

BILL ANALYSIS

Senate Research Center
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S.B. 404
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A variety of medical providers, especially dentists, have begun offering free alcoholic beverages at their practices. These beverages are offered to patients both before and after their procedures, which often involve sedation or other pharmaceuticals. These beverages are also offered to the parents of patients before they are told their child needs additional, expensive procedures.

There have been several incidents where alcoholic beverages have been offered by medical providers who later go on to inflict severe and permanent damage, often during the course of procedures later found to be unnecessary.

S.B. 404 would prohibit a medical practitioner from offering alcoholic beverages to a patient in their office. It levies an administrative penalty, to be imposed by the relevant licensing entity, should a practitioner offer alcohol to their patients. It contains an exception for alcohol that is provided for a medical purpose.

As proposed, S.B. 404 amends current law relating to prohibiting health care practitioners from providing alcoholic beverages to certain persons and imposes an administrative penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to a licensing entity in SECTION 1 (Section 116.002, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 3, Occupations Code, by adding Chapter 116, as follows:

CHAPTER 116. PROVIDING ALCOHOLIC BEVERAGES PROHIBITED

Sec. 116.001. DEFINITIONS. Defines "health care practitioner" and "licensing entity."

Sec. 116.002. PROVIDING ALCOHOLIC BEVERAGE PROHIBITED. (a) Prohibits a health care practitioner or an employee or agency of a health care practitioner, except as otherwise provided by Subsection (b), from providing or otherwise making available to a patient or to certain individuals accompanying the patient, an alcoholic beverage subject to regulation under the Alcoholic Beverage Code.

(b) Provides that this section does not apply to alcohol when used as, or contained in, a drug for the diagnosis, cure, mitigation, treatment, or prevention of illness, injury, or disease.

(c) Authorizes a licensing entity to adopt rules necessary to implement this chapter.

Sec. 116.003. IMPOSITION OF ADMINISTRATIVE PENALTY. Authorizes the appropriate licensing entity to impose an administrative penalty against a health care practitioner who violates Section 116.002 or a rule or order adopted under that section.

SECTION 2. Effective date: September 1, 2017.