

SUBJECT: Prohibiting public consumption of alcoholic beverage on certain premises

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 7 ayes — S. Thompson, Kuempel, Darby, Fierro, Geren, Goldman, Hernandez

0 nays

4 absent — Ellzey, Guillen, Huberty, Pacheco

WITNESSES: For — Amy Monsivais, El Paso County and El Paso County Attorney's Office; (*Registered, but did not testify*: Melissa Shannon, Bexar County Commissioners Court; Adam Haynes, Conference of Urban Counties; Daniel Collins, El Paso County)

Against — None

BACKGROUND: Alcoholic Beverage Code sec. 105.06 prohibits consumption of alcoholic beverages during certain hours in a public place, which for the purposes of that section includes a licensed or permitted premises. In a standard hours area, a person commits an offense if the person consumes or possesses with intent to consume an alcoholic beverage in a public place at any time on Sunday between 1:15 a.m. and noon or on any other day between 12:15 a.m. and 7 a.m. In an extended hours area, the applicable time is any time on Sunday between 2:15 a.m. and noon and on any other day between 2:15 a.m. and 7 a.m. The offense is a class C misdemeanor (maximum fine of \$500).

Concerns have been raised that some establishments elude legal restrictions on public consumption of alcohol because they are not licensed by the Texas Alcoholic Beverage Commission. Some have suggested the need to expand the prohibition of public consumption of alcohol to include unpermitted and unlicensed premises.

DIGEST: CSHB 170 would include unlicensed or unpermitted premises as public places where public consumption of alcohol during certain hours was prohibited under Alcoholic Beverage Code sec. 105.06.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after the bill's effective date.