

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. Section 109.35, Alcoholic Beverage Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (c-1) 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~~

1 ~~map, plat, or diagram improperly identifies the central business~~
2 ~~district].~~

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

8 (c-1) In accordance with Section 1.06, this section does not
9 authorize municipal regulation of the possession of an open
10 container or the public consumption of alcoholic beverages except
11 as expressly provided by this section.

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