



FLOOR AMENDMENT NO. \_\_\_\_\_

2019 APR 24 AM 9:58

BY:

*Hinojosa*

HOUSE OF REPRESENTATIVES

1 Amend C.S.H.B. 1545 (house committee report) by adding the  
2 following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_ Effective September 1, 2019, Section 109.33,  
5 Alcoholic Beverage Code, is amended by adding Subsection (f-1) to  
6 read as follows:

7 (f-1) Subsections (a) (2) and (3) do not apply to a stadium or  
8 other athletic facility leased to a nonprofit or private entity  
9 under a policy adopted under Section 11.179, Education Code.

10 SECTION \_\_\_\_ Effective September 1, 2019, Subchapter D,  
11 Chapter 11, Education Code, is amended by adding Section 11.179 to  
12 read as follows:

13 Sec. 11.179. SALE OF ALCOHOLIC BEVERAGES IN CERTAIN LEASED  
14 DISTRICT FACILITIES. (a) The board of trustees of a school district  
15 may adopt a policy allowing the consumption, possession, and sale  
16 of an alcoholic beverage at a sporting or athletic event held at  
17 a stadium or other athletic facility owned by the district,  
18 provided that the facility:

19 (1) is not located on or within 300 feet of a public or  
20 private school campus; and

21 (2) is leased to a nonprofit or private entity for  
22 purposes of a sporting or athletic event not sponsored or  
23 sanctioned by the district.

24 (b) A lease agreement entered into as provided by Subsection  
25 (a) must require that:

26 (1) the sporting or athletic event be held outside of  
27 regular school hours;

1           (2) the alcoholic beverages be sold by a person who holds  
2 an appropriate retail license or permit under the Alcoholic  
3 Beverage Code for the facility;

4           (3) the nonprofit or private entity leasing the facility  
5 accept all civil and criminal liability arising from providing,  
6 selling, or serving an alcoholic beverage at the event;

7           (4) a peace officer be present at the facility at all  
8 times during which alcoholic beverages are sold; and

9           (5) the sale of alcoholic beverages cease the earlier of  
10 30 minutes before the end of the sporting or athletic event or  
11 after three-fourths of the sporting or athletic event are  
12 completed.

13           SECTION \_\_\_\_\_. Effective September 1, 2019, Section 37.122,  
14 Education Code, is amended by adding Subsection (a-1) to read as  
15 follows:

16           (a-1) It is a defense to prosecution under this section that  
17 the person possessed the intoxicating beverage:

18           (1) at a stadium or other athletic facility that is not  
19 on or within 300 feet of a public or private school campus; and

20           (2) during a sporting or athletic event held outside of  
21 regular school hours and not sponsored or sanctioned by a school  
22 district.

23           SECTION \_\_\_\_\_. Effective September 1, 2019, Section 38.007,  
24 Education Code, is amended by adding Subsection (a-1) to read as  
25 follows:

26           (a-1) This section does not apply to a stadium or athletic  
27 facility leased to a nonprofit or private entity for a sporting or  
28 athletic event as provided by Section 11.179.

29           SECTION \_\_\_\_\_. The change in law made by this Act to Section  
30 37.122, Education Code, applies only to an offense committed on or  
31 after September 1, 2019. An offense committed before September 1,

1 2019, is governed by the law in effect on the date the offense was  
2 committed, and the former law is continued in effect for that  
3 purpose. For purposes of this section, an offense was committed  
4 before September 1, 2019, if any element of the offense was  
5 committed before that date.