

1-1 By: Smith, et al. (Senate Sponsor - Eltife) H.B. No. 2339
 1-2 (In the Senate - Received from the House April 27, 2015;
 1-3 May 4, 2015, read first time and referred to Committee on Business
 1-4 and Commerce; May 12, 2015, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 12, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to consumption of alcoholic beverages in public
 1-20 entertainment facilities.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 108.82, Alcoholic Beverage Code, is
 1-23 amended to read as follows:

1-24 Sec. 108.82. ALCOHOLIC BEVERAGE CONSUMPTION IN ~~[CERTAIN]~~
 1-25 PUBLIC ENTERTAINMENT FACILITIES. (a) This section applies only
 1-26 ~~[with respect]~~ to a public entertainment facility:

1-27 (1) that is a stadium, arena, or other permanent
 1-28 structure that is used for sporting events;

1-29 (2) relating to which an agreement approved by the
 1-30 administrator under Section 108.79 is in force~~[-~~

1-31 ~~[(A) located in a county with a population of~~
 1-32 ~~more than 1.6 million;~~

1-33 ~~[(B) constructed not later than 1994; and~~

1-34 ~~[(C) with a seating capacity of at least 45,000];~~

1-35 and

1-36 (3) ~~[(2)]~~ for which all alcoholic beverage permits and
 1-37 licenses are held by a single holder ~~[independent concessionaire].~~

1-38 (b) Notwithstanding Section 28.10, the ~~[independent]~~
 1-39 concessionaire for a public entertainment facility described by
 1-40 Subsection (a) may allow a patron who possesses an alcoholic
 1-41 beverage to enter or leave a licensed or permitted premises within
 1-42 the facility if the alcoholic beverage:

1-43 (1) is in an open container, as defined by Section
 1-44 49.031, Penal Code;

1-45 (2) appears to be possessed for present consumption;

1-46 (3) remains within the confines of the facility,
 1-47 excluding a parking lot; and

1-48 (4) was purchased legally at a licensed or permitted
 1-49 premises within the facility.

1-50 SECTION 2. This Act takes effect immediately if it receives
 1-51 a vote of two-thirds of all the members elected to each house, as
 1-52 provided by Section 39, Article III, Texas Constitution. If this
 1-53 Act does not receive the vote necessary for immediate effect, this
 1-54 Act takes effect September 1, 2015.

1-55 * * * * *