

BILL ANALYSIS

H.B. 2720
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Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a person who provides alcohol to an individual under the age of 18 can be held both criminally and civilly liable; however, a person who provides alcohol to an individual between the ages of 18 and 21 only can be held criminally responsible. The likelihood that an 18, 19, or 20-year old would be able to obtain alcohol by virtue of his or her physical appearance is greater than the likelihood that a younger person would be able to do so.

H.B. 2720 removes the condition that a minor be under 18 for certain adults 21 years of age or older to be liable for damages proximately caused by the intoxication of the minor.

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. 2720 amends the Alcoholic Beverage Code to clarify that providing, selling, or serving an alcoholic beverage to an individual may be made the basis of a statutory cause of action regardless of the individual's age, and specifies that providing, selling, or serving an alcoholic beverage to an individual may be made the basis of a statutory cause of action or revocation proceeding upon proof that the individual was obviously intoxicated to the extent that the individual presented a clear danger to the individual or others, rather than a danger to both the individual and others. The bill removes the condition that a minor be under the age of 18 for certain adults 21 years of age or older to be liable for damages proximately caused by the intoxication of the minor. The bill removes the condition that the service or provision of any of the alcoholic beverages that contributed to a minor's intoxication must occur on the premises owned or leased by certain adults 21 years of age or older for the adult to be liable for damages proximately caused by the intoxication of the minor. The bill makes a person who commits an offense by selling an alcoholic beverage to a minor liable for damages proximately caused by the intoxication of the minor if the alcoholic beverage sold to the minor contributed to the minor's intoxication. The bill specifies that provisions relating to civil liabilities of a provider for serving alcoholic beverages are the exclusive cause of action for providing alcohol to a person 21 years of age or older, rather than 18 years of age or older.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.