

BILL ANALYSIS

Senate Research Center

H.B. 325
By: Pickett (Shapleigh)
State Affairs
5-14-97
Engrossed

DIGEST

Currently, day-care centers or child-care facilities are a necessity for a substantial number of working families in Texas. Out of this necessity for these types of facilities, day-care centers and child-care facilities do not receive the protection from exposure to bars that churches and schools enjoy. Many day-care centers are located in areas that are convenient for parents to utilize and are close to the neighborhoods where the families who use their services reside. Current law does not prohibit sales by a permit or license holder under the Alcoholic Beverage Code near a day-care center or child-care facility. H.B. 325 would prohibit sales by a permit or license holder near a day-care center or child-care facility.

PURPOSE

As proposed, H.B. 325 outlines provisions regarding the required distance between certain businesses that sell alcoholic beverages and a day-care center or child-care facility.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 109C, Alcoholic Beverage Code, by adding Section 109.331, as follows:

Sec. 109.331. SALES NEAR DAY-CARE CENTER OR CHILD-CARE FACILITY. Provides that this section applies only to a permit or license holder under Chapter 25, 28, 32, 69, or 74 who does not hold a food and beverage certificate. Provides that except as provided by this subsection, the provisions of Section 109.33 relating to a public school also apply to a day-care center and a child-care facility as those terms are defined by Section 42.002, Human Resources Code. Provides that Sections 109.33(a)(2) and (c) do not apply to a day-care center or child-care facility. Sets forth instances in which this section does not apply to a permit or license holder who sells alcoholic beverages.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.