

By: Thompson

H.B. No. 2351

A BILL TO BE ENTITLED

AN ACT

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relating to the sale of alcoholic beverages near churches, schools, hospitals, parks, multiservice centers, or assisted living facilities.

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

SECTION 1. Sections 109.33(a) and (b), Alcoholic Beverage Code, are amended to read as follows:

(a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within:

(1) 300 feet of a church, public or private school, ~~or~~ public hospital, municipal park, municipal multiservice center, or assisted living facility;

(2) 1,000 feet of a public school, if the commissioners court or the governing body receives a request from the board of trustees of a school district under Section 38.007, Education Code; or

(3) 1,000 feet of a private school if the commissioners court or the governing body receives a request from the governing body of the private school.

(b) ~~[The measurement of the distance between the place of~~

1 ~~business where alcoholic beverages are sold and the church or~~
2 ~~public hospital shall be along the property lines of the street~~
3 ~~fronts and from front door to front door, and in direct line across~~
4 ~~intersections.]~~ The measurement of the distance between the place
5 of business where alcoholic beverages are sold and the church,
6 public or private school, public hospital, municipal park,
7 municipal multiservice center, or assisted living facility shall
8 be:

9 (1) in a direct line from the property line of the
10 church, public or private school, public hospital, municipal park,
11 municipal multiservice center, or assisted living facility to the
12 property line of the place of business, and in a direct line across
13 intersections; or

14 (2) if the permit or license holder is located on or
15 above the fifth story of a multistory building, in a direct line
16 from the property line of the church, public or private school,
17 public hospital, municipal park, municipal multiservice center, or
18 assisted living facility to the property line of the place of
19 business, in a direct line across intersections, and vertically up
20 the building at the property line to the base of the floor on which
21 the permit or license holder is located.

22 SECTION 2. (a) The change in law made by this Act to Section
23 109.33, Alcoholic Beverage Code, applies only to an application for
24 an original permit or license that is filed on or after the
25 effective date of this Act.

26 (b) An application for an original permit or license that is
27 filed before the effective date of this Act is governed by the law

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1 in effect immediately before that date, and that law is continued in
2 effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2007.