

BILL ANALYSIS

C.S.H.B. 170
By: Ortega
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been reported that some establishments evade legal restrictions on the public consumption of alcohol after 2:15 a.m. by claiming that they operate as bring-your-own-beverage bars, which are not licensed by the Texas Alcoholic Beverage Commission (TABC). It has also been reported that law enforcement has difficulty stopping such activity because the establishments are not licensed by the TABC, and because, while the Texas Alcoholic Beverage Code makes it clear it is illegal for businesses to allow people to consume alcohol on their premises after 2:15 a.m., the code does not make clear that this prohibition applies to both licensed and unlicensed establishments. C.S.H.B. 170 seeks to address this issue by specifying that the prohibition on the consumption of alcohol during certain hours applies to all public places, including unlicensed and unpermitted premises.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 170 amends the Alcoholic Beverage Code to make applicable to an unlicensed or unpermitted premises the prohibition on the public consumption of alcoholic beverages during certain hours.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 170 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions of the original that apply the prohibition on the public consumption of alcoholic beverages during certain hours to all public places and defining "public places" for that purpose. The substitute instead clarifies that a public place includes an unlicensed or unpermitted premises for purposes of that prohibition.