

BILL ANALYSIS

Senate Research Center
84R13796 AJA-F

H.B. 2339
By: Smith et al. (Eltife)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that certain public entertainment facilities in Texas, through an independent concessionaire, may hold multiple beverage permits that apply to different and distinct areas within the venues but that event attendees who legally purchase alcoholic beverages in one permitted area may not leave that area with the beverage to return to their seats or to another area inside the facility, even if the sitting area or other area is permitted for the sale and consumption of alcoholic beverages. The parties contend that this regulatory constraint serves no public purpose and unintentionally encourages binge drinking that could lead to unsafe conditions for sports fans, concert and other event attendees, and the general public. H.B. 2339 seeks to amend current law to address this issue.

H.B. 2339 amends current law relating to consumption of alcoholic beverages in public entertainment facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 108.82, Alcoholic Beverage Code, as follows:

Sec. 108.82. New heading: ALCOHOLIC BEVERAGE CONSUMPTION IN PUBLIC ENTERTAINMENT FACILITIES. (a) Provides that this section applies only to a public entertainment facility:

- (1) that is a stadium, arena, or other permanent structure that is used for sporting events;
- (2) relating to which an agreement approved by the administrator (executive director of the Alcoholic Beverage Commission) under Section 108.79 (Optional Preapproval Process) is in force; and
- (3) for which all alcoholic beverage permits and licenses are held by a single holder, rather than a single independent concessionaire.

Deletes existing text of Subsection (a) providing that this section applies only with respect to a public entertainment facility that is a stadium located in a county with a population of more than 1.6 million, constructed not later than 1994, and with a seating capacity of at least 45,000. Makes nonsubstantive changes.

(b) Authorizes the concessionaire, rather than the independent concessionaire, for a public entertainment facility described by Subsection (a), notwithstanding Section 28.10 (Consumption Restricted to Premises; Exceptions), to allow a patron who possesses an alcoholic beverage to enter or leave a licensed or permitted premises within the facility if the alcoholic beverage:

(1)-(4) Makes no change to these subdivisions.

SECTION 2. Effective date: upon passage or September 1, 2015.