

By: Hinojosa

H.B. No. 2281

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the consumption, possession, or sale of an alcoholic
3 beverage at a stadium or athletic facility leased to a nonprofit or
4 private entity by a school district.

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

6 SECTION 1. Subchapter D, Chapter 11, Education Code, is
7 amended by adding Section 11.179 to read as follows:

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

14 (1) is not located on or within 1,000 feet of a public
15 or private school campus; and

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

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

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

23 (2) the alcoholic beverages be sold by a person who
24 holds an appropriate retail license or permit under the Alcoholic

1 Beverage Code for the facility;

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

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

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

11 SECTION 2. Section 37.122, Education Code, is amended by
12 adding Subsection (a-1) to read as follows:

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

15 (1) at a stadium or other athletic facility that is not
16 on or within 1,000 feet of a public or private school campus; and

17 (2) during a sporting or athletic event held outside
18 of regular school hours and not sponsored or sanctioned by a school
19 district.

20 SECTION 3. Section 38.007, Education Code, is amended by
21 adding Subsection (a-1) to read as follows:

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

25 SECTION 4. The change in law made by this Act to Section
26 37.122, Education Code, applies only to an offense committed on or
27 after the effective date of this Act. An offense committed before

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

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