



# TEXAS ALCOHOLIC BEVERAGE COMMISSION

*Texans Helping Businesses & Protecting Communities*

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## **Temporary Modification of Licensed Premises Updated July 22, 2020**

**COVID-19 Note:** *Filling out a Temporary Modification of Licensed Premises (TMLP) form does not allow a business to circumvent Executive Order GA-28. While altering the boundaries of a designated premises modifies where alcohol may lawfully be sold and served at an establishment, it will not change how the establishment is classified under Executive Order GA-28. The executive order determines whether an establishment that holds a TABC license or permit may allow customers on-site during the COVID-19 disaster.*

**Example:** *If a restaurant, bar, or similar establishment (including a tasting room at a brewery, distillery, or winery) has alcohol sales that are 51% or more of its total sales, it is classified as a bar and may not allow customers on-site under Executive Order GA-28. If the business submits a TMLP form to un-license certain areas of the bar or premises, such as a backyard or patio, this does not change the business's status as a bar under the executive order. While these businesses may still conduct alcohol sales for customer pickup and delivery (if they are authorized to do so under the law), customers cannot pick up their orders and consume them at the establishment — regardless of whether certain parts of the establishment are no longer considered part of the licensed premises as a result of submitting a TMLP. If a bar allows customers to congregate and consume alcoholic beverages in an area of the establishment that is not covered by a TABC license or permit, this still violates Executive Order GA-28's prohibition on customers visiting the business.*

*The updated text of this guidance starts below.*

Retail and manufacturing businesses can temporarily modify their current licensed premises to expand the area it covers. Doing so will adjust where a business can conduct licensed/permitted activities, such as selling and serving alcoholic beverages.

To start the process, read the instructions below to determine if you are eligible. After that, you may contact TABC to obtain [TABC Form L-TMLP](#).

**Note:** For a permanent change, you must submit form L-LRC or L-LRW to your local TABC office.

## Is Your Property Eligible?

- **Areas must be part of the current property or adjacent to it.** Areas that may qualify as part of the premises are the grounds and all buildings and appurtenances pertaining to the grounds (e.g., outdoor areas), including adjacent premises if they are directly or indirectly under the license/permit holder's control and at their TABC-recognized address. See Texas Alcoholic Beverage Code § 11.49.
- **Permission from the property owner is required.** In order to expand the licensed premises to cover an additional area, the business must obtain and provide proof of approval from the property owner.
- **Non-adjacent property is not eligible.** A business may not extend the boundaries of its current premises to include a non-adjacent space or a space located at an address other than the current TABC-recognized address of the business. If a business wants to extend its area of service to property that is **not adjacent** to the property currently covered by the business's license or permit, you can apply for a catering certificate or other temporary license/permit by visiting [tabc.texas.gov/forms/licensing.asp](http://tabc.texas.gov/forms/licensing.asp).

## Impact of Amending the Licensed Premises

- By amending the boundaries of a licensed premises, a business will have the benefit of conducting all privileges granted under the license/permit in the newly added space — such as alcohol sales and service.
- The business assumes responsibility over the newly added area and must control all areas designated as a part of the licensed/permitted premises (See Texas Alcoholic Beverage Code § 109.53). If an open outdoor area is added to your premises, TABC recommends roping off the new area or creating some visible barrier to separate it from property that is not part of the premises.
- A business may be held administratively, civilly and criminally liable for conduct that occurs within the newly designated area.

## Instructions for Obtaining, Completing and Submitting the Form

- [Contact your local TABC office](#) to discuss your eligibility and obtain the Temporary Modification of Licensed Premises (TMLP) form.
- **Complete the TMLP form** provided by your local TABC office. You may print and physically or electronically sign the form. The signature must be witnessed by a notary public, and the seal must be affixed to the form.

**COVID-19 Note:** If modification is related to COVID-19 purposes:

- You do **not** have to provide the property owner's signature in Question 6B.

- You do **not** have to provide a beginning and ending date and time (Questions 7-10). Your amended premises designation will remain in effect until a subsequent TMLP form is submitted to TABC.
- You do **not** have to get notary or TABC supervisor approval.
- **Submit to TABC by email** the completed Temporary Modification of Licensed Premises Form. Find the email for your local TABC office at the end of this guidance.  
**COVID-19 Note:** If modification is related to COVID-19, enter “COVID Premises Modification” in the subject line of the email.
- **Allow ample time for TABC to process your form** before you begin using any of the additional space that you have designated in the form. Upon approval, TABC will provide you with a Notification of Approved Temporary Modification of Licensed Premises, which must be displayed next to your license/permit.
- You must **maintain a copy of the new modified diagram at your premises**. It is the license/permit holder’s responsibility to verify and adhere to all state and local laws and ordinances.

### **TABC Regional Office Email Addresses**

- Region 1: [AbileneCatering@tabc.texas.gov](mailto:AbileneCatering@tabc.texas.gov)
- Region 1: [AmarilloCatering@tabc.texas.gov](mailto:AmarilloCatering@tabc.texas.gov)
- Region 1: [ElPasoCatering@tabc.texas.gov](mailto:ElPasoCatering@tabc.texas.gov)
- Region 1: [LubbockCatering@tabc.texas.gov](mailto:LubbockCatering@tabc.texas.gov)
- Region 1: [OdessaCatering@tabc.texas.gov](mailto:OdessaCatering@tabc.texas.gov)
- Region 2: [CateringArlingtonRegion@tabc.texas.gov](mailto:CateringArlingtonRegion@tabc.texas.gov)
- Region 3: [CateringHoustonRegion@tabc.texas.gov](mailto:CateringHoustonRegion@tabc.texas.gov)
- Region 4: [CateringAustinRegion@tabc.texas.gov](mailto:CateringAustinRegion@tabc.texas.gov)
- Region 5: [CateringSanAntonioRegion@tabc.texas.gov](mailto:CateringSanAntonioRegion@tabc.texas.gov)