

AN ACT

relating to local regulation of the distance requirements for the sale and consumption of alcoholic beverages near certain homeless shelters and substance abuse treatment centers.

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

SECTION 1. Subchapter C, Chapter 109, Alcoholic Beverage Code, is amended by adding Section 109.36 to read as follows:

Sec. 109.36. CONSUMPTION OF ALCOHOLIC BEVERAGES NEAR HOMELESS SHELTER OR SUBSTANCE ABUSE TREATMENT CENTER. (a) In this section:

(1) "Central business district" means a compact and contiguous geographical area of a municipality used for commercial purposes that has historically been the primary location in the municipality where business has been transacted.

(2) "Homeless shelter" means a supervised publicly or privately operated shelter or other facility that is designed to provide temporary living accommodations to individuals who lack a fixed regular and adequate residence.

(3) "Open container" has the meaning assigned by Section 109.35.

(b) 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

1 city or town, prohibiting the possession of an open container or the
2 consumption of an alcoholic beverage on a public street, public
3 alley, or public sidewalk within 1,000 feet of the property line of
4 a homeless shelter that is not located in a central business
5 district or a substance abuse treatment center that is not located
6 in a central business district.

7 (c) If the commissioners court of a county or the governing
8 board of an incorporated city or town enacts a prohibition under
9 Subsection (b), the commissioners court or the governing board may
10 enact regulations allowing special temporary events for which
11 Subsection (b) may be suspended.

12 SECTION 2. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1238 passed the Senate on May 3, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1238 passed the House on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor