

## **BILL ANALYSIS**

C.S.H.B. 2281  
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Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that some public school districts own and operate athletic facilities that are not attached to a school campus and lease those facilities to private organizations for non-school affiliated athletic events. Because these facilities are located on property that is considered to be school property, the sale and possession of alcoholic beverages at these facilities is prohibited. C.S.H.B. 2281 seeks to increase lease revenue for districts by providing for the consumption, possession, and sale of alcoholic beverages at these stand-alone athletic facilities during private sporting or athletic events.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 2281 amends the Education Code to authorize the board of trustees of a public school district to adopt a policy allowing the consumption, possession, and sale of an alcoholic beverage at a sporting or athletic event held at a district-owned stadium or athletic facility, provided that the facility is not located on or within 300 feet of a public or private school campus and is leased to a nonprofit or private entity for purposes of a sporting or athletic event not sponsored or sanctioned by the district. The bill sets out requirements for the contents of such a lease agreement and exempts a stadium or athletic facility subject to the lease agreement from provisions relating to alcohol-free school zones.

C.S.H.B. 2281 establishes as a defense to prosecution for possession of intoxicants on public school grounds that the person possessed the intoxicating beverage at a stadium or other athletic facility that is not on or within 300 feet of a public or private school campus and during a sporting or athletic event held outside of regular school hours and not sponsored or sanctioned by a district.

C.S.H.B. 2281 amends the Alcoholic Beverage Code to make the authorization for a county, city, or town to enact certain regulations prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 1,000 feet of a public or private school inapplicable to a stadium or other athletic facility leased to a nonprofit or private entity under a policy adopted under the bill's provisions.

**EFFECTIVE DATE**

September 1, 2019.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2281 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the distance the leased stadium or facility must be from a public or private school campus for the district to be able to adopt a policy from more than 1,000 feet to more than 300 feet.

The substitute includes a provision making county and municipal authority to adopt certain alcohol regulations inapplicable to a stadium or facility leased to a nonprofit or private entity under such a policy.