

## **BILL ANALYSIS**

H.B. 2868  
By: Frost  
Civil Practices  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Every year underage drinking results in countless injuries and senseless loss of life. Young people, particularly teenagers, are unprepared to handle the effects of alcohol and too frequently harm people and property while intoxicated. Underage drinking is often facilitated by adults who are not the child's parent, but are old enough to buy alcohol and provide the alcohol to children younger than 18. Under current law, adults who are so reckless as to provide liquor to minors cannot be held responsible for the devastating cost if a child harms, kills or is killed as a result of being under the influence.

H.B. 2868 corrects this oversight, by holding adults who are over 21 accountable for facilitating the intoxication of minors who are under 18. Under this bill, if a child who is 17 or younger causes damages while intoxicated due to the consumption of alcohol supplied by an adult who is 21 or older, the adult will be held liable for the damages caused by the child.

### **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**

H.B. 2868 amends Section 2.02, Alcoholic Beverage Code, by adding Subsection (c). The Subsection states an adult who is 21 years of age or older is liable for damages caused by the intoxication of a minor under the age of 18 if the adult negligently served or provided the minor with alcohol or allowed the minor to be served or provided alcohol on land owned or leased by the adult. Subsection (c) states this liability does not include the minor's parent, guardian or spouse. This Act applies only to causes of action that accrue on or after the effective date.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2005.