

By: Miles

S.B. No. 561

A BILL TO BE ENTITLED

AN ACT

1
2 relating to notice of and standing to protest certain alcoholic
3 beverage permit and license applications.

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

5 SECTION 1. Section 11.393(a), Alcoholic Beverage Code, is
6 amended to read as follows:

7 (a) Except as provided by Subsection (b), a person who
8 submits an original application for a private club registration
9 permit or a permit authorizing the retail sale of alcoholic
10 beverages for on-premises consumption shall give written notice of
11 the application to each residential address and established
12 neighborhood association located within 1,000 [~~300~~] feet of any
13 property line of the premises for which the permit is sought.

14 SECTION 2. (a) Section 11.431(a), Alcoholic Beverage Code,
15 as effective until September 1, 2021, is amended to read as follows:

16 (a) A member of the public may protest an application for:

17 (1) an original mixed beverage permit, private club
18 registration permit, or wine and beer retailer's permit if a
19 sexually oriented business is to be operated on the premises to be
20 covered by the permit;

21 (2) any renewal of a mixed beverage permit, private
22 club registration permit, or wine and beer retailer's permit if a
23 sexually oriented business is to be operated on the premises to be
24 covered by the permit and a petition is presented to the commission

1 requesting a hearing which is signed by 50 percent of the residents
2 who reside within 1,000 [~~300~~] feet of any property line of the
3 affected premises;

4 (3) a private club registration permit or a permit
5 authorizing the retail sale of alcoholic beverages for on-premises
6 consumption if the person resides within 1,000 [~~300~~] feet of any
7 property line of the premises for which the permit is sought; and

8 (4) a mixed beverage permit or a wine and beer
9 retailer's permit in a municipality with a population of 1,500,000
10 or more if:

11 (A) any point of the property line of the premise
12 is less than 1,000 [~~300~~] feet from the nearest point on a property
13 line of a residence, church, school, hospital, day-care facility,
14 or social service facility, as measured in a straight line; and

15 (B) 75 percent or more of the permittee's actual
16 or anticipated gross revenue is from the sale of alcoholic
17 beverages.

18 (b) Section [11.431\(a\)](#), Alcoholic Beverage Code, as
19 effective September 1, 2021, is amended to read as follows:

20 (a) A member of the public may protest an application for:

21 (1) an original mixed beverage permit, private club
22 registration permit, or wine and malt beverage retailer's permit if
23 a sexually oriented business is to be operated on the premises to be
24 covered by the permit;

25 (2) any renewal of a mixed beverage permit, private
26 club registration permit, or wine and malt beverage retailer's
27 permit if a sexually oriented business is to be operated on the

1 premises to be covered by the permit and a petition is presented to
2 the commission requesting a hearing which is signed by 50 percent of
3 the residents who reside within 1,000 [~~300~~] feet of any property
4 line of the affected premises;

5 (3) a private club registration permit or a permit
6 authorizing the retail sale of alcoholic beverages for on-premises
7 consumption if the person resides within 1,000 [~~300~~] feet of any
8 property line of the premises for which the permit is sought; and

9 (4) a mixed beverage permit or a wine and malt beverage
10 retailer's permit in a municipality with a population of 1,500,000
11 or more if:

12 (A) any point of the property line of the premise
13 is less than 1,000 [~~300~~] feet from the nearest point on a property
14 line of a residence, church, school, hospital, day-care facility,
15 or social service facility, as measured in a straight line; and

16 (B) 75 percent or more of the permittee's actual
17 or anticipated gross revenue is from the sale of alcoholic
18 beverages.

19 SECTION 3. (a) Section 11.52(a), Alcoholic Beverage Code,
20 as effective until September 1, 2021, is amended to read as follows:

21 (a) In a municipality with a population of 1,500,000 or
22 more, an applicant for an original or renewal mixed beverage permit
23 or wine and beer retailer's permit shall provide the notice
24 required by Subsection (b) if:

25 (1) any point of the property line of the premise is
26 less than 1,000 [~~300~~] feet from the nearest point on a property line
27 of a residence, church, school, hospital, day-care facility, or

1 social service facility, as measured in a straight line; and

2 (2) 75 percent or more of the permittee's actual or
3 anticipated gross revenue is from the sale of alcoholic beverages.

4 (b) Section 11.52(a), Alcoholic Beverage Code, as effective
5 September 1, 2021, is amended to read as follows:

6 (a) In a municipality with a population of 1,500,000 or
7 more, an applicant for an original or renewal mixed beverage permit
8 or wine and malt beverage retailer's permit shall provide the
9 notice required by Subsection (b) if:

10 (1) any point of the property line of the premise is
11 less than 1,000 [~~300~~] feet from the nearest point on a property line
12 of a residence, church, school, hospital, day-care facility, or
13 social service facility, as measured in a straight line; and

14 (2) 75 percent or more of the permittee's actual or
15 anticipated gross revenue is from the sale of alcoholic beverages.

16 SECTION 4. Section 61.313(a), Alcoholic Beverage Code, is
17 amended to read as follows:

18 (a) A member of the public may protest an application for:

19 (1) an original retail dealer's on-premise license if
20 a sexually oriented business is to be operated on the premises to be
21 covered by the license;

22 (2) any renewal of a retail dealer's on-premise
23 license if a sexually oriented business is to be operated on the
24 premises to be covered by the license and a petition is presented to
25 the commission that is signed by 50 percent of the residents who
26 reside within 1,000 [~~300~~] feet of any property line of the affected
27 premises; or

1 (3) a license authorizing the retail sale of malt
2 beverages for on-premises consumption if the person resides within
3 1,000 [~~300~~] feet of any property line of the premises for which the
4 license is sought.

5 SECTION 5. (a) Section 61.382(a), Alcoholic Beverage Code,
6 as effective until September 1, 2021, is amended to read as follows:

7 (a) Except as provided by Subsection (b), a person who
8 submits an original application for a license authorizing the
9 retail sale of beer for on-premises consumption shall give written
10 notice of the application to each residential address and
11 established neighborhood association located within 1,000 [~~300~~]
12 feet of any property line of the premises for which the license is
13 sought.

14 (b) Section 61.382(a), Alcoholic Beverage Code, as
15 effective September 1, 2021, is amended to read as follows:

16 (a) Except as provided by Subsection (b), a person who
17 submits an original application for a license authorizing the
18 retail sale of malt beverages for on-premises consumption shall
19 give written notice of the application to each residential address
20 and established neighborhood association located within 1,000
21 [~~300~~] feet of any property line of the premises for which the
22 license is sought.

23 SECTION 6. The changes in law made by this Act apply to an
24 application for an alcoholic beverage permit or license filed on or
25 after the effective date of this Act or pending on the effective
26 date of this Act.

27 SECTION 7. This Act takes effect immediately if it receives

S.B. No. 561

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2021.