

By: Dale

H.B. No. 336

A BILL TO BE ENTITLED

1 AN ACT
2 relating to consumption of alcoholic beverages in certain
3 entertainment facilities.

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

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

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

10 (1) that is a stadium:

11 (A) located in a county with a population of more
12 than 1.6 million;

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

14 (C) with a seating capacity of at least 45,000;
15 and

16 (D) ~~(2)~~ for which all alcoholic beverage
17 permits and licenses are held by a single independent
18 concessionaire; or

19 (2) that is a facility:

20 (A) located in a county with a population of
21 420,000 or more that is adjacent to the county containing the state
22 capital; and

23 (B) with a seating capacity of more than 6,000.

24 (b) Notwithstanding Section 28.10, a ~~the independent~~

1 concessionaire for a public entertainment facility described by
2 Subsection (a) may allow a patron who possesses an alcoholic
3 beverage to enter or leave a licensed or permitted premises within
4 the facility if the alcoholic beverage:

5 (1) is in an open container, as defined by Section
6 [49.031](#), Penal Code;

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

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

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

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section [39](#), Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2015.