

BILL ANALYSIS

S.B. 341
By: Perry
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the state should do more to combat the rise in use of synthetic cannabinoids. S.B. 341 seeks to achieve that goal by establishing certain liability for retail establishments in relation to the sale of synthetic cannabinoids.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 341 amends the Alcoholic Beverage Code to specify that the requirement for the applicable county judge to deny an original application for a retail dealer's on-premise license because of a finding by the judge that the license applicant or the applicant's spouse, during the five years immediately preceding the application, was finally convicted of an offense involving certain controlled substances applies to offense involving a synthetic cannabinoid, defined by the bill as a substance in Penalty Group 2-A under the Texas Controlled Substances Act. The bill includes the possession of a synthetic cannabinoid or any equipment used or designed for the administering of a synthetic cannabinoid among the acts that a person authorized to sell beer at retail and the person's agent, servant, or employee are prohibited from engaging in or permitting the conduct of on the retailer's premises on the basis of such an act constituting conduct that is lewd, immoral, or offensive to public decency.

S.B. 341 amends the Health and Safety Code to authorize the provision, selling, or serving of a synthetic cannabinoid to be made the basis of a statutory cause of action on proof that the intoxication of the recipient of the synthetic cannabinoid was a proximate cause of the damages suffered. The bill establishes that the liability provided by that authorization for the actions of a retail establishment's employees, customers, members, or guests who are or become intoxicated by the consumption or ingestion of a synthetic cannabinoid is in lieu of common law or other statutory law warranties and duties of retail establishments. The bill expressly does not affect the right of a person to bring a common law cause of action against an individual whose consumption or ingestion of a synthetic cannabinoid resulted in causing the person bringing the suit to suffer personal injury or property damage. The bill establishes that the Texas Controlled Substances Act does not impose obligations on a retail establishment other than those expressly stated in these provisions.

EFFECTIVE DATE

September 1, 2017.

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17.138.369