

1-1 By: Perry S.B. No. 341
 1-2 (In the Senate - Filed December 16, 2016; January 30, 2017,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 April 3, 2017, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; April 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the consequences of the possession of illegal synthetic
 1-20 cannabinoids on a holder of or applicant for certain alcoholic
 1-21 beverage licenses and liability of a person who provides, sells, or
 1-22 serves a synthetic cannabinoid to another person.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 69.06, Alcoholic Beverage Code, is
 1-25 amended by amending Subsection (a) and adding Subsection (e) to
 1-26 read as follows:

1-27 (a) The county judge shall deny an original application for
 1-28 a retail dealer's on-premise license if the county judge ~~he~~ finds
 1-29 that the applicant or the applicant's spouse, during the five years
 1-30 immediately preceding the application, was finally convicted of a
 1-31 felony or one of the following offenses:

- 1-32 (1) prostitution;
- 1-33 (2) a vagrancy offense involving moral turpitude;
- 1-34 (3) bookmaking;
- 1-35 (4) gambling or gaming;
- 1-36 (5) an offense involving controlled substances as
 1-37 defined in the Texas Controlled Substances Act, including an
 1-38 offense involving a synthetic cannabinoid, or an offense involving
 1-39 ~~or~~ other dangerous drugs;
- 1-40 (6) a violation of this code resulting in the
 1-41 cancellation of a license or permit, or a fine of not less than
 1-42 \$500;
- 1-43 (7) more than three violations of this code relating
 1-44 to minors;
- 1-45 (8) bootlegging; or
- 1-46 (9) an offense involving firearms or a deadly weapon.

1-47 (e) In this section, "synthetic cannabinoid" means a
 1-48 substance included in Penalty Group 2-A under Section 481.1031,
 1-49 Health and Safety Code.

1-50 SECTION 2. Section 104.01, Alcoholic Beverage Code, is
 1-51 amended by amending Subsection (a) and adding Subsection (c) to
 1-52 read as follows:

1-53 (a) No person authorized to sell beer at retail, nor the
 1-54 person's agent, servant, or employee, may engage in or permit
 1-55 conduct on the premises of the retailer which is lewd, immoral, or
 1-56 offensive to public decency, including, but not limited to, any of
 1-57 the following acts:

- 1-58 (1) the use of loud and vociferous or obscene, vulgar,
 1-59 or indecent language, or permitting its use;
- 1-60 (2) the exposure of a person or permitting a person to
 1-61 expose himself or herself;

2-1 (3) rudely displaying or permitting a person to rudely
2-2 display a pistol or other deadly weapon in a manner calculated to
2-3 disturb persons in the retail establishment;

2-4 (4) solicitation of any person to buy drinks for
2-5 consumption by the retailer or any of the retailer's employees;

2-6 (5) being intoxicated on the licensed premises;

2-7 (6) permitting lewd or vulgar entertainment or acts;

2-8 (7) permitting solicitations of persons for immoral or
2-9 sexual purposes;

2-10 (8) failing or refusing to comply with state or
2-11 municipal health or sanitary laws or ordinances; or

2-12 (9) possession of a narcotic or synthetic cannabinoid
2-13 or any equipment used or designed for the administering of a
2-14 narcotic or a synthetic cannabinoid or permitting a person on the
2-15 licensed premises to do so.

2-16 (c) In this section, "synthetic cannabinoid" means a
2-17 substance included in Penalty Group 2-A under Section 481.1031,
2-18 Health and Safety Code.

2-19 SECTION 3. Subchapter D, Chapter 481, Health and Safety
2-20 Code, is amended by adding Section 481.1131 to read as follows:

2-21 Sec. 481.1131. CAUSE OF ACTION FOR SALE OR PROVISION OF
2-22 SYNTHETIC CANNABINOID. (a) In this section, "synthetic
2-23 cannabinoid" means a substance included in Penalty Group 2-A under
2-24 Section 481.1031.

2-25 (b) This section does not affect the right of a person to
2-26 bring a common law cause of action against an individual whose
2-27 consumption or ingestion of a synthetic cannabinoid resulted in
2-28 causing the person bringing the suit to suffer personal injury or
2-29 property damage.

2-30 (c) Providing, selling, or serving a synthetic cannabinoid
2-31 may be made the basis of a statutory cause of action under this
2-32 section on proof that the intoxication of the recipient of the
2-33 synthetic cannabinoid was a proximate cause of the damages
2-34 suffered.

2-35 (d) The liability provided under this section for the
2-36 actions of a retail establishment's employees, customers, members,
2-37 or guests who are or become intoxicated by the consumption or
2-38 ingestion of a synthetic cannabinoid is in lieu of common law or
2-39 other statutory law warranties and duties of retail establishments.

2-40 (e) This chapter does not impose obligations on a retail
2-41 establishment other than those expressly stated in this section.

2-42 SECTION 4. This Act applies only to a cause of action that
2-43 accrues on or after the effective date of this Act. A cause of
2-44 action that accrued before the effective date of this Act is
2-45 governed by the law applicable to the cause of action immediately
2-46 before the effective date of this Act, and that law is continued in
2-47 effect for that purpose.

2-48 SECTION 5. This Act takes effect September 1, 2017.

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