

BILL ANALYSIS

H.B. 671
By: Lewis
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides that prior to obtaining an alcohol license permit of any kind from the Texas Alcoholic Beverage Commission, an establishment must have both male and female restrooms. Some specialty restaurants who serve a small select clientele have one restroom only and cannot serve alcohol with their meals.

This bill changes that requirement to allow these small restaurants who have one clearly identified restroom on the premises, as long as the sale of alcohol in the restaurant is less than 50 percent of their gross revenue from the sale of alcohol, is 2,500 square feet or less, and has an occupancy rating of 50 persons or less.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1 amends Section 61.43(a), of the Alcoholic Beverage Code to: (a) allow a county judge to approve an application for a alcohol beverage license to a distributor or retailer if: Subsection (8)(B) the premises is a restaurant that derives less than 50 percent of its gross revenue from the sale of alcohol, is 2,500 square feet or less, has an maximum occupancy rating of 50, and has at least one properly identified toilet.

SECTION 2 amends Section 61.71(a), of the Alcoholic Beverage Code to: (a) prevent a commission or administrator to suspend a retail dealer's license if: Subsection (10)(B) the premises is a restaurant that derives less than 50 percent of its gross revenue from the sale of alcohol, is 2,500 square feet or less, has a maximum occupancy rating of 50, and has at least one properly identified toilet.

SECTION 3 authorizes that this bill only applies to a refusal, suspension or cancellation of a alcohol license permit on or after the effective date of this Act. Any refusal, suspension or cancellation that was in effect before the effective date of this Act is governed by the law that was previously in effect.

EFFECTIVE DATE

September 1, 2003.