

By: Smith

H.B. No. 2296

A BILL TO BE ENTITLED

AN ACT

relating to regulation by a municipality of the possession of an open container or the public consumption of alcoholic beverages.

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

SECTION 1. Sections 109.35(a), (b), and (c), Alcoholic Beverage Code, are amended to read as follows:

(a) If the governing body of a municipality determines that the possession of an open container or the public consumption of alcoholic beverages in the central business district of the municipality is a risk to the health and safety of the citizens of the municipality, the governing body may by charter or ordinance prohibit ~~[petition for the adoption of an order by the commission that prohibits]~~ the possession of an open container or the public consumption of alcoholic beverages in that central business district.

(b) If a municipality prohibits ~~[submits a petition for an order of the commission to prohibit]~~ the possession of an open container or the public consumption of alcoholic beverages in the central business district of the city, the municipality must adopt ~~[and attaches to the petition]~~ a map, plat, or diagram showing the central business district that is ~~[to be]~~ covered by the prohibition~~[, the commission shall approve and issue the order without further consideration unless the commission finds that the map, plat, or diagram improperly identifies the central business~~

1 ~~district~~].

2 (c) The municipality's charter or ordinance [~~commission's~~
3 ~~order~~] may not prohibit the possession of an open container or the
4 consumption of alcoholic beverages in motor vehicles, buildings not
5 owned or controlled by the municipality, residential structures, or
6 licensed premises located in the area of prohibition.

7 SECTION 2. This Act takes effect September 1, 2015.