohol for the person.

### Reporting Breaches of the Peace

Texas law requires a license or permit holder to report any breach of the peace — a disturbance, fight or other violent act — to TABC within five calendar days of the incident. You must report any breach involving a shooting, stabbing, murder or incident resulting in serious bodily injury within 24 hours of the incident.



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## Safe Harbor Protection

### Safe Harbor

- Depending on the violation history of your permit, the actions of your employee may not be attributable to you (the employer) and you may claim an exemption from administrative action (e.g., penalties and/or suspension) if:
  1. The employer requires all personnel engaged in the sale, service or delivery of alcoholic beverages, including managers, to successfully complete a commission-approved seller-server training program within 30 days of their initial employment.
  2. The employer has a written policy for responsible alcohol service and consumption read by each employee.
  3. The employee that has committed the violation has completed the program and has a current certificate before the violation.
  4. The employer has not directly or indirectly encouraged the employee to violate such law.
  5. The person that committed the violation is not the permit holder.

### Seller-Server Training

- The program covers the laws concerning the sale or service of alcoholic beverages to minors and intoxicated persons, as well as techniques that may be used to prevent such sales.
- TABC approves [seller-server training programs](#) sponsored and taught by private businesses.



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## What Other Programs are Available?

### **Retailer Education and Awareness Program – REAP**

REAP provides owners, managers and general employees of retail establishments continued education to help them follow the state's alcoholic beverage laws.

### **Texas Responsible Alcohol Delivery Training – TRAD**

TRAD is specifically for delivery drivers who will be delivering alcoholic beverages directly to consumers. Trainees must be 21 or older at the time of registration and have a valid driver's license.



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## 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.

- **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/](http://tabc.texas.gov/contact-us/)