

BILL ANALYSIS

C.S.H.B. 1615
By: Chisum
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a retailer who sells an age-restricted product, such as alcohol, cigarettes, or tobacco, is generally governed by a criminal negligence standard to enforce the legal age of the purchaser by use of a government issued identification card or document required to prove age. However, the potential exists for such identification cards or documents to be duplicated and used by an underage person. Use of an electronic fingerprint verification system may eliminate the problem of fake identification documents. The use of this system, coupled with legitimate identification, may allow a retailer to ascertain the customer's eligibility to purchase the product by using a scan of the customer's fingerprint to access the age verification records electronically.

CSHB 1615 authorizes a retailer of age-restricted products to satisfy the standards of the statutes and administrative rules applicable to the product by using an electronic fingerprint verification system to determine whether the customer is of legal age. This bill provides for a person's fingerprint to be coupled with government-issued identification.

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.

SECTION BY SECTION ANALYSIS

SECTION 1. Creates a new subchapter in Chapter 35 of the Business and Commerce Code related to age verification through electronic fingerprint analysis.

SECTION 2. Amends the Alcoholic Beverage Code by establishing a criminal negligence standard related to the improper use of an electronic fingerprint verification system.

SECTION 3. Amends the Alcoholic Beverage Code to allow for the use of electronic fingerprint analysis for age verification.

SECTION 4. Amends the Health and Safety Code to allow for the use of electronic fingerprint analysis for age verification.

SECTION 5. Amends the Transportation Code to allow a person to access or use the electronically readable information on a driver's license with the consent of the license holder.

SECTION 6. Effective date.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute provides procedures for the operator of the system to follow in the event an electronic fingerprint verification system malfunctions.

It also provides for an offense under the Business and Commerce Code if a person incorrectly enters the age of a purchaser into the electronic fingerprint verification system with criminal

negligence upon enrolling the purchaser in the system. An exception to this liability would be that the purchase falsely claimed to be the age indicated in the electronic fingerprint verification system by displaying an apparently valid government-issued identification document upon enrollment in the system.

The substitute also amends the Alcoholic Beverage Code to allow for the cancellation or suspension of a retail license or permit or private club registration if it fails, with criminal negligence, to properly verify the age of the purchaser in the course of enrolling the purchaser in an electronic fingerprint verification system and incorrectly enters an age of least 21 years of age for a purchaser who was under 21 years of age.