

By: Quintanilla

H.B. No. 406

A BILL TO BE ENTITLED

AN ACT

relating to local regulation of the possession and consumption of alcoholic beverages on certain formerly licensed or permitted premises.

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

SECTION 1. Subchapter C, Chapter 109, Alcoholic Beverage Code, is amended by adding Section 109.37 to read as follows:

Sec. 109.37. POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON CERTAIN PREVIOUSLY LICENSED OR PERMITTED PREMISES. The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the possession or consumption of an alcoholic beverage at a location that was previously licensed or permitted to sell alcoholic beverages for on-premises consumption if the commissioners court or governing board determines the license or permit was canceled or not renewed because of ongoing criminal activity on the licensed or permitted premises that threatened the public health, safety, or welfare.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2011.