

Chapter 409.

H.B. No. 2339

AN ACT

relating to consumption of alcoholic beverages in public entertainment facilities.

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

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

Sec. 108.82. ALCOHOLIC BEVERAGE CONSUMPTION IN [~~CERTAIN~~] PUBLIC ENTERTAINMENT FACILITIES. (a) This section applies only [~~with respect~~] 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 is in force[+]

~~[(A) located in a county with a population of more than 1.6 million,~~

~~[(B) constructed not later than 1994, and~~

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

and

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

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

1 the facility if the alcoholic beverage:

2           (1) is in an open container, as defined by Section  
3 49.031, Penal Code;

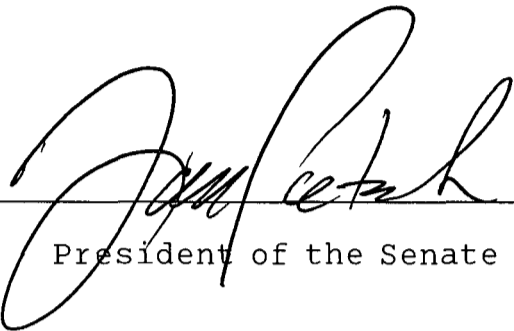
4           (2) appears to be possessed for present consumption;

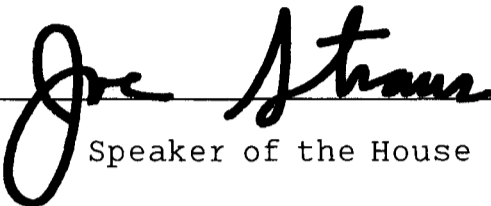
5           (3) remains within the confines of the facility,  
6 excluding a parking lot; and

7           (4) was purchased legally at a licensed or permitted  
8 premises within the facility.

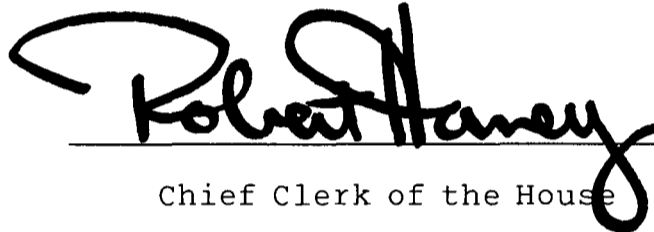
9           SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect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

H.B. No. 2339

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 2339 was passed by the House on April 23, 2015, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House


I certify that H.B. No. 2339 was passed by the Senate on May 20, 2015, by the following vote: Yeas 30, Nays 1.

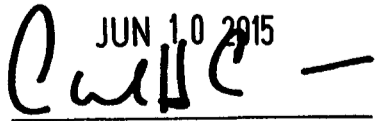
  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: 5-30-2015

Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
7<sup>45</sup>  O'CLOCK

JUN 10 2015  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 5, 2015**

**TO:** Honorable Kevin Eltife, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2339** by Smith (Relating to consumption of alcoholic beverages in public entertainment facilities.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code as it relates to consumption of alcoholic beverages in specified public entertainment facilities. The Texas Alcoholic Beverage Commission anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources. The bill would take effect immediately upon receiving a two-thirds majority vote in each house, otherwise the bill would take effect September 1, 2015.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** UP, JN, CL, AI, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 8, 2015**

**TO:** Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2339** by Smith (Relating to consumption of alcoholic beverages in public entertainment facilities.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code as it relates to consumption of alcoholic beverages in specified public entertainment facilities. The Texas Alcoholic Beverage Commission anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources. The bill would take effect immediately upon receiving a two-thirds majority vote in each house, otherwise the bill would take effect September 1, 2015.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** UP, JN, CL, AI, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 29, 2015**

**TO:** Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** HB2339 by Smith (Relating to consumption of alcoholic beverages in public entertainment facilities.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code as it relates to consumption of alcoholic beverages in specified public entertainment facilities. The Texas Alcoholic Beverage Commission anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources. The bill would take effect immediately upon receiving a two-thirds majority vote in each house, otherwise the bill would take effect September 1, 2015.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** UP, CL, AI, JN, KVe