

1 AN ACT

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

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

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

7 (3-a) "Public entertainment zone" means an area of
8 land that:

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

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

13 (C) contains a public safety facility.

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

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

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

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

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

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

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

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

8 (3) a public entertainment zone.

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

14 (1) is in an open container, as defined by Section
15 49.031, Penal Code;

16 (2) appears to be possessed for present consumption;

17 (3) except as provided by Section 48.01(b), remains
18 within the confines of the facility or zone, excluding a parking
19 lot; and

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

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

H.B. No. 2127

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.

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.

Secretary of the Senate

APPROVED: _____

Date

Governor