

By: Menendez

H.B. No. 34

A BILL TO BE ENTITLED

AN ACT

relating to the consumption of alcoholic beverages on certain premises; 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:

(1) consume alcoholic beverages on the permitted premises; and

(2) bring alcoholic beverages onto or possess alcoholic beverages on the permitted premises for the purpose of consumption by the person on the permitted premises.

Sec. 56.02. ON-PREMISES CONSUMPTION ONLY PERMIT REQUIRED.

A person is required to obtain a permit under this chapter if the person:

(1) operates a commercial establishment described by Section 243.002, Local Government Code, other than an establishment exempt from regulation under Chapter 243, Local Government Code;

(2) allows persons to:

(A) consume alcoholic beverages on the establishment's premises; or

(B) bring alcoholic beverages onto or possess

1 alcoholic beverages on the establishment's premises for the purpose  
2 of consumption on the establishment's premises; and

3 (3) is not covered by or required to be covered by a  
4 license or permit under this code authorizing the sale or service of  
5 alcoholic beverages.

6 Sec. 56.03. FEE. The annual state fee for an on-premises  
7 consumption only permit is \$3,000.

8 Sec. 56.04. PUBLIC PLACE. A commercial establishment that  
9 is required to hold a permit under this chapter is a public place.

10 Sec. 56.05. PENALTY. (a) A person who operates a  
11 commercial establishment or that person's agent commits an offense  
12 if:

13 (1) the person or that person's agent allows a person  
14 to:

15 (A) consume alcoholic beverages on the  
16 establishment's premises; or

17 (B) bring alcoholic beverages onto or possess  
18 alcoholic beverages on the establishment's premises for the purpose  
19 of consumption on the establishment's premises;

20 (2) the establishment is required to be covered by an  
21 on-premises consumption only permit under this chapter; and

22 (3) the establishment is not covered by an on-premises  
23 consumption only permit under this chapter.

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

26 (1) Class B misdemeanor if it is shown on the trial of  
27 the offense that the person has previously been convicted of an

1 offense under this section one time; or

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

5 SECTION 2. On or before November 1, 2013, the Texas  
6 Alcoholic Beverage Commission shall adopt all rules necessary to  
7 implement Chapter 56, Alcoholic Beverage Code, as added by this  
8 Act.

9 SECTION 3. (a) Except as provided by Subsection (b) of this  
10 section, this Act takes effect September 1, 2013.

11 (b) Section 56.05, Alcoholic Beverage Code, as added by this  
12 Act, takes effect January 1, 2014.