

1-1 By: Frost, et al. (Senate Sponsor - Hinojosa) H.B. No. 2868
1-2 (In the Senate - Received from the House May 11, 2005;
1-3 May 13, 2005, read first time and referred to Committee on State
1-4 Affairs; May 19, 2005, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 19, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to civil liability for provision of alcohol to a minor.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 2.02, Alcoholic Beverage Code, is
1-11 amended by adding Subsection (c) to read as follows:

1-12 (c) An adult 21 years of age or older is liable for damages
1-13 proximately caused by the intoxication of a minor under the age of
1-14 18 if:

1-15 (1) the adult is not:

1-16 (A) the minor's parent, guardian, or spouse; or

1-17 (B) an adult in whose custody the minor has been
1-18 committed by a court; and

1-19 (2) the adult knowingly:

1-20 (A) served or provided to the minor any of the
1-21 alcoholic beverages that contributed to the minor's intoxication;
1-22 or

1-23 (B) allowed the minor to be served or provided
1-24 any of the alcoholic beverages that contributed to the minor's
1-25 intoxication on the premises owned or leased by the adult.

1-26 SECTION 2. The change in law made by this Act applies only
1-27 to a cause of action that accrues on or after the effective date of
1-28 this Act. A cause of action that accrues before the effective date
1-29 of this Act is governed by the law in effect immediately before that
1-30 date, and that law is continued in effect for that purpose.

1-31 SECTION 3. This Act takes effect September 1, 2005.

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