

1-1 By: Kolkhorst S.B. No. 404
 1-2 (In the Senate - Filed December 29, 2016; February 1, 2017,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 20, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 20, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 404 By: Creighton

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to prohibiting certain health care practitioners from
 1-22 providing alcoholic beverages to certain persons; imposing an
 1-23 administrative penalty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subtitle A, Title 3, Occupations Code, is
 1-26 amended by adding Chapter 116 to read as follows:

1-27 CHAPTER 116. PROVIDING ALCOHOLIC BEVERAGES PROHIBITED

1-28 Sec. 116.001. DEFINITIONS. In this chapter:

1-29 (1) "Health care practitioner" means an individual
 1-30 issued a license, certificate, registration, title, permit, or
 1-31 other authorization under this title to engage in a health care
 1-32 profession.

1-33 (2) "Licensing entity" means a department,
 1-34 commission, board, office, authority, or other agency of the state
 1-35 that regulates health care practitioners under this title.

1-36 Sec. 116.002. APPLICABILITY. This chapter applies only to
 1-37 a health care practitioner who is authorized to:

1-38 (1) administer anesthesia or provide anesthesia
 1-39 services in an outpatient setting, including the health care
 1-40 practitioner's office; or

1-41 (2) prescribe or administer a prescription drug, as
 1-42 defined by Section 551.003.

1-43 Sec. 116.003. PROVIDING ALCOHOLIC BEVERAGE PROHIBITED.

1-44 (a) Except as otherwise provided by Subsection (b), a health care
 1-45 practitioner or an employee or agent of a health care practitioner
 1-46 may not provide or otherwise make available to a patient or to a
 1-47 person accompanying the patient in the health care practitioner's
 1-48 office, including the patient's parent or guardian, an alcoholic
 1-49 beverage subject to regulation under the Alcoholic Beverage Code.

1-50 (b) This section does not apply to alcohol when used as, or
 1-51 contained in, a drug for the diagnosis, cure, mitigation,
 1-52 treatment, or prevention of illness, injury, or disease.

1-53 (c) A licensing entity may adopt rules necessary to
 1-54 implement this chapter.

1-55 Sec. 116.004. IMPOSITION OF ADMINISTRATIVE PENALTY. The
 1-56 appropriate licensing entity may impose an administrative penalty
 1-57 against a health care practitioner who violates Section 116.003 or
 1-58 a rule or order adopted under that section.

1-59 SECTION 2. This Act takes effect September 1, 2017.

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