

By: Hinojosa

S.B. No. 753

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a social host for providing alcohol to a minor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2.01, Alcoholic Beverage Code, is amended by adding Subdivision (3) to read as follows:

(3) "Social host" means a person, other than a person described by Subdivision (1), who, on premises owned by the person or at which the person resides, provides or serves an alcoholic beverage to an individual.

SECTION 2. Section 2.02, Alcoholic Beverage Code, is amended by adding Subsection (c) to read as follows:

(c) The provision or service of an alcoholic beverage by a social host to an individual under 18 years of age may be made the basis of a statutory cause of action under this chapter on proof that:

(1) at the time the provision or service of the alcoholic beverage occurred it was apparent to the social host that the recipient of the beverage was obviously intoxicated to the extent that the recipient presented a clear danger to the recipient and others; and

(2) the intoxication of the recipient was a proximate cause of the damages suffered.

SECTION 3. Sections 2.03(a) and (b), Alcoholic Beverage

1 Code, are amended to read as follows:

2 (a) The liability of providers and social hosts under this  
3 chapter for the actions of their employees, customers, members, or  
4 guests who are or become intoxicated is in lieu of common law or  
5 other statutory law warranties and duties of providers of alcoholic  
6 beverages and social hosts.

7 (b) This chapter does not impose obligations on a provider  
8 of alcoholic beverages or social host other than those expressly  
9 stated in this chapter.

10 SECTION 4. The change in law made by this Act applies only  
11 to a cause of action that accrues on or after the effective date of  
12 this Act. A cause of action that accrues before the effective date  
13 of this Act is governed by the law in effect immediately before that  
14 date, and that law is continued in effect for that purpose.

15 SECTION 5. This Act takes effect September 1, 2005.