

AN ACT

relating to the consumption, possession, or sale of an alcoholic beverage at a performing arts facility leased to a nonprofit organization by a school district.

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

SECTION 1. Section 109.33, Alcoholic Beverage Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) Subsections (a)(2) and (3) do not apply to a performing arts facility leased to a nonprofit organization under a policy adopted under Section 11.179, Education Code.

SECTION 2. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.179 to read as follows:

Sec. 11.179. SALE OF ALCOHOLIC BEVERAGES IN CERTAIN LEASED DISTRICT FACILITIES. (a) The board of trustees of a school district may adopt a policy allowing the consumption, possession, and sale of an alcoholic beverage at an event held at a performing arts facility owned by the district if:

(1) the facility is leased to a nonprofit organization for an event not sponsored or sanctioned by the district; and

(2) the district is located in a county:

(A) that has a population of not more than 300,000; and

(B) in which a component university of the University of Houston System is located.

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

3 (1) the event be held outside of regular school hours;
4 and

5 (2) the alcoholic beverages be sold by a person who
6 holds an appropriate retail license or permit under the Alcoholic
7 Beverage Code for the facility.

8 SECTION 3. Section 37.122, Education Code, is amended by
9 adding Subsection (a-1) to read as follows:

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

12 (1) at a performing arts facility; and

13 (2) during an event held outside of regular school
14 hours and not sponsored or sanctioned by a school district.

15 SECTION 4. Section 38.007, Education Code, is amended by
16 adding Subsection (a-1) to read as follows:

17 (a-1) This section does not apply to a performing arts
18 facility leased to a nonprofit organization for an event as
19 provided by Section 11.179.

20 SECTION 5. The change in law made by this Act to Section
21 37.122, Education Code, applies only to an offense committed on or
22 after the effective date of this Act. An offense committed before
23 the effective date of this Act is governed by the law in effect on
24 the date the offense was committed, and the former law is continued
25 in effect for that purpose. For purposes of this section, an
26 offense was committed before the effective date of this Act if any
27 element of the offense was committed before that date.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2633 was passed by the House on April 18, 2019, by the following vote: Yeas 144, Nays 3, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2633 was passed by the Senate on May 22, 2019, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor