

House Bill 2196
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

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.

No equivalent provision.

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

(2) "Public entertainment facility" means an arena, stadium, automobile race track, amphitheater, auditorium, theater, civic center, convention center, or similar facility that is primarily designed and used for live artistic, theatrical, cultural, educational, charitable, musical, sporting, nationally sanctioned automobile racing, or entertainment events. The term includes a facility that is owned or leased by the Texas State Railroad Authority and used as a station for passenger

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rail services. The term also includes a facility that is part of an approved venue project, including the venue and related infrastructure, as those terms are defined by Section 334.001, Local Government Code. The term does not include a facility the primary purpose of which is the sale of food or alcoholic beverages, including a bar, nightclub, restaurant, hotel, bowling alley, pool hall, or dance hall, or a facility that derives 75 percent or more of the facility's annual gross revenue from the on-premise sale of alcoholic beverages, except for a facility that is part of an approved venue project, including the venue and related infrastructure, as those terms are defined by Section 334.001, Local Government Code.

No equivalent provision.

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

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

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

(2) that is a stadium, arena, or other permanent structure that is used for sporting events and;

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

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

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

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- (1) is in an open container, as defined by Section 49.031, Penal Code;
 - (2) appears to be possessed for present consumption;
 - (3) except as provided by Section 48.01(b), remains within the confines of the facility, excluding a parking lot; and
 - (4) was purchased legally at a licensed or permitted premises within the facility.
- (c) A license or permit may be issued for a premises located in a facility described by Subsection (a)(1) in an area in which the sale of alcoholic beverages has not been authorized by a local option election if the area has been annexed by a municipality in which the sale of alcoholic beverages has been authorized by a local option election. A facility described by this subsection has the same local option status as the municipality.
- (d) For a facility described by Subsection (a)(1), a concessionaire under Subsection (b) may include a licensee or permittee of the manufacturing tier.

SECTION 1. Subchapter C, Chapter 4501, Special District Local Laws Code, is amended by adding Section 4501.1021 to read as follows:

Sec. 4501.1021. SALE OF ALCOHOLIC BEVERAGES ON AUTHORITY PROPERTY. The authority may contract with a person for the retail sale of alcoholic beverages on authority property that is used as a station for passenger rail services.

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

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

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SECTION 2. This Act takes effect September 1, 2019.

SENATE VERSION (CS)

SECTION 5. Same as House version.

CONFERENCE