

By: Hinojosa

H.B. No. 808

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. Section 109.33, Alcoholic Beverage Code, is  
7 amended by adding Subsection (f-2) to read as follows:

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

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

13 Sec. 11.180. SALE OF ALCOHOLIC BEVERAGES IN CERTAIN LEASED  
14 DISTRICT FACILITIES. (a) The board of trustees of a school  
15 district may adopt a policy allowing the consumption, possession,  
16 and sale of an alcoholic beverage at a sporting or athletic event  
17 held at a stadium or other athletic facility owned by the district,  
18 provided that the facility:

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

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

24 (b) A lease agreement entered into as provided by Subsection

1 (a) must require that:

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

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

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

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

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

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

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

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

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

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

27 (a-2) This section does not apply to a stadium or athletic

1 facility leased to a nonprofit or private entity for a sporting or  
2 athletic event as provided by Section 11.180.

3           SECTION 5. The change in law made by this Act to Section  
4 37.122, Education Code, applies only to an offense committed on or  
5 after the effective date of this Act. An offense committed before  
6 the effective date of this Act is governed by the law in effect on  
7 the date the offense was committed, and the former law is continued  
8 in effect for that purpose. For purposes of this section, an  
9 offense was committed before the effective date of this Act if any  
10 element of the offense was committed before that date.

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