

By: Meza

H.B. No. 2512

A BILL TO BE ENTITLED

AN ACT

relating to the county regulation of certain BYOB establishments;
creating a criminal offense.

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

SECTION 1. Chapter 234, Local Government Code, is amended
by adding Subchapter F to read as follows:

SUBCHAPTER F. BYOB ESTABLISHMENTS

Sec. 234.161. DEFINITIONS. In this subchapter:

(1) "Alcoholic beverage" has the meaning assigned by
Section 1.04, Alcoholic Beverage Code.

(2) "BYOB establishment" means an establishment that:

(A) is not licensed or permitted to sell
alcoholic beverages by the Texas Alcoholic Beverage Commission; and

(B) allows patrons to bring the patrons' own
alcoholic beverages onto the premises of the establishment for
consumption on the premises.

(3) "Notice of operation" means a notice of operation
of a BYOB establishment required under this subchapter.

Sec. 234.162. APPLICABILITY. (a) This subchapter applies
only to a BYOB establishment that:

(1) operates in the unincorporated area of a county;

(2) has hours of operation that include operating at
any time during the period after 2:15 a.m. and before 7:00 a.m.; and

(3) has capacity to allow more than 50 patrons on the

1 premises of the establishment at the same time.

2 (b) This subchapter does not apply to:

3 (1) a residence;

4 (2) an establishment operated by a governmental
5 entity;

6 (3) a private club regulated by the Texas Alcoholic
7 Beverage Commission;

8 (4) a fraternal or veterans organization, as those
9 terms are defined by Section 32.11, Alcoholic Beverage Code;

10 (5) a college or university; or

11 (6) a facility operated by a religious organization
12 and used for religious purposes.

13 Sec. 234.163. REGULATORY AUTHORITY. The commissioners
14 court of a county by order shall adopt regulations necessary to
15 implement this subchapter.

16 Sec. 234.164. NOTICE OF OPERATION REQUIRED. (a) The
17 commissioners court of a county by order shall require the owner or
18 operator of a BYOB establishment in the unincorporated area of the
19 county to file a notice of operation with the county judge.
20 Notwithstanding any other law, including Section 109.57(b),
21 Alcoholic Beverage Code, a BYOB establishment may not operate in
22 the unincorporated area of the county unless the owner or operator
23 of the establishment files the notice as required by the order.

24 (b) After a notice of operation is filed with the county
25 judge, the county judge shall send a copy of the notice to the
26 county health authority, the county fire marshal, and the sheriff.
27 If there is no county fire marshal in the county, the commissioners

1 court may designate another person to receive the notice.

2 Sec. 234.165. CONTENTS OF NOTICE. The notice of operation:

3 (1) must include:

4 (A) the names, addresses, and birth dates of all
5 persons who have an ownership interest in, or who will manage, the
6 BYOB establishment;

7 (B) the name and physical address of the
8 establishment; and

9 (C) the dates and times of operation of the
10 establishment; and

11 (2) may include other information reasonably required
12 by order of the commissioners court of the county.

13 Sec. 234.166. INSPECTIONS; ORDERS. (a) The county health
14 authority may inspect a BYOB establishment to ensure that the
15 minimum standards of health and sanitation prescribed by state and
16 local laws, rules, and orders are being maintained. If the county
17 health authority determines a violation of the minimum standards is
18 occurring, the health authority may order the owner or operator of
19 the BYOB establishment to correct the violation.

20 (b) The county fire marshal or the person designated under
21 Section 234.164(b) may inspect a BYOB establishment during the
22 establishment's hours of operation to ensure that the minimum
23 standards for ensuring public fire safety and order as prescribed
24 by state and local laws, rules, and orders are being maintained. If
25 the marshal or commissioners court designee determines a violation
26 of the minimum standards is occurring, the marshal or designee may
27 order the owner or operator of the BYOB establishment to correct the

1 violation.

2 (c) The sheriff may inspect a BYOB establishment during the
3 hours of operation of the establishment to ensure that the minimum
4 standards for ensuring public safety and order prescribed by state
5 and local laws, rules, and orders are being maintained. If the
6 sheriff determines a violation of the minimum standards is
7 occurring, the sheriff may order the owner or operator of the BYOB
8 establishment to correct the violation.

9 (d) The county judge, county fire marshal, or sheriff may
10 conduct any additional inspections of the BYOB establishment that
11 the county judge considers necessary.

12 Sec. 234.167. DELEGATION OF AUTHORITY OF COUNTY JUDGE. (a)
13 The county judge of a county may file an order with the
14 commissioners court of the county delegating to another county
15 officer an authority of the county judge under this subchapter.

16 (b) An order of a county officer acting under the delegated
17 authority of the county judge under this section has the same effect
18 as an order of the county judge.

19 (c) During the period in which the order delegating
20 authority is in effect, the county judge may withdraw any authority
21 delegated under the order.

22 (d) The county judge may at any time revoke an order
23 delegating authority under this section.

24 Sec. 234.168. INJUNCTION. The county is entitled to
25 appropriate injunctive relief to prevent the violation or
26 threatened violation of an order adopted under this subchapter.

27 Sec. 234.169. CRIMINAL PENALTY. (a) A person commits an

1 offense if the person violates Section 234.164(a) or an order
2 issued under Section 234.166.

3 (b) An offense under this section is a misdemeanor
4 punishable by a fine of not more than \$5,000, confinement in the
5 county jail for not more than 90 days, or both.

6 SECTION 2. This Act takes effect September 1, 2021.