

BILL ANALYSIS

Senate Research Center
83R14710 AJA-F

C.S.S.B. 400
By: Hancock
Business & Commerce
4/10/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Rangers Ballpark in Arlington, through an independent concessionaire, holds multiple beverage permits applicable to different areas inside the stadium. Under current law, a fan who legally purchases an alcoholic beverage in one permitted area may not leave that area with the beverage for another area inside the stadium, even if the area is 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 for fans, event attendees, and the general public.

C.S.S.B. 400 addresses this issue by providing that 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 not less than 45,000 may allow a patron who possesses an alcoholic beverage to enter or leave a licensed or permitted premises within the stadium if the alcoholic beverage is in an open container, is for present consumption, remains within the confines of the facility, and was purchased legally within the facility.

C.S.S.B. 400 amends current law relating to consumption of alcoholic beverages in certain 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 Subchapter C, Chapter 108, Alcoholic Beverage Code, by adding Section 108.82, as follows:

Sec. 108.82. ALCOHOLIC BEVERAGE CONSUMPTION IN CERTAIN PUBLIC ENTERTAINMENT FACILITIES. (a) Provides 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, and for which all alcoholic beverage permits and licenses are held by a single independent concessionaire.

(b) Authorizes 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 is in an open container, as defined by Section 49.031 (Possession of Alcoholic Beverage in Motor Vehicle), Penal Code, appears to be possessed for present consumption, remains within the confines of the facility, excluding the parking lot, and was purchased legally at a licensed or permitted premises within the facility.

SECTION 2. Effective date: September 1, 2013.