

By: Miles

S.B. No. 192

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to standing to protest certain alcoholic beverage permit  
3 and license applications.

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

5 SECTION 1. Section 11.431(a), Alcoholic Beverage Code, is  
6 amended to read as follows:

7 (a) A member of the public may protest an application for:

8 (1) an original mixed beverage permit, private club  
9 registration permit, or wine and malt beverage retailer's permit if  
10 a sexually oriented business is to be operated on the premises to be  
11 covered by the permit;

12 (2) any renewal of a mixed beverage permit, private  
13 club registration permit, or wine and malt beverage retailer's  
14 permit if a sexually oriented business is to be operated on the  
15 premises to be covered by the permit and a petition is presented to  
16 the commission requesting a hearing which is signed by 50 percent of  
17 the residents who reside within 1,000 [~~300~~] feet of any property  
18 line of the affected premises;

19 (3) a private club registration permit or a permit  
20 authorizing the retail sale of alcoholic beverages for on-premises  
21 consumption if the person resides within 300 feet of any property  
22 line of the premises for which the permit is sought; and

23 (4) a mixed beverage permit or a wine and malt beverage  
24 retailer's permit in a municipality with a population of 1,500,000

1 or more if:

2 (A) any point of the property line of the premise  
3 is less than 300 feet from the nearest point on a property line of a  
4 residence, church, school, hospital, day-care facility, or social  
5 service facility, as measured in a straight line; and

6 (B) 75 percent or more of the permittee's actual  
7 or anticipated gross revenue is from the sale of alcoholic  
8 beverages.

9 SECTION 2. Section 61.313(a), Alcoholic Beverage Code, is  
10 amended to read as follows:

11 (a) A member of the public may protest an application for:

12 (1) an original retail dealer's on-premise license if  
13 a sexually oriented business is to be operated on the premises to be  
14 covered by the license;

15 (2) any renewal of a retail dealer's on-premise  
16 license if a sexually oriented business is to be operated on the  
17 premises to be covered by the license and a petition is presented to  
18 the commission that is signed by 50 percent of the residents who  
19 reside within 1,000 [~~300~~] feet of any property line of the affected  
20 premises; or

21 (3) a license authorizing the retail sale of malt  
22 beverages for on-premises consumption if the person resides within  
23 300 feet of any property line of the premises for which the license  
24 is sought.

25 SECTION 3. The changes in law made by this Act apply to an  
26 application for an alcoholic beverage permit or license filed on or  
27 after the effective date of this Act or pending on the effective

1 date of this Act.

2           SECTION 4. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2023.