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Restaurants and Certain Bars Can Now Mix Drinks On Premise and Sell To Go

New waiver from governor provides relief for businesses struggling during pandemic

AUSTIN — Following an executive order from Gov. Greg Abbott limiting on-premise alcohol sales during the COVID-19 pandemic, the Texas Alcoholic Beverage Commission is working to inform alcoholic beverage industry members about a new initiative by the governor to help restaurants and bars with permanent food service facilities maintain revenue streams.

While new actions to contain the spread of COVID-19 limit on-premise service of alcohol, a new statutory waiver approved by the governor today allows restaurants and certain bars with a Mixed Beverage Permit to sell mixed drinks to go and for delivery. Under the waiver, these businesses may sell drinks containing distilled spirits mixed and sealed by the business itself. Previously, mixed drinks to go were prohibited under the Alcoholic Beverage Code. However, the governor's action temporarily waives that law.

"Operating during this pandemic has proved an incredible challenge for all segments of the alcoholic beverage industry," TABC Executive Director Bentley Nettles said. "Opening up the ability for these businesses to sell mixed drinks to go will help ease the burden for many of these struggling businesses."

To qualify for alcohol delivery and pickup, a business must hold a Mixed Beverage Permit and have permanent food service capabilities on the premise. Alcohol orders must also be accompanied by a food order and follow [all other requirements in TABC's Industry Notice](#).

It's a criminal offense to knowingly possess an open container in a passenger area of a motor vehicle. Prior to delivering a mixed alcoholic beverage or providing the beverage to go, it must be in a closed or sealed container. If the covering or lid on the top of the container has any holes that would provide a way to consume the beverage with the lid intact, it would constitute an illegal open container.

TABC agents will continue their efforts to ensure businesses are complying with the governor's executive orders, including those limiting on-premise alcohol service. Meanwhile, businesses with questions about the new guidelines are encouraged to contact their [local TABC office](#) or check the agency's Coronavirus Information Page at www.tabc.texas.gov/coronavirus.

For more information about the state's response to COVID-19 as well as efforts to re-open the economy, visit www.open.texas.gov.

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