

BILL ANALYSIS

C.S.H.B. 893

By: Geren

Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that certain public entertainment facilities, such as Rangers Ballpark in Arlington, through an independent concessionaire, may hold multiple beverage permits applicable to different areas inside the stadium, but that fans who legally purchase alcoholic beverages in one permitted area may not leave that area with the beverage to return to their seats or to another area inside the stadium, even if the area is permitted for the sale and consumption of alcoholic beverages. The parties further contend that this regulatory constraint serves no public purpose but unintentionally encourages binge drinking that could lead to unsafe conditions for fans, event attendees, and the general public.

C.S.H.B. 893 seeks to address this issue by providing that a stadium located in a county with a population of more than 1.6 million, constructed not later than 1994, and with a seating capacity of not less than 45,000 may allow a patron who possesses an alcoholic beverage to enter or leave a licensed or permitted premises within the stadium under certain conditions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 893 amends the Alcoholic Beverage Code to authorize the independent concessionaire for certain public entertainment facilities to allow a patron who possesses an alcoholic beverage to enter or leave a licensed or permitted premises within a facility if the alcoholic beverage is in an open container; appears to be possessed for present consumption; remains within the confines of the facility, excluding a parking lot; and was purchased legally at a licensed or permitted premises within the facility. The bill's provisions apply only to a public entertainment facility that is a stadium located in a county with a population of more than 1.6 million, constructed not later than 1994, with a seating capacity of at least 45,000, and for which all alcoholic beverage permits and licenses are held by a single independent concessionaire.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 893 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter C, Chapter 108, Alcoholic Beverage Code, is amended by adding Section 108.82 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 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 49.031, Penal Code;

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

(3) remains within the confines of the facility, excluding a parking lot.

SECTION 2. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 108, Alcoholic Beverage Code, is amended by adding Section 108.82 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 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 49.031, Penal Code;

(2) appears to be possessed for present consumption;

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

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

SECTION 2. Same as introduced version.