Chapter 539

S.B. No. 341

AN ACT
relating to the consequences of the possession of illegal synthetic

cannabinoids on a holder of or applicant for certain alcoholic

beverage licenses and liability of a person who provides, sells, or

serves a synthetic cannabinoid to another person.

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

SECTION 1. Section 69.06, Alcoholic Beverage Code, is

amended by amending Subsection (a) and adding Subsection (e) to

read as follows:

(a) The county judge shall deny an original application for

a retail dealer's on-premise license if the county judge [he] finds

that the applicant or the applicant's spouse, during the five years

immediately preceding the application, was finally convicted of a

felony or one of the following offenses:

(1) prostitution;

(2) a vagrancy offense involving moral turpitude;

(3) bookmaking;

(4) gambling or gaming;

(5) an offense involving controlled substances as
defined in the Texas Controlled Substances Act, including an

offense involving a synthetic cannabinoid, or an offense involving

[ex] other dangerous drugs;

(6) a violation of this code resulting in the
cancellation of a license or permit, or a fine of not less than
$500;

(7) more than three violations of this code relating to minors;

(8) bootlegging; or

(9) an offense involving firearms or a deadly weapon.

(e) In this section, "synthetic cannabinoid" means a substance included in Penalty Group 2-A under Section 481.1031, Health and Safety Code.

SECTION 2. Section 104.01, Alcoholic Beverage Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) No person authorized to sell beer at retail, nor the person's agent, servant, or employee, may engage in or permit conduct on the premises of the retailer which is lewd, immoral, or offensive to public decency, including, but not limited to, any of the following acts:

(1) the use of loud and vociferous or obscene, vulgar, or indecent language, or permitting its use;

(2) the exposure of a person or permitting a person to expose himself or herself;

(3) rudely displaying or permitting a person to rudely display a pistol or other deadly weapon in a manner calculated to disturb persons in the retail establishment;

(4) solicitation of any person to buy drinks for consumption by the retailer or any of the retailer's employees;

(5) being intoxicated on the licensed premises;

(6) permitting lewd or vulgar entertainment or acts;
S.B. No. 341

(7) permitting solicitations of persons for immoral or
sexual purposes;
(8) failing or refusing to comply with state or
municipal health or sanitary laws or ordinances; or
(9) possession of a narcotic or synthetic cannabinoid
or any equipment used or designed for the administering of a
narcotic or a synthetic cannabinoid or permitting a person on the
licensed premises to do so.

(c) In this section, "synthetic cannabinoid" means a
substance included in Penalty Group 2-A under Section 481.1031,
Health and Safety Code.

SECTION 3. Subchapter D, Chapter 481, Health and Safety
Code, is amended by adding Section 481.1131 to read as follows:

Sec. 481.1131. CAUSE OF ACTION FOR SALE OR PROVISION OF
SYNTHETIC CANNABINOID. (a) In this section, "synthetic
cannabinoid" means a substance included in Penalty Group 2-A under
Section 481.1031.

(b) This section does not affect the right of a person to
bring a common law cause of action against an individual whose
consumption or ingestion of a synthetic cannabinoid resulted in
causing the person bringing the suit to suffer personal injury or
property damage.

(c) Providing, selling, or serving a synthetic cannabinoid
may be made the basis of a statutory cause of action under this
section on proof that the intoxication of the recipient of the
synthetic cannabinoid was a proximate cause of the damages
suffered.

3
S.B. No. 341

(d) The liability provided under this section for the actions of a retail establishment's employees, customers, members, or guests who are or become intoxicated by the consumption or ingestion of a synthetic cannabinoid is in lieu of common law or other statutory law warranties and duties of retail establishments.

(e) This chapter does not impose obligations on a retail establishment other than those expressly stated in this section.

SECTION 4. This Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.
S.B. No. 341

President of the Senate

I hereby certify that S.B. No. 341 passed the Senate on April 19, 2017, by the following vote: Yeas 31, Nays 0.

Speaker of the House

I hereby certify that S.B. No. 341 passed the House on May 24, 2017, by the following vote: Yeas 143, Nays 3, two present not voting.

Chief Clerk of the House

Approved:

6 - 9 - 2017

Date

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:00 P.M. O'CLOCK

Secretary of State
TO: Honorable John Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB341 by Perry (Relating to the consequences of the possession of illegal synthetic cannabinoids on a holder of or applicant for certain alcoholic beverage licenses and liability of a person who provides, sells, or serves a synthetic cannabinoid to another person.), As Engrossed

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code to allow a county judge to deny an original application for a retail dealer's on-premise license if an applicant for certain alcoholic beverage licenses was finally convicted of an offense involving a synthetic cannabinoid during the five years immediately preceding the application. The Texas Alcoholic Beverage Commission indicates that any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: UP, CL, AI, FR, JGA
TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB341 by Perry (Relating to the consequences of the possession of illegal synthetic cannabinoids on a holder of or applicant for certain alcoholic beverage licenses and liability of a person who provides, sells, or serves a synthetic cannabinoid to another person.), As Introduced

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code to allow a county judge to deny an original application for a retail dealer's on-premise license if an applicant for certain alcoholic beverage licenses was finally convicted of an offense involving a synthetic cannabinoid during the five years immediately preceding the application. The Texas Alcoholic Beverage Commission indicates that any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: UP, CL, AI, FR, JGA