ALCOHOLIC BEVERAGE CODE

TITLE 3. LICENSES AND PERMITS

SUBTITLE A. PERMITS

CHAPTER 23. LOCAL DISTRIBUTOR'S PERMIT

Sec. 23.01. AUTHORIZED ACTIVITIES. (a) The holder of a local distributor's permit may:

(1) purchase alcoholic beverages, including malt beverages, from wholesalers and distributors authorized to sell them for resale, but may purchase only those brands available for general distribution to all local distributor's permittees;

(2) sell and distribute the alcoholic beverages, including malt beverages, to mixed beverage and private club registration permittees;

(3) sell and distribute distilled spirits to the holder of a nonprofit entity temporary event permit;

(4) rent or sell to mixed beverage and private club registration permittees any equipment, fixtures, or supplies used in the selling or dispensing of distilled spirits; and

(5) purchase and sell vintage distilled spirits as provided by Section 23.07.

(b) A local distributor's permittee may purchase liquor only from a wholesaler's or general class B wholesaler's permittee and may purchase only the types of liquor the particular wholesaler is authorized by the wholesaler's permit to sell.

Acts 1977, 65th Leg., p. 422, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Amended by Acts 1977, 65th Leg., p. 1181, ch. 453, Sec. 2, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. 1545), Sec. 90, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 91 (S.B. 1322), Sec. 4, eff. September 1, 2023.

Sec. 23.03. ELIGIBILITY FOR PERMIT. The commission or the administrator may issue a local distributor's permit only to a holder of a package store permit.

Acts 1977, 65th Leg., p. 422, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Sec. 23.04. MAY TRANSFER BEVERAGES. (a) The holder of a local distributor's permit may transfer alcoholic beverages:

(1) to any place where the sale of alcoholic beverages is legal in the city or county where the permit holder's premises are located; and

(2) to a regional airport located all or partly in an adjoining county if the airport is governed by a board, commission, or authority, some of whose members reside in the county where the local distributor's premises are located.

(b) The holder of a local distributor's permit may not transport alcoholic beverages under Subsection (a) unless:

(1) the permit holder provides the commission with a description, as required by the commission, of each motor vehicle used by the permit holder to transport alcoholic beverages; and

(2) each motor vehicle is plainly marked or lettered to indicate that it is being used by the permit holder to transport alcoholic beverages.

(c) When transporting alcoholic beverages under this section, the holder of a local distributor's permit may not violate the motor carrier laws of this state.

Acts 1977, 65th Leg., p. 422, ch. 194, Sec. 1, eff. Sept. 1, 1977.
Amended by Acts 1977, 65th Leg., p. 1181, ch. 453, Sec. 3, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1359 (H.B. 1545), Sec. 91, eff. September 1, 2021.

Sec. 23.05. SIZE OF CONTAINERS. (a) A holder of a local distributor's permit may not sell distilled spirits to the holder of a mixed beverage or private club permit in individual containers containing less than one fluid ounce.

(b) A holder of a local distributor's permit may sell to holders of mixed beverage permits distilled spirits, wine, and vinous liquor in containers containing not less than one ounce nor more than two ounces or in any other container authorized by this

code.

Acts 1977, 65th Leg., p. 423, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Sec. 23.06. SIZE OF DELIVERY. A holder of a local distributor's permit may not deliver less than two and four-tenths gallons of distilled spirits in a single delivery.

Acts 1977, 65th Leg., p. 423, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Sec. 23.07. PURCHASE AND SALE OF VINTAGE DISTILLED SPIRITS. (a) The holder of a local distributor's permit may purchase vintage distilled spirits from a vintage distilled spirits seller.

(b) A vintage distilled spirits seller may sell to the holder of a local distributor's permit, for each permitted premises, not more than 24 containers of vintage distilled spirits during any 12-month period.

(c) The holder of a local distributor's permit shall maintain a record of each purchase of vintage distilled spirits until the second anniversary of the date the vintage distilled spirits are purchased and provide the record to the commission on request. The record must include the following information:

(1) the permit holder's name, address, permit number, and phone number;

(2) the vintage distilled spirits seller's name, address, and phone number;

(3) the brand name and quantity of each vintage distilled spirits container purchased;

(4) the date of the purchase; and

(5) the number of containers of vintage distilled spirits the permit holder has previously purchased from the vintage distilled spirits seller and the dates of those purchases.

(d) A local distributor's permit holder may sell to the holder of a mixed beverage permit not more than six containers of vintage distilled spirits during any 12-month period.

(e) Any holder of a local distributor's permit who is injured in the permittee's business or property by a vintage distilled spirits seller by the sale of forged, adulterated, or counterfeit vintage distilled spirits to the permittee may

institute suit in any district court in the county in which the violation is alleged to have occurred to require enforcement by injunctive procedures and to recover triple damages plus costs of suit including reasonable attorney's fees.

Added by Acts 2023, 88th Leg., R.S., Ch. 91 (S.B. 1322), Sec. 5, eff. September 1, 2023.