

By: Kolkhorst  
(Coleman)

S.B. No. 404

Substitute the following for S.B. No. 404:

By: Kuempel

C.S.S.B. No. 404

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting certain health care practitioners from providing alcoholic beverages to certain persons; imposing an administrative penalty.

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

SECTION 1. Subtitle A, Title 3, Occupations Code, is amended by adding Chapter 116 to read as follows:

CHAPTER 116. PROVIDING ALCOHOLIC BEVERAGES PROHIBITED

Sec. 116.001. DEFINITIONS. In this chapter:

(1) "Health care practitioner" means an individual issued a license, certificate, registration, title, permit, or other authorization under this title to engage in a health care profession.

(2) "Licensing entity" means a department, commission, board, office, authority, or other agency of the state that regulates health care practitioners under this title.

Sec. 116.002. APPLICABILITY. This chapter applies only to a health care practitioner who is authorized to:

(1) administer anesthesia or provide anesthesia services in an outpatient setting, including the health care practitioner's office; or

(2) prescribe or administer a prescription drug, as defined by Section 551.003.

Sec. 116.003. PROVIDING ALCOHOLIC BEVERAGE PROHIBITED.

1 (a) Except as otherwise provided by Subsection (b), a health care  
2 practitioner or an employee or agent of a health care practitioner  
3 may not provide or otherwise make available to a patient or to a  
4 person accompanying the patient in the health care practitioner's  
5 office, including the patient's parent or guardian, an alcoholic  
6 beverage subject to regulation under the Alcoholic Beverage Code.

7 (b) This section does not apply to:

8 (1) alcohol when used as, or contained in, a drug for  
9 the diagnosis, cure, mitigation, treatment, or prevention of  
10 illness, injury, or disease; or

11 (2) an alcoholic beverage provided or otherwise made  
12 available at a social event held in a health care practitioner's  
13 office outside of normal business hours.

14 (c) A licensing entity may adopt rules necessary to  
15 implement this chapter.

16 Sec. 116.004. IMPOSITION OF ADMINISTRATIVE PENALTY. The  
17 appropriate licensing entity may impose an administrative penalty  
18 against a health care practitioner who violates Section 116.003 or  
19 a rule or order adopted under that section.

20 SECTION 2. This Act takes effect September 1, 2017.