

1-1 By: Averitt S.B. No. 2341
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 16, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 16, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2341 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to authorizing individuals to leave certain permitted
1-11 premises and other areas with alcoholic beverages.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 28, Alcoholic Beverage Code, is amended
1-14 by adding Section 28.101 to read as follows:

1-15 Sec. 28.101. PUBLIC CONSUMPTION. (a) This section applies
1-16 only to a mixed beverage permit holder whose premises are located in
1-17 a municipality that:

1-18 (1) has a population of less than 15,000;

1-19 (2) is located in a county with a population of less
1-20 than 65,000; and

1-21 (3) contains a historic preservation district that
1-22 borders a lake.

1-23 (b) Notwithstanding Section 28.10 or any other law, the
1-24 holder of a mixed beverage permit whose permitted premises are
1-25 located on property owned by a municipality that contains a
1-26 municipally owned conference center and that borders a lake may
1-27 permit a patron to leave the permitted premises, even though the
1-28 patron possesses an alcoholic beverage, if:

1-29 (1) the beverage is in an open container and appears to
1-30 be possessed for present consumption; and

1-31 (2) the public consumption of alcoholic beverages or
1-32 possession of an open container of an alcoholic beverage is not
1-33 prohibited on the municipally owned property where the permitted
1-34 premises are located.

1-35 (c) This section does not affect the prohibition against
1-36 possessing an open container in a passenger area of a motor vehicle
1-37 under Section 49.031, Penal Code.

1-38 SECTION 2. Chapter 31, Alcoholic Beverage Code, is amended
1-39 by adding Section 31.06 to read as follows:

1-40 Sec. 31.06. PUBLIC CONSUMPTION. (a) This section applies
1-41 only to the holder of a caterer's permit operating under the permit
1-42 in an area in a municipality that:

1-43 (1) has a population of less than 15,000;

1-44 (2) is located in a county with a population of less
1-45 than 65,000; and

1-46 (3) contains a historic preservation district that
1-47 borders a lake.

1-48 (b) Notwithstanding any other law, the holder of a caterer's
1-49 permit operating under the permit in an area located on property
1-50 owned by a municipality that contains a municipally owned
1-51 conference center and that borders a lake may permit a patron to
1-52 leave the area, even though the patron possesses an alcoholic
1-53 beverage, if:

1-54 (1) the beverage is in an open container and appears to
1-55 be possessed for present consumption; and

1-56 (2) the public consumption of alcoholic beverages or
1-57 possession of an open container of an alcoholic beverage is not
1-58 prohibited on the municipally owned property where the area is
1-59 located.

1-60 (c) This section does not affect the prohibition against
1-61 possessing an open container in a passenger area of a motor vehicle
1-62 under Section 49.031, Penal Code.

1-63 SECTION 3. This Act takes effect September 1, 2009.

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