

By: Perry, et al.
(Goldman)

S.B. No. 341

A BILL TO BE ENTITLED

AN ACT

relating to the consequences of the possession of illegal synthetic cannabinoids on a holder of or applicant for certain alcoholic beverage licenses and liability of a person who provides, sells, or serves a synthetic cannabinoid to another person.

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

SECTION 1. Section 69.06, Alcoholic Beverage Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) The county judge shall deny an original application for a retail dealer's on-premise license if the county judge ~~he~~ finds that the applicant or the applicant's spouse, during the five years immediately preceding the application, was finally convicted of a felony or one of the following offenses:

- (1) prostitution;
- (2) a vagrancy offense involving moral turpitude;
- (3) bookmaking;
- (4) gambling or gaming;
- (5) an offense involving controlled substances as defined in the Texas Controlled Substances Act, including an offense involving a synthetic cannabinoid, or an offense involving ~~or~~ other dangerous drugs;
- (6) a violation of this code resulting in the cancellation of a license or permit, or a fine of not less than

1 \$500;

2 (7) more than three violations of this code relating
3 to minors;

4 (8) bootlegging; or

5 (9) an offense involving firearms or a deadly weapon.

6 (e) In this section, "synthetic cannabinoid" means a
7 substance included in Penalty Group 2-A under Section 481.1031,
8 Health and Safety Code.

9 SECTION 2. Section 104.01, Alcoholic Beverage Code, is
10 amended by amending Subsection (a) and adding Subsection (c) to
11 read as follows:

12 (a) No person authorized to sell beer at retail, nor the
13 person's agent, servant, or employee, may engage in or permit
14 conduct on the premises of the retailer which is lewd, immoral, or
15 offensive to public decency, including, but not limited to, any of
16 the following acts:

17 (1) the use of loud and vociferous or obscene, vulgar,
18 or indecent language, or permitting its use;

19 (2) the exposure of a person or permitting a person to
20 expose himself or herself;

21 (3) rudely displaying or permitting a person to rudely
22 display a pistol or other deadly weapon in a manner calculated to
23 disturb persons in the retail establishment;

24 (4) solicitation of any person to buy drinks for
25 consumption by the retailer or any of the retailer's employees;

26 (5) being intoxicated on the licensed premises;

27 (6) permitting lewd or vulgar entertainment or acts;

1 (7) permitting solicitations of persons for immoral or
2 sexual purposes;

3 (8) failing or refusing to comply with state or
4 municipal health or sanitary laws or ordinances; or

5 (9) possession of a narcotic or synthetic cannabinoid
6 or any equipment used or designed for the administering of a
7 narcotic or a synthetic cannabinoid or permitting a person on the
8 licensed premises to do so.

9 (c) In this section, "synthetic cannabinoid" means a
10 substance included in Penalty Group 2-A under Section 481.1031,
11 Health and Safety Code.

12 SECTION 3. Subchapter D, Chapter 481, Health and Safety
13 Code, is amended by adding Section 481.1131 to read as follows:

14 Sec. 481.1131. CAUSE OF ACTION FOR SALE OR PROVISION OF
15 SYNTHETIC CANNABINOID. (a) In this section, "synthetic
16 cannabinoid" means a substance included in Penalty Group 2-A under
17 Section 481.1031.

18 (b) This section does not affect the right of a person to
19 bring a common law cause of action against an individual whose
20 consumption or ingestion of a synthetic cannabinoid resulted in
21 causing the person bringing the suit to suffer personal injury or
22 property damage.

23 (c) Providing, selling, or serving a synthetic cannabinoid
24 may be made the basis of a statutory cause of action under this
25 section on proof that the intoxication of the recipient of the
26 synthetic cannabinoid was a proximate cause of the damages
27 suffered.

1 (d) The liability provided under this section for the
2 actions of a retail establishment's employees, customers, members,
3 or guests who are or become intoxicated by the consumption or
4 ingestion of a synthetic cannabinoid is in lieu of common law or
5 other statutory law warranties and duties of retail establishments.

6 (e) This chapter does not impose obligations on a retail
7 establishment other than those expressly stated in this section.

8 SECTION 4. This Act applies only to a cause of action that
9 accrues on or after the effective date of this Act. A cause of
10 action that accrued before the effective date of this Act is
11 governed by the law applicable to the cause of action immediately
12 before the effective date of this Act, and that law is continued in
13 effect for that purpose.

14 SECTION 5. This Act takes effect September 1, 2017.