

By: Miles

S.B. No. 752

A BILL TO BE ENTITLED

AN ACT

relating to standing to protest certain alcoholic beverage permit and license applications.

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

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

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

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

(2) any renewal of a mixed beverage permit, private club registration permit, or wine and beer retailer's permit if a sexually oriented business is to be operated on the premises to be covered by the permit and a petition is presented to the commission requesting a hearing which is signed by 50 percent of the residents who reside within 1,000 [~~300~~] feet of any property line of the affected premises;

(3) a private club registration permit or a permit authorizing the retail sale of alcoholic beverages for on-premises consumption if the person resides within 300 feet of any property line of the premises for which the permit is sought; and

(4) a mixed beverage permit or a wine and beer

1 retailer's permit in a municipality with a population of 1,500,000
2 or more if:

3 (A) any point of the property line of the premise
4 is less than 300 feet from the nearest point on a property line of a
5 residence, church, school, hospital, day-care facility, or social
6 service facility, as measured in a straight line; and

7 (B) 75 percent or more of the permittee's actual
8 or anticipated gross revenue is from the sale of alcoholic
9 beverages.

10 (b) Section 11.431(a), Alcoholic Beverage Code, as
11 effective September 1, 2021, is amended to read as follows:

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

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

17 (2) any renewal of a mixed beverage permit, private
18 club registration permit, or wine and malt beverage retailer's
19 permit if a sexually oriented business is to be operated on the
20 premises to be covered by the permit and a petition is presented to
21 the commission requesting a hearing which is signed by 50 percent of
22 the residents who reside within 1,000 [~~300~~] feet of any property
23 line of the affected premises;

24 (3) a private club registration permit or a permit
25 authorizing the retail sale of alcoholic beverages for on-premises
26 consumption if the person resides within 300 feet of any property
27 line of the premises for which the permit is sought; and

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

4 (A) any point of the property line of the premise
5 is less than 300 feet from the nearest point on a property line of a
6 residence, church, school, hospital, day-care facility, or social
7 service facility, as measured in a straight line; and

8 (B) 75 percent or more of the permittee's actual
9 or anticipated gross revenue is from the sale of alcoholic
10 beverages.

11 SECTION 2. Section 61.313(a), Alcoholic Beverage Code, is
12 amended to read as follows:

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

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

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

23 (3) a license authorizing the retail sale of malt
24 beverages for on-premises consumption if the person resides within
25 300 feet of any property line of the premises for which the license
26 is sought.

27 SECTION 3. The changes in law made by this Act apply to an

1 application for an alcoholic beverage permit or license filed on or
2 after the effective date of this Act or pending on the effective
3 date of this Act.

4 SECTION 4. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2021.