

BILL ANALYSIS

H.B. 1056
By: Hamilton
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law a person under 18 may work in a mixed beverage establishment in any capacity that does not involve selling, preparing or serving of mixed beverages. The provision is limited to work in mixed beverage establishments, which leaves other on-premise operations only able to hire persons over 18 years of age. This provision has also been interpreted as prohibiting a person under 18 from serving as a cashier.

This proposal, HB 1056, would extend the hiring of persons under 18 to all on-premise operations so long as those persons under 18 are not involved selling, preparing or serving of alcoholic beverages.. The bill would allow persons under 18 to act as cashiers in restaurants so long as a person over 18 actually serves the alcoholic beverage.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

ANALYSIS

Amends Section 106.09, Alcoholic Beverage Code, by amending Subsections (a) and (c) and adding Subsection (e) to read as follows: (a) adds the notation of subsection (e) to be included in prohibiting employment of a person under 18. (c) authorizes a holder of a permit or license providing for the on-premises consumption of alcoholic beverages to employ a person under 18 to work in any capacity other than the selling of alcohol, preparing, or serving of alcoholic beverages. This subsection also changes the term mixed beverages, to alcoholic beverages.

Adds subsection (e) which authorizes a holder of a permit or license providing for an on-premises consumption of alcoholic beverages who also holds a food and beverage certificate to employ a person under 18 as a cashier for transactions involving the sale of alcoholic beverages if the person serving the alcohol is 18 years of age.

This Act changes Section 106.09, Alcoholic Beverage Code, and only applies to an offense committed on or after the effective date. If an offense was committed prior to the effective date, is covered by the law in effect at the time of the offense. This includes any part of an offense that was committed prior to the effective date.

EFFECTIVE DATE

September 1, 2003.