

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, arena, or other permanent structure that is used for sporting events;

(2) relating to which an agreement approved by the administrator under Section 108.79 is in force~~+~~

~~[(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

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

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.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2339 was passed by the House on April 23, 2015, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2339 was passed by the Senate on May 20, 2015, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor