



# TEXAS ALCOHOLIC BEVERAGE COMMISSION

*Texans Helping Businesses & Protecting Communities*

P.O. Box 13127  
Austin, Texas 78711-3127  
(512) 206-3333  
[www.tabc.texas.gov](http://www.tabc.texas.gov)

## INDUSTRY NOTICE

March 19, 2020

**To: Restaurants that hold a Mixed Beverage Permit**

**Re: Including Alcohol with Pick-Up and Delivery Orders of Food**

TABC realizes major impacts that COVID-19 is having on the alcoholic beverage industry due to mandated business closures and event cancellations, among other things. We understand that alcohol sales are a major part of many restaurants' business and the ability to continue these sales while dine-in services are prohibited is essential to their financial survival.

Generally, restaurants that have a Mixed Beverage Permit may not sell alcohol to consumers that the consumer make take away off the retailer's premises, and may not deliver alcohol to consumers without also have a Food and Beverage Certificate (FB). However, with the approval of the Governor's Office pursuant to Governor Abbott's March 13, 2020, disaster declaration, TABC has temporarily suspended these limitations so that restaurants that hold a Mixed Beverage Permit may conduct "to-go" alcohol sales as well as alcohol deliveries to consumers.

These restaurants are hereby authorized to allow customers to pick-up food orders that include alcohol and to conduct deliveries to customers of food orders that include alcohol under the following limited conditions.

**Eligibility to Offer Consumer Pick-Up or Delivery to Consumers:** Restaurants that:

- Hold a Mixed Beverage Permit (MB) (regardless of whether they also hold a Food & Beverage (FB) Certificate),
- Have permanent food service capabilities at the premises, **and**
- Have been forced to end dine-in services by a governmental entity due to the coronavirus pandemic.

**General Authority:** Eligible restaurants may:

- Allow customers to pick up orders from the restaurant that include alcohol,
- Deliver orders that include alcohol to customers,
- Use third parties acting as an agent of the MB to make deliveries,
- Use independent contractors holding a Consumer Delivery Permit (CD) to make deliveries on their behalf.

**Pick-Up & Delivery Transactions:** person conducting transaction must be at least 21 years old.



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**Restrictions on What May Be Picked-Up or Delivered:** Eligible restaurants may allow pick-up or deliver any number of beers, ales, wines, and/or distilled spirits to their customers **ONLY** WHEN:

- Accompanied by a food order that was prepared on the business's premises;

*Note: There is no required food-to-alcohol ratio.*

- The alcohol is delivered in the original container that was sealed by the manufacturer of the beverage; **and**

*Note: MB permittees may not sell for customer pick-up or delivery any alcoholic beverage in a container that is sealed by the MB or any person other than the product manufacturer.*

- All distilled spirits are delivered in a manufacturer-sealed container that is 375 milliliters or less.

**Limits on Where Alcohol May Be Delivered:** Deliveries may only be made to a location:

- Where the sale of that type of alcohol is legal; and
- Within the county where the business is located, or up to two miles beyond the city limits in which the business is located if that city crosses a county line.

*Note: Restaurants may NOT deliver alcohol to another licensed or permitted location.*

**Requirements for Completing the Customer Pick-up or Delivery to the Customer:**

- Recipients of the delivery must not be intoxicated, and
- Recipients of the delivery must present valid proof of their identity that confirms they are at least 21 years old.

TABC stands ready to help its license and permit holders impacted by the coronavirus situation.

For additional assistance and information, affected businesses may identify and contact their local TABC Regional office or contact TABC's Austin headquarters at (512) 206-3333.