

## 2013 Session: Year of the BrewPub



### SB 905 by Van de Putte **Sales to Consumers**

- Authorize distillery to sell product made on the premises direct to consumers at the distillery:
  - for on-premise consumption (up to 3,000 gallons annually); and
  - for off-premise consumption (up to 3,500 gallons annually):
    - in unbroken packages containing no more than 750 ml; and
    - no more than two 750 ml bottles or the equivalent to the same consumer in a 30-day period.

**But:**

- Distilleries are not authorized to ship or deliver to consumers.
- Consumers purchasing must be present at the distillery.
- The bottle sold “to go” must “bear a notice affixed to the bottle that” says the bottle is commemorative, states the month and year the bottle is sold, and is signed by an agent/employee of the permit holder.

**SB 515 by Eltife**  
**Brewpubs**

- Authorizes brewpubs to:
  - Produce up to 10,000 barrels annually (increased from 5,000).
  - Continue to sell to consumers at the brewpub for on- or off-premises consumption.
  - Sell their own brew to distributors or wholesalers for re-sale.

**But:**

- The brewpub holds a BG and only sells/serves their own brew at the brewpub, they can sell their own brew direct to other retailers, and to any qualified person outside this state.
- The total amount sold to Texas retailers may not exceed 1,000 barrels annually for each licensed brewpub location or 2,500 barrels annually for all brewpubs operated by the same licensee.

- The product sold directly to retailers is included in the 10,000 barrels production limit.
- Brewpubs are not authorized to transport ale. They must use Carrier Permit Holder to transport ale. Beer is legal for anyone to transport without a permit.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: 2013 Session: Year of the BrewPub

Also available as part of the eCourse

[Current Issues in Administrative Law: Agency News and TABC Spotlight](#)

First appeared as part of the conference materials for the  
13<sup>th</sup> Annual Advanced Texas Administrative Law Seminar session  
"Agency Spotlight: Texas Alcoholic Beverage Commission"