

AN ACT

relating to the sale of alcoholic beverages on certain property owned or leased by the Texas State Railroad Authority.

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

SECTION 1. Section 48.01, Alcoholic Beverage Code, is amended to read as follows:

Sec. 48.01. AUTHORIZED ACTIVITIES. (a) The holder of a passenger train beverage permit has the same rights with respect to the sale of alcoholic beverages on a passenger train to which this chapter applies as the holder of an airline beverage permit has with respect to the sale of alcoholic beverages on a commercial passenger airplane under Section 34.01 [~~of this code~~].

(b) This subsection applies only to a passenger train operated by or on behalf of the Texas State Railroad Authority. An alcoholic beverage purchased by a consumer on a passenger train for present consumption may be removed from the train for consumption on property that is part of a public entertainment facility owned or leased by the Texas State Railroad Authority. An alcoholic beverage in an open container purchased by a consumer on property that is part of a public entertainment facility owned or leased by the Texas State Railroad Authority may be consumed on a passenger train.

SECTION 2. Section 108.73(2), Alcoholic Beverage Code, is amended to read as follows:

1           (2) "Public entertainment facility" means an arena,  
2 stadium, automobile race track, amphitheater, auditorium, theater,  
3 civic center, convention center, or similar facility that is  
4 primarily designed and used for live artistic, theatrical,  
5 cultural, educational, charitable, musical, sporting, nationally  
6 sanctioned automobile racing, or entertainment events. The term  
7 includes a facility that is owned or leased by the Texas State  
8 Railroad Authority and used as a station for passenger rail  
9 services. The term also includes a facility that is part of an  
10 approved venue project, including the venue and related  
11 infrastructure, as those terms are defined by Section 334.001,  
12 Local Government Code. The term does not include a facility the  
13 primary purpose of which is the sale of food or alcoholic beverages,  
14 including a bar, nightclub, restaurant, hotel, bowling alley, pool  
15 hall, or dance hall, or a facility that derives 75 percent or more  
16 of the facility's annual gross revenue from the on-premise sale of  
17 alcoholic beverages, except for a facility that is part of an  
18 approved venue project, including the venue and related  
19 infrastructure, as those terms are defined by Section 334.001,  
20 Local Government Code.

21           SECTION 3. Section 108.82, Alcoholic Beverage Code, is  
22 amended to read as follows:

23           Sec. 108.82. ALCOHOLIC BEVERAGE CONSUMPTION IN PUBLIC  
24 ENTERTAINMENT FACILITIES. (a) This section applies only to a  
25 public entertainment facility:

26           (1) that is owned or leased by the Texas State Railroad  
27 Authority and used as a station for passenger rail services; or

1           (2) that is a stadium, arena, or other permanent  
2 structure that is used for sporting events and:[+]

3           (A) [~~2~~] relating to which an agreement  
4 approved by the administrator under Section 108.79 is in force; and

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

7           (b) Notwithstanding Section 28.10, the concessionaire for a  
8 public entertainment facility described by Subsection (a) may allow  
9 a patron who possesses an alcoholic beverage to enter or leave a  
10 licensed or permitted premises within the facility if the alcoholic  
11 beverage:

12           (1) is in an open container, as defined by Section  
13 49.031, Penal Code;

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

15           (3) except as provided by Section 48.01(b), remains  
16 within the confines of the facility, excluding a parking lot; and

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

19           (c) A license or permit may be issued for a premises located  
20 in a facility described by Subsection (a)(1) in an area in which the  
21 sale of alcoholic beverages has not been authorized by a local  
22 option election if the area has been annexed by a municipality in  
23 which the sale of alcoholic beverages has been authorized by a local  
24 option election. A facility described by this subsection has the  
25 same local option status as the municipality.

26           (d) For a facility described by Subsection (a)(1), a  
27 concessionaire under Subsection (b) may include a licensee or

1 permittee of the manufacturing tier.

2 SECTION 4. Subchapter C, Chapter 4501, Special District  
3 Local Laws Code, is amended by adding Section 4501.1021 to read as  
4 follows:

5 Sec. 4501.1021. SALE OF ALCOHOLIC BEVERAGES ON AUTHORITY  
6 PROPERTY. The authority may contract with a person for the retail  
7 sale of alcoholic beverages and a person may sell alcoholic  
8 beverages at retail on authority property that is used as a station  
9 for passenger rail services if the person holds or obtains the  
10 appropriate permit or license authorizing the sale of the alcoholic  
11 beverages.

12 SECTION 5. This Act takes effect September 1, 2019.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 2196 was passed by the House on April 10, 2019, by the following vote: Yeas 143, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2196 on May 14, 2019, by the following vote: Yeas 137, Nays 4, 2 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 2196 was passed by the Senate, with amendments, on May 10, 2019, by the following vote: Yeas 30, Nays 1.

---

Secretary of the Senate

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

Date

---

Governor