H.B. No. 2127

AN ACT

relating to consumption of alcoholic beverages in public entertainment facilities and zones.

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

SECTION 1.  Section 108.73, Alcoholic Beverage Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a)  "Public entertainment zone" means an area of land that:

(A)  is owned by a municipality with a population of 175,000 or more;

(B)  is designated as a public entertainment zone by the governing body of a municipality in a formal meeting; and

(C)  contains a public safety facility.

SECTION 2.  The heading to Section 108.82, Alcoholic Beverage Code, is amended to read as follows:

Sec. 108.82.  ALCOHOLIC BEVERAGE CONSUMPTION IN PUBLIC ENTERTAINMENT FACILITIES AND ZONES.

SECTION 3.  Sections 108.82(a) and (b), Alcoholic Beverage Code, are amended to read as follows:

(a)  This section applies only to [~~a public entertainment facility~~]:

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

(2)  a public entertainment facility that is a stadium, arena, or other permanent structure that is used for sporting events and:

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

(B)  for which all alcoholic beverage permits and licenses are held by a single holder; or

(3)  a public entertainment zone.

(b)  Notwithstanding Section 28.10, the concessionaire for a public entertainment facility or a public entertainment zone 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 or zone if the alcoholic beverage:

(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 or zone, excluding a parking lot; and

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

SECTION 4.  This Act takes effect September 1, 2021.

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    President of the Senate Speaker of the House

I certify that H.B. No. 2127 was passed by the House on April 9, 2021, by the following vote:  Yeas 140, Nays 4, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2127 was passed by the Senate on May 13, 2021, by the following vote:  Yeas 30, Nays 0.

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Secretary of the Senate

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

                    Date

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                  Governor