

By: Bumgarner

H.B. No. 288

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of operating a premises for unlawful controlled substance consumption.

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

SECTION 1. Subchapter D, Chapter 481, Health and Safety Code, is amended by adding Section 481.142 to read as follows:

Sec. 481.142. OFFENSE: OPERATING PREMISES FOR UNLAWFUL CONTROLLED SUBSTANCE CONSUMPTION. (a) In this section, "premises" has the meaning assigned by Section 46.03, Penal Code.

(b) A person commits an offense if the person:

(1) owns, rents, leases, manages, or otherwise controls any premises, permanently or temporarily; and

(2) knowingly:

(A) operates the premises for the purpose of allowing persons on the premises to use a controlled substance in violation of this chapter;

(B) rents, leases, or otherwise profits from a premises described by Subdivision (1) that is operated or otherwise made available for the purpose of allowing persons on the premises to use a controlled substance in violation of this chapter; or

(C) regardless of whether compensation is expected or received, makes the premises available to others for the purpose of allowing persons on the premises to use a controlled substance in violation of this chapter.

1 (c) An offense under this section is a felony of the second
2 degree.

3 (d) If conduct that constitutes an offense under this
4 section also constitutes an offense under any other law, the actor
5 may be prosecuted under this section, the other law, or both.

6 SECTION 2. This Act takes effect September 1, 2025.