

By: Miles

S.B. No. 191

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the possession or consumption of alcoholic beverages on the premises of certain sexually oriented businesses; creating a criminal offense; providing a criminal penalty.

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

SECTION 1. The heading to Chapter 105, Alcoholic Beverage Code, is amended to read as follows:

CHAPTER 105. ~~[HOURS OF]~~ SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES; HOURS AND OTHER RESTRICTIONS

SECTION 2. Chapter 105, Alcoholic Beverage Code, is amended by adding Section 105.092 to read as follows:

Sec. 105.092. CONSUMPTION AT CERTAIN SEXUALLY ORIENTED BUSINESSES PROHIBITED. (a) In this section:

(1) "Nude" means:

(A) entirely unclothed; or

(B) clothed in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of the breasts below the top of the areola of the breasts, if the person is female, or any portion of the genitals or buttocks.

(2) "Sexually oriented business" means a nightclub, bar, restaurant, or similar commercial enterprise that provides for an audience of two or more individuals live nude entertainment or live nude performances.

(b) A person who operates a sexually oriented business that

1 does not hold a permit or license under this code may not allow a
2 person to:

3 (1) consume alcoholic beverages on the business's
4 premises; or

5 (2) bring alcoholic beverages onto or possess
6 alcoholic beverages on the business's premises for the purpose of
7 consumption by the person on the premises.

8 (c) A person described by Subsection (b) or that person's
9 agent commits an offense if the person or that person's agent allows
10 a person to:

11 (1) consume alcoholic beverages on the business's
12 premises; or

13 (2) bring alcoholic beverages onto or possess
14 alcoholic beverages on the business's premises for the purpose of
15 consumption by the person on the premises.

16 (d) A first offense under this section is a Class A
17 misdemeanor.

18 (e) If it is shown on the trial of an offense under this
19 section that the person has previously been finally convicted of
20 one offense under this section, on conviction the person shall be
21 punished for a state jail felony.

22 (f) If it is shown on the trial of an offense under this
23 section that the person has previously been finally convicted of
24 two or more offenses under this section, on conviction the person
25 shall be punished for a third degree felony.

26 SECTION 3. This Act takes effect September 1, 2023.