



TABC

Brewpub License (BP)

Know Your Role

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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 is a Brewpub License?

Your Brewpub License (BP) is a subordinate to the following primary license/permits:

- Wine and Malt Beverage Retailer's Permit (BG)
- Mixed Beverage Permit (MB)
- Retail Dealer's On-Premise License (BE)
- The holder of a Brewpub license is authorized to manufacture, brew, bottle, can, package, and label malt beverages.
- Sell or offer without charge, on the premise of the Brewpub, malt beverages produced by the holder, in or from lawful containers, to the extent the sales or offers are allowed under the holder's primary permit.
 - The total annual production of malt beverages produced under the license **may not exceed 10,000 barrels.**
 - Malt beverages manufactured may be sold for off premise consumption in lawful **containers not exceeding ½ barrel.**
 - A restaurant may also be operated on the premises of the holder's Brewpub location.

The holder of a brewpub license may not sell an alcohol beverage to a consumer for resale.



What is a Brewpub License?

Under the Three Tier System of alcohol regulation in Texas, a Brewpub is considered a retailer.

- The holder of a Brewpub license may not directly or indirectly hold or have an interest in the following:
 - Manufacturer's license
 - Distributor's license, or
 - Any other license or permit in the manufacturing or wholesale tier.



When Can I Be Open to The Public?

Brewpub hours are the same as the primary permit hours inclusive of any Late Hours Certificate held.

Retail Dealer's On-premise (BE) may begin the sell or serves of malt beverages at 10:00 A.M. to 12:00 Midnight, Sunday.

What About After Midnight?

Your business can stay open until 2:00 A.M. every day if allowed by your local jurisdiction. If you wish to remain open during these late hours, you need to apply for a Late Hours Certificate (LH) from TABC.

What Can I Do After Closing Time?

You cannot serve or consume any alcoholic beverage 15 minutes after closing. You are responsible for ensuring this is strictly followed. You and your staff are not required to leave your bar or restaurant and can stay to clean up or do office work.



Can I Have a Tasting Event With My Brewpub License?

You may deliver malt beverages manufactured by you to a location other than your premise for the purpose of submitting the product for an evaluation at an organized tasting, competition, or review.

At the tasting, competition, or review you may:

- Dispense without charge product manufactured by you to a person attending the event for consumption on the premise of the event; and
- Discuss with the person attending the event, the manufacturing and characteristics of the malt beverages.
- You may not sell the products being sampled at the event.



Can I Purchase Malt Beverages With My Brewpub License?

Malt Beverages may be purchased from the following authorized sources:

- General Distributor's License (BB)
- Branch Distributor's License (BC)
- Brewer's License (BW) with a Self-Distribution License (SD)
- Brewpub License (BP) issued to a Wine & Malt Beverage Retailer (BG)**

**You may not purchase or acquire malt beverages from another type of retailer not listed above.

CHIPS and FLATS: Any malt beverages damaged or determined to be unfit for human consumption while in the possession of the retailer, must be destroyed by the retailer and cannot be exchanged or returned to the seller for credit or refund.

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



Can I Sell to Other Retailers With My Brewpub License?

If you are a holder of a Wine and Malt Beverage Retailer's Permit (BG), you may only sell malt beverages that are manufactured on your premises to:

- Retailers or qualified persons in the state.
- General Distributor's (BB)
- Branch Distributor's licenses (BC)

Brands sold to retailers must be registered with TABC with product registration.

The total amount of malt beverages sold under this section to retailers in this state *may not exceed 1,000 barrels annually* for each licensed brewpub location or *2,500 barrels annually* for all brew pubs operated by the same license holder.

Sales to retailers are subject to cash law.

The total amount of malt beverages sold on your premises, to other retailers (if qualified), to Texas distributors, and exported to authorized entities may not exceed the Brewpub's brewing capacity of 10,000 barrels per calendar year.



Can I Sell Product to Distributors?

The holder of a Brewpub License may sell malt beverages produced under the license to the holder of a General or Branch Distributor's license (BB, BC).

- Sales to distributors require a [territorial agreement](#) which must be filed with the commission as per Sections 74.09(b) and 102.51 of the code. A territorial agreement is between the Brewpub and the Distributor and lays out the terms of the distribution agreement to include brands to be distributed as well as the area (counties) to be serviced. Agreement must be filed with the TABC before distribution and sales begin.

Malt beverage products sold to distributors must be registered with the commission and have [label approval](#) for distribution and sale into the Texas marketplace. See next slide.



Product Registration

- When you're ready to sell your product in Texas, you **first need to apply for and receive federal approval from the Alcohol Tobacco Tax and Trade Bureau (TTB)** to get a federal Certificate of Label Approval (COLA).
- **If your product isn't eligible for a TTB COLA, you'll need to provide a copy of the product's TTB formulation with your TABC product registration application.**
 - Products not eligible to receive a TTB COLA are those that don't meet the TTB's definition of a malt beverage through formulation or wine under 7% alcohol by volume.
- Now you can register your product with TABC. Once you've received your license from us, you can submit your product registration information along with your TTB COLA or formulation and make payment through our **Alcohol Industry Management System (AIMS)**. Application fee: \$25
- TABC typically approves a completed product registration application within 30 days of submission.
- You typically only register your product with TABC once. However, certain changes to a label will require a new TTB COLA, which means you'll need to re-register with TABC. See a list of product changes that do **not** require a new TTB COLA [here](#).
- Products sold on your premises to consumers for on or off-premise consumption do not require product registration. But the license holder must label the product with its name and alcohol content.



What Other Modules Should I Take?

You have now completed the Brewpub License module. Please proceed to the following modules for additional guidance for your license.

- **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/