

## **BILL ANALYSIS**

Senate Research Center  
81R22199 MCK-D

C.S.S.B. 2341  
By: Averitt  
Business & Commerce  
4/14/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

This bill amends the Alcoholic Beverage Code to apply to a mixed beverage permit holder and the holder of a caterer's permit, whose premises are located in a municipality that has a population of less than 15,000, is located in a county with a population of less than 65,000, and contains a historic preservation district that borders a lake. This amendment would permit a patron to leave the permitted premises located on property owned by a municipality that contains a municipally owned conference center and that borders a lake, with an alcoholic beverage if the beverage is in an open container and appears to be possessed for present consumption, and the public consumption of alcoholic beverages is not prohibited in that area. This does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle.

C.S.S.B. 2341 amends current law relating to authorizing individuals to leave certain permitted premises and other areas with alcoholic beverages.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 28, Alcoholic Beverage Code, by adding Section 28.101, as follows:

Sec. 28.101. PUBLIC CONSUMPTION. (a) Provides that this section applies only to a mixed beverage permit holder whose premises are located in a municipality that has a population of less than 15,000, is located in a county with a population of less than 65,000, and contains a history preservation district that borders a lake.

(b) Authorizes the holder of a mixed beverage permit, notwithstanding Section 28.10 (Consumption Restricted to Premises; Exceptions) or any other law, whose permitted premises are located on property owned by a municipality that contains a municipally owned conference center and that borders a lake to permit a patron to leave the permitted premises, even though the patron possesses an alcoholic beverage, if the beverage is in an open container and appears to be possessed for present consumption and the public consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is not prohibited on the municipally owned property where the permitted premises are located.

(c) Provides that this section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031 (Possession of Alcoholic Beverage in Motor Vehicle), Penal Code.

SECTION 2. Amends Chapter 31, Alcoholic Beverage Code, by adding Section 31.06, as follows:

Sec. 31.06. PUBLIC CONSUMPTION. (a) Provides that this section applies only to the holder of a caterer's permit operating under the permit in an area in a municipality that has a population of less than 15,000, is located in a county with a population of less than 65,000, and contains a historic preservation district that borders a lake.

(b) Authorizes the holder of a caterer's permit, notwithstanding any other law, operating under the permit in an area located on property owned by a municipality that contains a municipally owned conference center and that borders a lake to permit a patron to leave the area, even though the patron possesses an alcoholic beverage, if the beverage is in an open container and appears to be possessed for present consumption and the public consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is not prohibited on the municipally owned property where the area is located.

(c) Provides that this section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031, Penal Code.

SECTION 3. Effective date: September 1, 2009.