

By: Carona

S.B. No. 1308

A BILL TO BE ENTITLED

AN ACT

relating to the on-premises consumption of certain alcoholic beverages; providing a penalty.

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

SECTION 1. Subtitle A, Title 3, Alcoholic Beverage Code, is amended by adding Chapter 56 to read as follows:

CHAPTER 56. ON-PREMISES CONSUMPTION ONLY PERMIT

Sec. 56.01. AUTHORIZED ACTIVITIES. The holder of an on-premises consumption only permit may allow a person to bring alcoholic beverages onto the permitted premises for consumption by the person on the permitted premises.

Sec. 56.02. CERTAIN PREMISES INELIGIBLE FOR PERMIT. An on-premises consumption only permit may not be issued for a premises covered by a mixed beverage permit or a private club registration permit.

Sec. 56.03. FEE. The annual state fee for an on-premises consumption only permit is \$500.

Sec. 56.04. BREACH OF PEACE. The commission or administrator may suspend or cancel an on-premises consumption only permit after giving the holder notice and the opportunity to show compliance with the requirements of law for the retention of the permit if the commission or administrator finds that:

(1) a breach of the peace has occurred on the premises covered by the permit or on a premises under the holder's control;

1 and

2 (2) the breach of the peace resulted from the holder's  
3 improper supervision of a person who was allowed on the premises  
4 covered by the permit or the premises under the holder's control.

5 SECTION 2. Subchapter D, Chapter 101, Alcoholic Beverage  
6 Code, is amended by adding Section 101.76 to read as follows:

7 Sec. 101.76. ON-PREMISES CONSUMPTION ONLY PERMIT REQUIRED.

8 (a) The owner of a commercial establishment that charges customers  
9 a fee to be admitted to the establishment, including a fee under  
10 Section 47.052, Business & Commerce Code, commits an offense if the  
11 owner of the commercial establishment:

12 (1) allows a person to bring alcoholic beverages onto  
13 the establishment's premises for consumption on the establishment's  
14 premises; and

15 (2) does not hold an on-premises consumption only  
16 permit under Chapter 56.

17 (b) An offense under this section is a Class C misdemeanor,  
18 except that the offense is a:

19 (1) Class B misdemeanor if it is shown on the trial of  
20 the offense that the person has previously been convicted of an  
21 offense under this section one time; or

22 (2) Class A misdemeanor if it is shown on the trial of  
23 the offense that the person has previously been convicted of an  
24 offense under this section two or more times.

25 SECTION 3. On or before November 1, 2009, the Alcoholic  
26 Beverage Commission shall adopt all rules necessary to implement  
27 Chapter 56, Alcoholic Beverage Code, as added by this Act.

1           SECTION 4. (a) Except as provided by Subsection (b) of this  
2 section, this Act takes effect September 1, 2009.

3           (b) Section 101.76, Alcoholic Beverage Code, as added by  
4 this Act, takes effect January 1, 2010.