

By: Ellis

S.B. No. 1238

A BILL TO BE ENTITLED

1 AN ACT

2 relating to local regulation of distance requirements for
3 businesses selling alcoholic beverages near certain institutions.

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

5 SECTION 1. The heading to Section 109.33, Alcoholic
6 Beverage Code, is amended to read as follows:

7 Sec. 109.33. SALES NEAR SCHOOL, CHURCH, [~~OR~~] HOSPITAL,
8 HOMELESS SHELTER, OR TRANSITIONAL HOUSING CENTER.

9 SECTION 2. Sections 109.33(a) and (b), Alcoholic Beverage
10 Code, are amended to read as follows:

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

17 (1) 300 feet of a church, public or private school,
18 [~~or~~] public hospital, homeless shelter, or transitional housing
19 center;

20 (2) 1,000 feet of a public school, if the
21 commissioners court or the governing body receives a request from
22 the board of trustees of a school district under Section 38.007,
23 Education Code; or

24 (3) 1,000 feet of a private school if the

1 commissioners court or the governing body receives a request from
2 the governing body of the private school.

3 (b) The measurement of the distance between the place of
4 business where alcoholic beverages are sold and the church, ~~or~~
5 public hospital, homeless shelter, or transitional housing center
6 shall be along the property lines of the street fronts and from
7 front door to front door, and in direct line across intersections.
8 The measurement of the distance between the place of business where
9 alcoholic beverages are sold and the public or private school shall
10 be:

11 (1) in a direct line from the property line of the
12 public or private school to the property line of the place of
13 business, and in a direct line across 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 public or private school to the
17 property line of the place of business, in a direct line across
18 intersections, and vertically up the building at the property line
19 to the base of the floor on which the permit or license holder is
20 located.

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