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H.B. No. 1379

A BILL TO BE ENTITLED

1 AN ACT  
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. Sections 104.06(a) and (c), Alcoholic Beverage  
7 Code, are amended to read as follows:

8 (a) On the issuance and renewal of a license or permit that  
9 allows on-premises consumption of any alcoholic beverage the  
10 commission shall determine whether the holder receives, or for the  
11 issuance of a license or permit is to receive, more than 60 [~~51~~]  
12 percent [~~or more~~] of the gross receipts of the premises for which  
13 the license or permit is issued from the holder's sale or service of  
14 alcoholic beverages for on-premises consumption.

15 (c) If the commission makes a determination under  
16 Subsection (a) that a holder of a license or permit receives more  
17 than 60 [~~51~~] percent [~~or more~~] of the gross receipts of the premises  
18 from the sale or service of alcoholic beverages, the holder shall  
19 comply with the requirements of Section 411.204, Government Code,  
20 and shall continue to comply with those requirements until the  
21 commission determines that the holder receives 60 [~~less than 51~~]  
22 percent or less of the gross receipts of the premises from the sale  
23 or service of alcoholic beverages for on-premises consumption.

24 SECTION 2. Sections 411.204(a), (b), and (c), Government

1 Code, are amended to read as follows:

2 (a) A business that has a permit or license issued under  
3 Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, and that  
4 derives more than 60 [~~51~~] percent [~~or more~~] of its income from the  
5 sale of alcoholic beverages for on-premises consumption as  
6 determined by the Texas Alcoholic Beverage Commission under Section  
7 104.06, Alcoholic Beverage Code, shall prominently display at each  
8 entrance to the business premises a sign that complies with the  
9 requirements of Subsection (c).

10 (b) A hospital licensed under Chapter 241, Health and Safety  
11 Code, or a nursing home licensed under Chapter 242, Health and  
12 Safety Code, shall prominently display at each entrance to the  
13 hospital or nursing home, as appropriate, a sign that complies with  
14 the requirements of Subsection (c) other than the requirement that  
15 the sign include on its face the number "60" [~~"51"~~].

16 (c) The sign required under Subsections (a) and (b) must  
17 give notice in both English and Spanish that it is unlawful for a  
18 person licensed under this subchapter to carry a handgun on the  
19 premises. The sign must appear in contrasting colors with block  
20 letters at least one inch in height and must include on its face the  
21 number "60" [~~"51"~~] printed in solid red at least five inches in  
22 height. The sign shall be displayed in a conspicuous manner clearly  
23 visible to the public.

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

26 (a-1) A person commits an offense if the person  
27 intentionally, knowingly, or recklessly possesses or goes with a

1 location-restricted knife:

2 (1) on the premises of a business that has a permit or  
3 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic  
4 Beverage Code, if the business derives more than 60 [51] percent [~~or~~  
5 ~~more~~] of its income from the sale or service of alcoholic beverages  
6 for on-premises consumption, as determined by the Texas Alcoholic  
7 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

8 (2) on the premises where a high school, collegiate,  
9 or professional sporting event or interscholastic event is taking  
10 place, unless the person is a participant in the event and a  
11 location-restricted knife is used in the event;

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

13 (4) on the premises of a hospital licensed under  
14 Chapter 241, Health and Safety Code, or on the premises of a nursing  
15 facility licensed under Chapter 242, Health and Safety Code, unless  
16 the person has written authorization of the hospital or nursing  
17 facility administration, as appropriate;

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

21 (6) in an amusement park; or

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

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

26 (b) A license holder commits an offense if the license  
27 holder intentionally, knowingly, or recklessly carries a handgun

1 under the authority of Subchapter H, Chapter 411, Government Code,  
2 regardless of whether the handgun is concealed or carried in a  
3 shoulder or belt holster, on or about the license holder's person:

4 (1) on the premises of a business that has a permit or  
5 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic  
6 Beverage Code, if the business derives more than 60 [51] percent [~~or~~  
7 ~~more~~] of its income from the sale or service of alcoholic beverages  
8 for on-premises consumption, as determined by the Texas Alcoholic  
9 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

10 (2) on the premises where a high school, collegiate,  
11 or professional sporting event or interscholastic event is taking  
12 place, unless the license holder is a participant in the event and a  
13 handgun is used in the event;

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

15 (4) on the premises of a hospital licensed under  
16 Chapter 241, Health and Safety Code, or on the premises of a nursing  
17 facility licensed under Chapter 242, Health and Safety Code, unless  
18 the license holder has written authorization of the hospital or  
19 nursing facility administration, as appropriate;

20 (5) in an amusement park; or

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

22 SECTION 5. Section 411.204(e), Government Code, is  
23 repealed.

24 SECTION 6. The change in law made by this Act applies only  
25 to an offense committed on or after the effective date of this Act.  
26 An offense committed before the effective date of this Act is  
27 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For  
2 purposes of this section, an offense was committed before the  
3 effective date of this Act if any element of the offense occurred  
4 before that date.

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