

BILL ANALYSIS

S.B. 1238
By: Ellis
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current statute prohibits the sale of alcoholic beverages 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 or substance abuse treatment center that is not located in a central business district. This bill also authorizes these governing entities to provide suspensions of the prohibition for certain special temporary events.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

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 (governing 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 or a substance abuse treatment center that is not located in a central business district.

(c) Authorizes the commissioners court or the governing 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.

EFFECTIVE DATE

September 1, 2007.