

## **BILL ANALYSIS**

Senate Research Center

S.B. 1238  
By: Ellis  
Business & Commerce  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current statute prohibits the sale of alcohol within 300 feet of a church, public or private school, or public hospital.

S.B. 1238 authorizes the commissioners court of a county or the governing board of an incorporated city or town to enact regulations to prohibit the possession of an open container or the consumption of an alcoholic beverage on a public street, public alley, or public sidewalk, within 1,000 feet of the property line of a homeless shelter that is not located in a central business district or a substance abuse treatment center that is not located in a central business district. This bill also authorizes these governing entities to provide temporary suspensions of the regulations for certain purposes.

### **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 109, Alcoholic Beverage Code, by adding Section 109.36, as follows:

Sec. 109.36. CONSUMPTION OF ALCOHOLIC BEVERAGES NEAR HOMELESS SHELTER OR SUBSTANCE ABUSE TREATMENT CENTER. (a) Defines "central business district," "homeless shelter," and "open container."

(b) Authorizes the commissioners court of a county (commissioners court) to enact regulations applicable in areas in the county outside an incorporated city or town, and authorizes the governing board of an incorporated city or town (board) to enact regulations applicable in the city or town, prohibiting the possession of an open container or the consumption of an alcoholic beverage on a public street, public alley, or public sidewalk, within 1,000 feet of the property line of a homeless shelter that is not located in a central business district or a substance abuse treatment center that is not located in a central business district.

(c) Authorizes the commissioners court or the board to enact regulations allowing special temporary events for which Subsection (b) may be suspended, if the commissioners court or board enacts a prohibition under Subsection (b).

SECTION 2. Effective date: September 1, 2007.