

**Sec. 49.01. DEFINITIONS.** In this chapter:

(1) "Alcohol concentration" means the number of grams of alcohol per:

- (A) 210 liters of breath;
- (B) 100 milliliters of blood; or
- (C) 67 milliliters of urine.

(2) "Intoxicated" means:

**(A) not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or**

**(B) having an alcohol concentration of 0.08 or more.**

(3) "Motor vehicle" has the meaning assigned by Section [32.34\(a\)](#).

(4) "Watercraft" means a vessel, one or more water skis, an aquaplane, or another device used for transporting or carrying a person on water, other than a device propelled only by the current of water.

(5) "Amusement ride" has the meaning assigned by Section [2151.002](#), Occupations Code.

(6) "Mobile amusement ride" has the meaning assigned by Section [2151.002](#), Occupations Code.

Added by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994. Amended by Acts 1999, 76th Leg., ch. 234, Sec. 1, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1364, Sec. 8, eff. Jan. 1, 2000; Acts 2001, 77th Leg., ch. 1420, Sec. 14.707, eff. Sept. 1, 2001.

**Sec. 49.02. PUBLIC INTOXICATION.** (a) A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another.

(a-1) For the purposes of this section, a premises licensed or permitted under the Alcoholic Beverage Code is a public place.

(b) It is a defense to prosecution under this section that the alcohol or other substance was administered for therapeutic purposes and as a part of the person's professional medical treatment by a licensed physician.

(c) Except as provided by Subsection (e), an offense under this section is a Class C misdemeanor.

(d) An offense under this section is not a lesser included offense under Section [49.04](#).

(e) An offense under this section committed by a person younger than 21 years of age is punishable in the same manner as if the minor committed an offense to which Section [106.071](#), Alcoholic Beverage Code, applies.

Added by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994. Amended by Acts 1997, 75th Leg., ch. 1013, Sec. 12, eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 68 (S.B. [904](#)), Sec. 25, eff. September 1, 2007.

**Elements:**

\_\_\_\_\_ On or about January 1, 2019

\_\_\_\_\_ Travis County, Texas

\_\_\_\_\_ ABC Defendant

\_\_\_\_\_ Appeared in a public place

\_\_\_\_\_ While Intoxicated

- Didn't have normal use of mental or physical faculties by reason of introduction of alcohol, CS, drug, dangerous drug, or a combination, or any other substance
- BAC 0.08

\_\_\_\_\_ Danger to himself/herself or another