

SUBJECT: Allowing local ban on alcohol sales within 300 feet of day-care centers

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 7 ayes — Wilson, Goolsby, Haggerty, Hamric, Pickett, Torres, Yarbrough
0 nays
2 absent — Kubiak, D. Jones

WITNESSES: For — Bill Stinson, Texas Association of Realtors
Against — None
On — Randy Yarbrough, Texas Alcohol and Beverage Commission

BACKGROUND : Under the Alcoholic Beverage Code, bars may be located no closer than 300 feet from public schools, hospitals and churches. Counties and municipalities can require that bars be no closer than 1,000 feet to a public school upon request by a school district.

DIGEST: HB 325 would amend the Alcoholic Beverage Code to allow counties or municipalities to regulate or prohibit alcoholic beverage sales for on-premise consumption within 300 feet of a day-care center or child care facility. The 1,000-foot restriction allowed public schools would not apply to these facilities. The 300-foot restriction would not apply to establishments primarily selling food under food and beverage certificates.

The 300-foot restriction also would not apply if the bar and the child care center were located on different floors of a multi-story building or in separate buildings and one of the facilities was on the second or higher story.

HB 325 would take effect September 1, 1997.

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SUPPORTERS SAY: HB 325 would increase the safety of Texas children by prohibiting direct contact with adults consuming alcohol. The consumption of alcohol is not something that children should be exposed to at such an early age. Bars close to day care centers do not contribute to a healthy environment for children and may actually pose a danger to them. The number of child care facilities is growing rapidly, particularly in locations that are convenient to parents' jobs, such as office buildings and strip malls. The children and the families that utilize the facilities deserve the same protection from untoward influences that people frequenting schools and churches already receive.

CSHB 325 would provide much the same measure of protection as for schools, hospitals and churches but with more flexibility. In recognition of the realities of downtown office space, the bill would stipulate special provisions for multistory buildings.

OPPONENTS SAY: No apparent opposition.

NOTES: The committee substitute specified that the 300-foot restriction would apply only to permit holders who sold alcohol for on-premise consumption. The original bill would have applied the restriction to any establishment that sold alcohol, including restaurants and grocery stores.