

By: Smith, Meyer, Geren, Dale, Villalba

H.B. No. 2339

A BILL TO BE ENTITLED

1 AN ACT
2 relating to consumption of alcoholic beverages in public
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, arena, or other permanent
11 structure that is used for sporting events;

12 (2) relating to which an agreement approved by the
13 administrator under Section 108.79 is in force[+]

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

16 [~~(B) constructed not later than 1994, and~~

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

18 and

19 (3) [(2)] for which all alcoholic beverage permits and
20 licenses are held by a single holder [~~independent concessionaire~~].

21 (b) Notwithstanding Section 28.10, the [~~independent~~]
22 concessionaire for a public entertainment facility described by
23 Subsection (a) may allow a patron who possesses an alcoholic
24 beverage to enter or leave a licensed or permitted premises within

1 the facility if the alcoholic beverage:

2 (1) is in an open container, as defined by Section
3 [49.031](#), Penal Code;

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

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

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

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