

By: Patterson

H.B. No. 1378

A BILL TO BE ENTITLED

AN ACT

1
2 relating to required notice prohibiting firearms at certain
3 businesses selling or serving alcoholic beverages and the
4 prohibition on carrying certain weapons on those premises.

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

6 SECTION 1. Section 104.06(c), Alcoholic Beverage Code, is
7 amended to read as follows:

8 (c) If the commission makes a determination under
9 Subsection (a) that a holder of a license or permit receives 51
10 percent or more of the gross receipts of the premises from the sale
11 or service of alcoholic beverages, except as otherwise required by
12 this subsection the holder shall comply with the requirements of
13 Section 411.204, Government Code, and shall continue to comply with
14 those requirements until the commission determines that the holder
15 receives less than 51 percent of the gross receipts of the premises
16 from the sale or service of alcoholic beverages for on-premises
17 consumption. A business that holds a food and beverage certificate
18 issued under this code is not required to provide notice under
19 Section 411.204, Government Code, regardless of the percentage of
20 its income that is derived from the sale or service of alcoholic
21 beverages for on-premises consumption.

22 SECTION 2. Section 411.204(e), Government Code, is amended
23 to read as follows:

24 (e) This section does not apply to a business that has a food

1 and beverage certificate issued under the Alcoholic Beverage Code,
2 regardless of whether the business derives 51 percent or more of its
3 income from the sale or service of alcoholic beverages for
4 on-premises consumption.

5 SECTION 3. Section 46.03(a-1), Penal Code, is amended to
6 read as follows:

7 (a-1) A person commits an offense if the person
8 intentionally, knowingly, or recklessly possesses or goes with a
9 location-restricted knife:

10 (1) on the premises of a business that has a permit or
11 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
12 Beverage Code, if the business is subject to Section 411.204(a),
13 Government Code, and provides the notice required by that
14 subsection [~~derives 51 percent or more of its income from the sale~~
15 ~~or service of alcoholic beverages for on-premises consumption, as~~
16 ~~determined by the Texas Alcoholic Beverage Commission under Section~~
17 ~~104.06, Alcoholic Beverage Code~~];

18 (2) on the premises where a high school, collegiate,
19 or professional sporting event or interscholastic event is taking
20 place, unless the person is a participant in the event and a
21 location-restricted knife is used in the event;

22 (3) on the premises of a correctional facility;

23 (4) on the premises of a hospital licensed under
24 Chapter 241, Health and Safety Code, or on the premises of a nursing
25 facility licensed under Chapter 242, Health and Safety Code, unless
26 the person has written authorization of the hospital or nursing
27 facility administration, as appropriate;

1 (5) on the premises of a mental hospital, as defined by
2 Section 571.003, Health and Safety Code, unless the person has
3 written authorization of the mental hospital administration;

4 (6) in an amusement park; or

5 (7) on the premises of a church, synagogue, or other
6 established place of religious worship.

7 SECTION 4. Section 46.035(b), Penal Code, is amended to
8 read as follows:

9 (b) A license holder commits an offense if the license
10 holder intentionally, knowingly, or recklessly carries a handgun
11 under the authority of Subchapter H, Chapter 411, Government Code,
12 regardless of whether the handgun is concealed or carried in a
13 shoulder or belt holster, on or about the license holder's person:

14 (1) on the premises of a business that has a permit or
15 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
16 Beverage Code, if the business is subject to Section 411.204(a),
17 Government Code, and provides the notice required by that
18 subsection [~~derives 51 percent or more of its income from the sale~~
19 ~~or service of alcoholic beverages for on-premises consumption, as~~
20 ~~determined by the Texas Alcoholic Beverage Commission under Section~~
21 ~~104.06, Alcoholic Beverage Code~~];

22 (2) on the premises where a high school, collegiate,
23 or professional sporting event or interscholastic event is taking
24 place, unless the license holder is a participant in the event and a
25 handgun is used in the event;

26 (3) on the premises of a correctional facility;

27 (4) on the premises of a hospital licensed under

1 Chapter 241, Health and Safety Code, or on the premises of a nursing
2 facility licensed under Chapter 242, Health and Safety Code, unless
3 the license holder has written authorization of the hospital or
4 nursing facility administration, as appropriate;

5 (5) in an amusement park; or

6 (6) on the premises of a civil commitment facility.

7 SECTION 5. Section 46.035(k), Penal Code, is repealed.

8 SECTION 6. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 governed by the law in effect on the date the offense was committed,
12 and the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense occurred
15 before that date.

16 SECTION 7. This Act takes effect September 1, 2021.