

1-1 By: Parker, Huffman S.B. No. 1388  
 1-2 (In the Senate - Filed March 1, 2023; March 16, 2023, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 April 26, 2023, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 26, 2023,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Whitmire	X			
1-9 Flores	X			
1-10 Bettencourt			X	
1-11 Hinojosa	X			
1-12 Huffman	X			
1-13 King	X			
1-14 Miles	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1388 By: Flores

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to creating the criminal offense of operating a premises  
 1-20 for unlawful controlled substance consumption.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter D, Chapter 481, Health and Safety  
 1-23 Code, is amended by adding Section 481.142 to read as follows:

1-24 Sec. 481.142. OFFENSE: OPERATING PREMISES FOR UNLAWFUL  
 1-25 CONTROLLED SUBSTANCE CONSUMPTION. (a) In this section, "premises"  
 1-26 has the meaning assigned by Section 46.03, Penal Code.

1-27 (b) A person commits an offense if the person:

1-28 (1) owns, rents, leases, manages, or otherwise  
 1-29 controls any premises, permanently or temporarily; and

1-30 (2) knowingly:

1-31 (A) operates the premises for the purpose of  
 1-32 allowing persons on the premises to use a controlled substance in  
 1-33 violation of this chapter;

1-34 (B) rents, leases, or otherwise profits from a  
 1-35 premises described by Subdivision (1) that is operated or otherwise  
 1-36 made available for the purpose of allowing persons on the premises  
 1-37 to use a controlled substance in violation of this chapter; or

1-38 (C) regardless of whether compensation is  
 1-39 expected or received, makes the premises available to others for  
 1-40 the purpose of allowing persons on the premises to use a controlled  
 1-41 substance in violation of this chapter.

1-42 (c) An offense under this section is a felony of the second  
 1-43 degree.

1-44 (d) This section does not apply to conduct engaged in with  
 1-45 respect to a premises on which controlled substances are consumed  
 1-46 pursuant to a valid prescription, including a facility for  
 1-47 medication-assisted treatment for opioid or substance use  
 1-48 disorder.

1-49 (e) If conduct that constitutes an offense under this  
 1-50 section also constitutes an offense under any other law, the actor  
 1-51 may be prosecuted under this section, the other law, or both.

1-52 SECTION 2. This Act takes effect September 1, 2023.

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