

By: Averitt

S.B. No. 2341

A BILL TO BE ENTITLED

AN ACT

relating to authorizing individuals to leave certain permitted premises and other areas with 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 10,000;

(2) is located in a county with a population of less than 50,000; 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 in a historic preservation district or a historic compatibility district adjacent to a historic preservation district 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

1 prohibited in the historic preservation district or historic
2 compatibility district where the permitted premises are located.

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

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

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

- 11 (1) has a population of less than 10,000;
- 12 (2) is located in a county with a population of less
13 than 50,000; and
- 14 (3) contains a historic preservation district that
15 borders a lake.

16 (b) Notwithstanding any other law, the holder of a caterer's
17 permit operating under the permit in an area located in a historic
18 preservation district or a historic compatibility district
19 adjacent to a historic preservation district may permit a patron to
20 leave the area, even though the patron possesses an alcoholic
21 beverage, if:

- 22 (1) the beverage is in an open container and appears to
23 be possessed for present consumption; and
- 24 (2) the public consumption of alcoholic beverages or
25 possession of an open container of an alcoholic beverage is not
26 prohibited in the historic preservation district or historic
27 compatibility district where the area is located.

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

4 SECTION 3. This Act takes effect September 1, 2009.