

By: Chisum

H.B. No. 81

A BILL TO BE ENTITLED

AN ACT

relating to the possession of alcoholic beverages on the premises of certain sexually oriented businesses; providing a penalty.

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

SECTION 1. Subchapter D, Chapter 101, Alcoholic Beverage Code, is amended by adding Section 101.76 to read as follows:

Sec. 101.76. POSSESSION OF ALCOHOLIC BEVERAGES PROHIBITED ON PREMISES OF CERTAIN SEXUALLY ORIENTED BUSINESSES. (a) In this section:

(1) "Massage establishment" has the meaning assigned by Section 455.001, Occupations Code.

(2) "Nude" means a person who is:

(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.

(3) "Open container" means a bottle, can, or other receptacle that contains any amount of alcoholic beverage and that is open, that has been opened, that has a broken seal, or the contents of which are partially removed.

(4) "Sexually oriented commercial activity" means a massage establishment, nude studio, modeling studio, love parlor, or other similar commercial enterprise the primary business of

1 which is the offering of a service that is intended to provide  
2 sexual stimulation or sexual gratification to the customer.

3 (b) A person commits an offense if the person knowingly  
4 possesses an open container of an alcoholic beverage on the  
5 premises of:

6 (1) a sexually oriented commercial activity; or

7 (2) a business that permits, requests, or requires a  
8 person to work in the nude.

9 (c) An offense under this section is a Class C misdemeanor.

10 SECTION 2. This Act takes effect September 1, 2005.