By:  Hinojosa H.B. No. 808

A BILL TO BE ENTITLED

AN ACT

relating to the consumption, possession, or sale of an alcoholic beverage at a stadium or athletic facility leased to a nonprofit or private entity 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-2) to read as follows:

(f-2)  Subsections (a)(2) and (3) do not apply to a stadium or other athletic facility leased to a nonprofit or private entity under a policy adopted under Section 11.180, Education Code.

SECTION 2.  Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.180 to read as follows:

Sec. 11.180.  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 a sporting or athletic event held at a stadium or other athletic facility owned by the district, provided that the facility:

(1)  is not located on or within 300 feet of a public or private school campus; and

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

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

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

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

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

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

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

SECTION 3.  Section 37.122, Education Code, is amended by adding Subsection (a-2) to read as follows:

(a-2)  It is a defense to prosecution under this section that the person possessed the intoxicating beverage:

(1)  at a stadium or other athletic facility that is not on or within 300 feet of a public or private school campus; and

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

SECTION 4.  Section 38.007, Education Code, is amended by adding Subsection (a-2) to read as follows:

(a-2)  This section does not apply to a stadium or athletic facility leased to a nonprofit or private entity for a sporting or athletic event as provided by Section 11.180.

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

SECTION 6.  This Act takes effect September 1, 2021.