

BILL ANALYSIS

Senate Research Center
88R13285 TYPED

S.B. 1388
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4/7/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Supervised drug consumption sites are illegal under federal law. However, the United States Department of Justice (DOJ) turned a blind eye to the opening of a San Francisco site in 2021 and the subsequent opening of two such sites in New York City. Since then, the DOJ has signaled it is close to an "amicable resolution" in its settlement talks with the country's first proposed supervised drug consumption site in Philadelphia. Last month, legislation was filed in Colorado to allow supervised drug consumption sites. This week, the New York State Assembly passed legislation to allow such sites.

These sites are inherently dangerous for society. North America's first supervised drug consumption site opened in Vancouver, British Columbia, in 2003. Since then, 39 sites have opened throughout the country—and illicit drug toxicity deaths have risen by over 700 percent. Additionally, a health organization that manages injection sites in Canada estimated that only about 10 percent of their users enter treatment. Drug consumption sites also endanger the surrounding community. As drug users gather, so do drug traffickers who prey on them. An injection site in Melbourne, Australia, became a "one-stop-shop for crime," according to local police, and a Canadian consumption site fostered "open-air drug trafficking," according to the police chief in Calgary. In Philadelphia, the local police union echoed these concerns, warning that an injection site would bring increased crime to their community, including violent crime among drug dealers seeking to protect their turf. Further, these sites contradict our state's criminal drug laws. If it is illegal for a dealer to dispense drug paraphernalia, it should be the same for those in government.

S.B. 1388 mirrors current federal law that currently prohibits the operation of such sites. Any person who knowingly operates such a site would be charged with a second degree felony.

As proposed, S.B. 1388 amends current law relating to prohibiting the operation of supervised drug consumption sites and creates a criminal offense.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 481.002, Health and Safety Code, by adding Subsection (56) to provide that "supervised drug consumption site" means any facility or premises operated or intended to provide an environment for the unlawful use of a controlled substance.

SECTION 2. Amends Subchapter D, Chapter 481, Health and Safety Code, by adding Section 481.142, as follows:

Sec. 481.142. OFFENSE: OPERATION OF SUPERVISED DRUG CONSUMPTION SITES. (a) Provides that a person commits an offense if the person:

(1) knowingly operates a supervised drug consumption site as defined by Chapter 481 (Texas Controlled Substances Act); or

(2) either as an owner, lessee, agent, employee, occupant, or mortgagee, knowingly and intentionally opens, leases, rents, profits from, maintains, or makes available for use, with or without compensation, any premises for the purpose of operating a supervised drug consumption site as defined by this chapter.

(b) Provides that an offense under Subsection (a) is a felony of the second degree.

SECTION 3. Effective date: September 1, 2023.