

By: Farrar

H.B. No. 142

A BILL TO BE ENTITLED

AN ACT

relating to the location of certain wine and beer retailers.

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

SECTION 1. Subchapter C, Chapter 109, Alcoholic Beverage Code, is amended by adding Section 109.332 to read as follows:

Sec. 109.332. CERTAIN BEER AND WINE RETAILERS: SALES NEAR CERTAIN YOUTH-ORIENTED FACILITIES. (a) This section applies only to the holder of a beer and wine retailer's permit for premises located in a municipality:

(1) with a population of 1.5 million or more; and

(2) that has not adopted zoning regulations or a comprehensive zoning ordinance under Subchapter A, Chapter 211, Local Government Code.

(b) Except as provided by this subsection, the provisions of Section 109.33 relating to the location of a permitted premises with respect to a public school also apply to the location of a beer and wine retailer's premises with respect to a playground, video arcade facility, or public or private youth center, as those terms are defined by Section 481.134, Health and Safety Code, or a public swimming pool. Sections 109.33(a)(2) and (c) do not apply to the location of a beer and wine retailer's premises with respect to the other premises listed in this subsection.

SECTION 2. (a) The change in law made by this Act applies only to an application for an original or renewal wine and beer

1 retailer's permit that is filed or pending on or after the effective
2 date of this Act.

3 (b) An application for an original or renewal wine and beer
4 retailer's permit that is filed and approved before the effective
5 date of this Act is governed by the law in effect immediately before
6 that date, and that law is continued in effect for that purpose.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.