

BILL ANALYSIS

Senate Research Center
84R13796 AJA-F

C.S.S.B. 802
By: Eltife
Business & Commerce
4/7/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Several public entertainment facilities in the state, through an independent concessionaire, hold multiple beverage permits that apply to different and distinct areas within the venues. Under current law, 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 area to which they are returning is also permitted for the sale and consumption of alcoholic beverages. This regulatory constraint serves no public purpose, but unintentionally encourages binge drinking that could lead to unsafe conditions both inside and outside the facilities for sports fans, concert and other event attendees, and the general public.

C.S.S.B. 802 addresses the issue by providing that an independent concessionaire for a public entertainment facility may allow patrons who possess alcoholic beverages to enter or leave licensed or permitted premises within the facility under certain conditions.

C.S.S.B. 802 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 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 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. Redesignates existing Subsection (2) as Subsection (3).

(b) Authorizes the concessionaire, rather than the independent concessionaire, for a public entertainment facility described by Subsection (a) 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 meets certain criteria, notwithstanding Section 28.10 (Consumption Restricted to Premises; Exceptions),

SECTION 2. Effective date: September 1, 2015.