

AN ACT

relating to the sale and consumption of alcoholic beverages.

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

SECTION 1. Chapter 28, Alcoholic Beverage Code, is amended by adding Section 28.101 to read as follows:

Sec. 28.101. PUBLIC CONSUMPTION. (a) This section applies only to a mixed beverage permit holder whose premises are located in a municipality that:

(1) has a population of less than 15,000;

(2) is located in a county with a population of less than 65,000; and

(3) contains a historic preservation district that borders a lake.

(b) Notwithstanding Section 28.10 or any other law, the holder of a mixed beverage permit whose permitted premises are located on property owned by a municipality that contains a municipally owned conference center and that borders a lake may permit a patron to leave the permitted premises, even though the patron possesses an alcoholic beverage, if:

(1) the beverage is in an open container and appears to be possessed for present consumption; and

(2) 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

1 premises are located.

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

5 SECTION 2. Chapter 31, Alcoholic Beverage Code, is amended
6 by adding Section 31.06 to read as follows:

7 Sec. 31.06. PUBLIC CONSUMPTION. (a) This section applies
8 only to the holder of a caterer's permit operating under the permit
9 in an area in a municipality that:

10 (1) has a population of less than 15,000;

11 (2) is located in a county with a population of less
12 than 65,000; and

13 (3) contains a historic preservation district that
14 borders a lake.

15 (b) Notwithstanding any other law, the holder of a caterer's
16 permit operating under the permit in an area located on property
17 owned by a municipality that contains a municipally owned
18 conference center and that borders a lake may permit a patron to
19 leave the area, even though the patron possesses an alcoholic
20 beverage, if:

21 (1) the beverage is in an open container and appears to
22 be possessed for present consumption; and

23 (2) the public consumption of alcoholic beverages or
24 possession of an open container of an alcoholic beverage is not
25 prohibited on the municipally owned property where the area is
26 located.

27 (c) This section does not affect the prohibition against

1 possessing an open container in a passenger area of a motor vehicle
2 under Section 49.031, Penal Code.

3 SECTION 3. Section 501.035(c), Election Code, is amended to
4 read as follows:

5 (c) In an area where the sale of any type or classification
6 of [all] alcoholic beverages [~~including mixed beverages~~] has been
7 legalized, the ballot for a prohibitory election shall be prepared
8 to permit voting for or against the one of the following issues that
9 applies:

10 (1) "The legal sale of beer for off-premise
11 consumption only."

12 (2) "The legal sale of beer."

13 (3) "The legal sale of beer and wine for off-premise
14 consumption only."

15 (4) "The legal sale of beer and wine."

16 (5) "The legal sale of all alcoholic beverages for
17 off-premise consumption only."

18 (6) "The legal sale of all alcoholic beverages except
19 mixed beverages."

20 (7) "The legal sale of all alcoholic beverages
21 including mixed beverages."

22 (8) "The legal sale of mixed beverages."

23 (9) "The legal sale of mixed beverages in restaurants
24 by food and beverage certificate holders only."

25 (10) "The legal sale of wine on the premises of a
26 holder of a winery permit."

27 SECTION 4. Sections 501.035(d), (e), and (f), Election

H.B. No. 4498

1 Code, are repealed.

2 SECTION 5. This Act takes effect September 1, 2009.

H.B. No. 4498

President of the Senate

Speaker of the House

I certify that H.B. No. 4498 was passed by the House on April 22, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 4498 on May 23, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 4498 on May 30, 2009, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 4498

I certify that H.B. No. 4498 was passed by the Senate, with amendments, on May 19, 2009, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 4498 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor