

BILL ANALYSIS

H.B. 1379
By: Patterson
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A recent executive order issued by Governor Abbott during the COVID-19 pandemic provided that an establishment was considered to be a restaurant if less than 51 percent of the establishment's gross receipts were attributed to the sale of alcoholic beverages. Given this threshold, restaurants with greater than 51 percent of alcohol sales were forced to temporarily close, despite their ability to function as a restaurant with a food and beverage certificate issued by the Texas Alcoholic Beverage Commission. The closures of these establishments distinguished the bars possessing these certificates from those that might otherwise be considered traditional bars. H.B. 1379 seeks to remedy this situation by revising provisions regarding the percentage of income derived from the sale of alcoholic beverages for on-premises consumption at which an establishment must adhere to certain requirements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1379 amends the Alcoholic Beverage Code to revise the determination made by the Texas Alcoholic Beverage Commission on the issuance and renewal of a license or permit that allows on-premises consumption of any alcoholic beverage of whether the holder receives, or is to receive, a certain percentage of the gross receipts of the applicable premises from the holder's sale or service of those beverages. The bill increases the applicable percentage from 51 percent or more to more than 60 percent.

H.B. 1379 amends the Government Code to increase from 51 percent or more to more than 60 percent the percentage of income derived from the sale of alcoholic beverages for on-premises consumption of a licensed or permitted business that triggers the requirement for the business to prominently display at each entrance to the business a sign giving notice in both English and Spanish that it is unlawful for a person to carry a handgun on the premises. The bill repeals the exemption from this posting requirement for a business that has a food and beverage certificate issued under the Alcoholic Beverage Code.

H.B. 1379 amends the Penal Code to revise the conduct that constitutes the offense for the unlawful carrying of a handgun by a handgun license holder and for possessing or going with a location-restricted knife by prohibiting that conduct on the premises of a business that derives

more than 60 percent of its income from the sale or service of alcoholic beverages for on-premises consumption.

H.B. 1379 repeals Section 411.204(e), Government Code.

EFFECTIVE DATE

September 1, 2021.