

By: Shaheen

H.B. No. 3240

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the cancellation or suspension of a permit because the  
3 permittee facilitated a sexual performance in the presence of  
4 children.

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

6 SECTION 1. Section 11.61(b), Alcoholic Beverage Code, is  
7 amended to read as follows:

8 (b) The commission or administrator may suspend for not more  
9 than 60 days or cancel an original or renewal permit if it is found,  
10 after notice and hearing, that any of the following is true:

11 (1) the permittee has been finally convicted of a  
12 violation of this code;

13 (2) the permittee violated a provision of this code or  
14 a rule of the commission;

15 (3) the permittee was finally convicted of a felony  
16 while holding an original or renewal permit;

17 (4) the permittee made a false or misleading statement  
18 in connection with the permittee's original or renewal application,  
19 either in the formal application itself or in any other written  
20 instrument relating to the application submitted to the commission,  
21 its officers, or employees;

22 (5) the permittee is indebted to the state for taxes,  
23 fees, or payment of penalties imposed by this code, by a rule of the  
24 commission, or by Chapter 183, Tax Code;

1           (6) the permittee is not of good moral character or the  
2 permittee's reputation for being a peaceable and law-abiding  
3 citizen in the community where the permittee resides is bad;

4           (7) the place or manner in which the permittee  
5 conducts the permittee's business warrants the cancellation or  
6 suspension of the permit based on the general welfare, health,  
7 peace, morals, and safety of the people and on the public sense of  
8 decency;

9           (8) the permittee is not maintaining an acceptable  
10 bond;

11           (9) the permittee maintains a noisy, lewd, disorderly,  
12 or unsanitary establishment or has supplied impure or otherwise  
13 deleterious beverages;

14           (10) the permittee is insolvent or has developed an  
15 incapacity that prevents or could prevent the permittee from  
16 carrying on the management of the permittee's establishment with  
17 reasonable skill, competence, and safety to the public;

18           (11) the permittee is in the habit of using alcoholic  
19 beverages to excess;

20           (12) the permittee knowingly misrepresented to a  
21 customer or the public any liquor sold by the permittee;

22           (13) the permittee was intoxicated on the licensed  
23 premises;

24           (14) the permittee sold or delivered an alcoholic  
25 beverage to an intoxicated person;

26           (15) the permittee possessed on the licensed premises  
27 an alcoholic beverage that the permittee was not authorized under

1 the permit to purchase and sell;

2 (16) a package store or wine only package store  
3 permittee transported or shipped liquor, or caused it to be  
4 transported or shipped, into a dry state or a dry area within this  
5 state;

6 (17) the permittee is residentially domiciled with a  
7 person who has a financial interest in an establishment engaged in  
8 the business of selling malt beverages at retail, other than a mixed  
9 beverage establishment, except as authorized by Section 22.06,  
10 24.05, or 102.05;

11 (18) the permittee is residentially domiciled with a  
12 person whose permit or license was cancelled for cause within the  
13 12-month period preceding the permittee's own application;

14 (19) the permittee is not a citizen of the United  
15 States or has not been a citizen of Texas for a period of one year  
16 immediately preceding the filing of the permittee's application,  
17 unless the permittee was issued an original or renewal permit on or  
18 before September 1, 1948, and has been a United States citizen at  
19 some time;

20 (20) the permittee permitted a person to open a  
21 container of alcoholic beverage or possess an open container of  
22 alcoholic beverage on the licensed premises unless a mixed beverage  
23 permit has been issued for the premises;

24 (21) the permittee failed to promptly report to the  
25 commission a breach of the peace occurring on the permittee's  
26 licensed premises;

27 (22) the permittee consumed an alcoholic beverage or

1 permitted one to be consumed on the licensed premises at a time when  
2 the consumption of alcoholic beverages is prohibited by this code;  
3 [~~or~~]

4 (23) the permittee sold, served, or delivered an  
5 alcoholic beverage at a time when its sale is prohibited; or

6 (24) the permittee facilitated a performance in which  
7 a performer, in the presence of an individual under the age of 18:

8 (A) danced in a lewd manner that:

9 (i) depicted the exhibition of the genitals  
10 or pubic area of an unclothed, partially clothed, or clothed  
11 individual with the intent of appealing to the prurient interest in  
12 sex; and

13 (ii) had no serious literary, artistic,  
14 political, or scientific value; or

15 (B) exhibited sexual gesticulations using  
16 accessories or prosthetics that exaggerate male or female primary  
17 or secondary sexual characteristics.

18 SECTION 2. This Act takes effect September 1, 2023.