

By: Parker, Huffman

S.B. No. 1388

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of operating a premises for unlawful controlled substance consumption.

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

SECTION 1. Subchapter D, Chapter 481, Health and Safety Code, is amended by adding Section 481.142 to read as follows:

Sec. 481.142. OFFENSE: OPERATING PREMISES FOR UNLAWFUL CONTROLLED SUBSTANCE CONSUMPTION. (a) In this section, "premises" has the meaning assigned by Section 46.03, Penal Code.

(b) A person commits an offense if the person:

(1) owns, rents, leases, manages, or otherwise controls any premises, permanently or temporarily; and

(2) knowingly:

(A) operates the premises for the purpose of allowing persons on the premises to use a controlled substance in violation of this chapter;

(B) rents, leases, or otherwise profits from a premises described by Subdivision (1) that is operated or otherwise made available for the purpose of allowing persons on the premises to use a controlled substance in violation of this chapter; or

(C) regardless of whether compensation is expected or received, makes the premises available to others for the purpose of allowing persons on the premises to use a controlled substance in violation of this chapter.

1        (c) An offense under this section is a felony of the second  
2 degree.

3        (d) This section does not apply to conduct engaged in with  
4 respect to a premises on which controlled substances are consumed  
5 pursuant to a valid prescription, including a facility for  
6 medication-assisted treatment for opioid or substance use  
7 disorder.

8        (e) If conduct that constitutes an offense under this  
9 section also constitutes an offense under any other law, the actor  
10 may be prosecuted under this section, the other law, or both.

11        SECTION 2. This Act takes effect September 1, 2023.