

By: Ortega

H.B. No. 170

A BILL TO BE ENTITLED

AN ACT

relating to the hours for public consumption of alcoholic beverages.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 105.06(a), Alcoholic Beverage Code, is amended by amending Subdivision (2) and adding Subdivision (3) to read as follows:

(2) "Public place" means a place to which the public or a substantial group of the public has access and includes:

(A) a licensed or permitted premises; and

(B) a street, highway, or park or a common area of a school, hospital, apartment, office building, transportation facility, shop, restaurant, or nightclub.

(3) "Standard hours area" means an area which is not an extended hours area.

SECTION 2. Sections 105.06(a-1), (b), and (c), Alcoholic Beverage Code, are amended to read as follows:

(a-1) For the purposes of this section, the prohibition on the consumption of alcoholic beverages during certain hours in a public place applies to all public places regardless of whether the public place is a licensed or permitted premises [~~is a public place~~].

(b) In a standard hours area, a person commits an offense if the person [~~he~~] consumes or possesses with intent to consume an

1 alcoholic beverage in a public place at any time on Sunday between  
2 1:15 a.m. and 12 noon or on any other day between 12:15 a.m. and 7  
3 a.m.

4 (c) In an extended hours area, a person commits an offense  
5 if the person [~~he~~] consumes or possesses with intent to consume an  
6 alcoholic beverage in a public place at any time on Sunday between  
7 2:15 a.m. and 12 noon and on any other day between 2:15 a.m. and 7  
8 a.m.

9 SECTION 3. (a) Section 105.06, Alcoholic Beverage Code, as  
10 amended by this Act, applies only to an offense committed on or  
11 after the effective date of this Act. For the purposes of this  
12 section, an offense is committed before the effective date of this  
13 Act if any element of the offense occurs before that date.

14 (b) An offense committed before the effective date of this  
15 Act is covered by the law in effect immediately before the effective  
16 date of this Act, and that law is continued in effect for that  
17 purpose.

18 SECTION 4. This Act takes effect September 1, 2021.