

By: Chisum

H.B. No. 1615

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an electronic fingerprint verification system used by a
3 seller to confirm the age of a purchaser of certain products.

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

5 SECTION 1. Subchapter D, Chapter 35, Business & Commerce
6 Code, is amended by adding Section 35.501 to read as follows:

7 Sec. 35.501. AGE VERIFICATION THROUGH ELECTRONIC
8 FINGERPRINT ANALYSIS. (a) In this section, "electronic
9 fingerprint verification system" means an electronic system
10 capable of verifying the age of a purchaser by scanning the
11 purchaser's fingerprint at the location of the sale.

12 (b) A seller who is required by law to verify the age of a
13 purchaser of a good or service before making a sale may satisfy the
14 age verification requirement by using an electronic fingerprint
15 verification system as provided by this section.

16 (c) A seller, a seller's agent, or a third party that a
17 seller or a seller's agent contracts with for this purpose may
18 enroll purchasers in an electronic fingerprint verification
19 system. To become enrolled in the system, the purchaser must
20 provide the person enrolling the purchaser with a government-issued
21 identification document that indicates the purchaser's age and
22 includes an electronic image of the person's fingerprint.

23 (d) After a purchaser is enrolled in the electronic
24 fingerprint verification system as provided by Subsection (c), a

1 seller may use the system to verify a purchaser's age before making
2 a sale. The seller is not required to ask for the purchaser's
3 government-issued identification document in the course of the
4 sale.

5 (e) Multiple sellers may share a single electronic
6 fingerprint verification system. A seller may rely on the
7 enrollment services of another seller, another seller's agent, or a
8 third party with whom another seller contracts, if both sellers use
9 the same electronic fingerprint verification system.

10 SECTION 2. Subchapter D, Chapter 109, Alcoholic Beverage
11 Code, is amended by adding Section 109.62 to read as follows:

12 Sec. 109.62. USE OF ELECTRONIC FINGERPRINT ANALYSIS FOR AGE
13 VERIFICATION. (a) A person may use an electronic fingerprint
14 verification system as provided by Section 35.501, Business &
15 Commerce Code, for the purpose of complying with this code or a rule
16 of the commission, including for the purpose of preventing the
17 person from committing an offense under this code.

18 (b) It is an affirmative defense to prosecution under this
19 code, for an offense having as an element the age of a person, that:

20 (1) an electronic fingerprint verification system
21 identified a person as of age and the defendant accessed the
22 information and relied on the results in good faith; or

23 (2) if the defendant is the owner of a store in which
24 alcoholic beverages are sold at retail, the offense occurs in
25 connection with a sale by an employee of the owner, and the owner
26 had provided the employee with:

27 (A) an electronic fingerprint verification

1 system in working condition; and

2 (B) adequate training in the use of the system.

3 SECTION 3. Subchapter H, Chapter 161, Health and Safety
4 Code, is amended by adding Section 161.0826 to read as follows:

5 Sec. 161.0826. USE OF ELECTRONIC FINGERPRINT ANALYSIS FOR
6 AGE VERIFICATION. (a) A person may use an electronic fingerprint
7 verification system as provided by Section 35.501, Business &
8 Commerce Code, for the purpose of complying with Section 161.082.

9 (b) It is an affirmative defense to prosecution under
10 Section 161.082 that:

11 (1) an electronic fingerprint verification system
12 identified a person as of age and the defendant accessed the
13 information and relied on the results in good faith; or

14 (2) if the defendant is the owner of a store in which
15 cigarettes or tobacco products are sold at retail, the offense
16 under Section 161.082 occurs in connection with a sale by an
17 employee of the owner, and the owner had provided the employee with:

18 (A) an electronic fingerprint verification
19 system in working condition; and

20 (B) adequate training in the use of the system.

21 SECTION 4. Section 521.126, Transportation Code, is amended
22 by amending Subsection (b) and adding Subsection (e-1) to read as
23 follows:

24 (b) Except as provided by Subsections (d), (e), (e-1), and
25 (g), a person commits an offense if the person:

26 (1) accesses or uses electronically readable
27 information derived from a driver's license, commercial driver's

1 license, or personal identification certificate; or

2 (2) compiles or maintains a database of electronically
3 readable information derived from driver's licenses, commercial
4 driver's licenses, or personal identification certificates.

5 (e-1) The prohibition provided by Subsection (b) does not
6 apply to a person who accesses or uses electronically readable
7 information or compiles or maintains a database of electronically
8 readable information to enroll purchases in an electronic
9 fingerprint verification system or to verify the age of a purchaser
10 before making a sale, as authorized by Section 35.501, Business &
11 Commerce Code, if the purchaser consents to the use of the
12 purchaser's electronically readable information in that manner.

13 SECTION 5. This Act takes effect September 1, 2007.