

By: Smith

H.B. No. 2339

A BILL TO BE ENTITLED

AN ACT

relating to consumption of alcoholic beverages in public entertainment facilities.

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

SECTION 1. Section 108.82, Alcoholic Beverage Code, is amended to read as follows:

Sec. 108.82. ALCOHOLIC BEVERAGE CONSUMPTION IN [CERTAIN] PUBLIC ENTERTAINMENT FACILITIES. ~~[(a) This section applies only with respect to a public entertainment facility:~~

~~[(1) that is a stadium:~~

~~[(A) located in a county with a population of more than 1.6 million;~~

~~[(B) constructed not later than 1994; and~~

~~[(C) with a seating capacity of at least 45,000;~~
and

~~[(2) for which all alcoholic beverage permits and licenses are held by a single independent concessionaire.~~

~~[(b)]~~ Notwithstanding Section 28.10, the independent concessionaire for a public entertainment facility, including a stadium, arena, amphitheater, or other venue, ~~[described by~~

~~Subsection (a)]~~ may allow a patron who possesses an alcoholic beverage to enter or leave a licensed or permitted premises within the facility if the alcoholic beverage:

(1) is in an open container, as defined by Section

1 49.031, Penal Code;

2 (2) appears to be possessed for present consumption;

3 (3) remains within the confines of the facility,
4 excluding a parking lot; and

5 (4) was purchased legally at a licensed or permitted
6 premises within the facility.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2015.