

- SUBJECT:** Revising alcohol sales threshold for required notice prohibiting guns
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 7 ayes — White, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt
2 nays — Bowers, Goodwin
- WITNESSES:** For — Gary Zimmerman; (*Registered, but did not testify:* Tara Mica, National Rifle Association; Rick Briscoe, Open Carry Texas; Mark Borskey, Texas State Rifle Association; Jason Vaughn, Texas Young Republicans; Marcia Strickler, Wilco We Thee People; and seven individuals)

Against — (*Registered, but did not testify:* Susana Carranza, League of Women Voters of Texas; Leslie Blanton, Robin Breed, Rebecca Defelice, Nancy Einhorn, Mandy Gauld, and Melanie Greene, Moms Demand Action for Gun Sense in America; Christina Puentes, Frances Schenckan, Gyl Switzer, and Louis Wichers, Texas Gun Sense; Bergan Casey; Marissa Gough; Elizabeth Hanks; Anne Hebert; Susan Pintchovski;)

On — (*Registered, but did not testify:* Victor Kuykendoll, Texas Alcoholic Beverage Commission; Richard Bohnert; Thomas Parkinson)
- BACKGROUND:** Government Code sec. 411.204 requires a business with an alcoholic beverage license or permit that derives 51 percent or more of its income from the sale of alcoholic beverages for on-premises consumption to prominently display at each entrance a sign giving notice that it is unlawful for a person licensed to carry a handgun to carry on the premises. This requirement does not apply to a business that has a food and beverage certificate.

An executive order issued during the COVID-19 pandemic provided that an establishment was considered to be a restaurant if less than 51 percent of its gross receipts were attributed to the sale of alcoholic beverages.

Concerns have been raised that given this threshold, restaurants with greater than 51 percent of alcohol sales were forced to temporarily close, despite being able to function as a restaurant with a food and beverage certificate issued by the Texas Alcoholic Beverage Commission. The closures of these establishments distinguished the bars possessing these certificates from those that might otherwise be considered traditional bars. Some have suggested this issue could be addressed by revising provisions regarding the percentage of income derived from the sale of alcoholic beverages for on-premises consumption at which an establishment must adhere to certain requirements.

DIGEST:

HB 1379 would revise the sale of alcoholic beverages threshold that was required for a business with an alcoholic beverage permit or license to be subject to laws requiring notification that carrying a handgun by a licensed handgun owner was unlawful on the premises. The bill would increase the percentage from 51 or more to more than 60 percent of income derived from the sale of alcoholic beverages from on-premises consumption.

The bill also would remove a provision that states the notification requirement does not apply to a business that has a food and beverage certificate.

The bill would revise offenses in the Penal Code governing places where weapons were prohibited and the unlawful carrying of a handgun by a license holder to reflect this change.

The bill would take effect September 1, 2021, and would apply to an offense committed on or after that date.