

By: Lozano

H.B. No. 892

A BILL TO BE ENTITLED

AN ACT

relating to who is a minor for the purposes of the Alcoholic Beverage Code.

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

SECTION 1. Section 2.02(c), Alcoholic Beverage Code, is amended to read as follows:

(c) An adult who is 21 years of age or older or at least 18 years of age and a member of the United States armed forces on active duty is liable for damages proximately caused by the intoxication of a minor under the age of 18 if:

(1) the adult is not:

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

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

(2) the adult knowingly:

(A) served or provided to the minor any of the alcoholic beverages that contributed to the minor's intoxication; or

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

SECTION 2. Sections 16.09(c) and (d), Alcoholic Beverage Code, are amended to read as follows:

(c) Wine shipped by the holder of a winery permit may not be

1 delivered to any person other than:

2 (1) the person who purchased the wine;

3 (2) a recipient designated in advance by such
4 purchaser; or

5 (3) a person at the delivery address who is age 21 or
6 over or at least 18 years of age and a member of the United States
7 armed forces on active duty.

8 (d) Wine may be delivered only to a person who is age 21 or
9 over or at least 18 years of age and a member of the United States
10 armed forces on active duty after the person accepting the package:

11 (1) presents valid proof of identity and age and, if
12 applicable, proof of active duty service in the United States armed
13 forces; and

14 (2) personally signs a receipt acknowledging delivery
15 of the package.

16 SECTION 3. Sections 22.13(a) and (b), Alcoholic Beverage
17 Code, are amended to read as follows:

18 (a) Except as provided by Subsection (b), a [A] package
19 store permittee may not knowingly utilize or employ any person
20 under the age of 21 to work on the premises of a package store in any
21 capacity or to deliver alcohol off the premises of a package store.

22 (b) A package store permittee may employ ~~[This section shall~~
23 ~~not apply to]~~ a person who is at least 18 years of age and a member
24 of the United States armed forces on active duty ~~[was under the age~~
25 ~~of 21 and employed by a package store on September 1, 1995]~~.

26 SECTION 4. Sections 54.05(b) and (c), Alcoholic Beverage
27 Code, are amended to read as follows:

1 (b) Wine sold or shipped by a holder of an out-of-state
2 winery direct shipper's permit may not be delivered to any person
3 other than:

4 (1) the person who purchased the wine;

5 (2) a recipient designated in advance by such
6 purchaser; or

7 (3) a person at the delivery address who is age 21 or
8 over or at least 18 years of age and a member of the United States
9 armed forces on active duty.

10 (c) Wine may be delivered only to a person who is age 21 or
11 over or at least 18 years of age and a member of the United States
12 armed forces on active duty after the person accepting the package:

13 (1) presents valid proof of identity and age and, if
14 applicable, proof of active duty service in the United States armed
15 forces; and

16 (2) personally signs a receipt acknowledging delivery
17 of the package.

18 SECTION 5. Section 102.19, Alcoholic Beverage Code, is
19 amended to read as follows:

20 Sec. 102.19. PROMOTIONAL GIFT WINE. A holder of a winery
21 permit may give one or more unopened bottles of Texas-made wine
22 produced or bottled by the winery to a person 21 years of age or
23 older or at least 18 years of age and a member of the United States
24 armed forces on active duty on the premises of a convention center
25 or civic center that holds a mixed beverage permit if no charge is
26 made by the winery or by the mixed beverage permittee for the wine.
27 A recipient of a bottle of wine under this section must take the

1 unopened gift bottle off the premises of the mixed beverage
2 permittee.

3 SECTION 6. Section 106.01, Alcoholic Beverage Code, is
4 amended to read as follows:

5 Sec. 106.01. DEFINITION. In this code, "minor" means a
6 person under 21 years of age. The term does not include a person who
7 is at least 18 years of age and a member of the United States armed
8 forces on active duty.

9 SECTION 7. Section 106.03(b), Alcoholic Beverage Code, is
10 amended to read as follows:

11 (b) A person who sells a minor an alcoholic beverage does
12 not commit an offense if the minor falsely represents the minor
13 [himself] to be 21 years old or older or at least 18 years of age and
14 a member of the United States armed forces on active duty by
15 displaying an apparently valid proof of identification that
16 contains a physical description and photograph consistent with the
17 minor's appearance, purports to establish that the minor is 21
18 years of age or older or at least 18 years of age and a member of the
19 United States armed forces on active duty, and was issued by a
20 governmental agency. The proof of identification may include a
21 driver's license or identification card issued by the Department of
22 Public Safety, a passport, or a military identification card.

23 SECTION 8. Section 106.07(a), Alcoholic Beverage Code, is
24 amended to read as follows:

25 (a) A minor commits an offense if the minor:

26 (1) [he] falsely states to a person engaged in selling
27 or serving alcoholic beverages that the minor [he] is:

1 (A) 21 years of age or older; or

2 (B) at least 18 years of age and a member of the
3 United States armed forces on active duty; or

4 (2) presents any document to a person engaged in
5 selling or serving alcoholic beverages that indicates the minor
6 [he] is:

7 (A) 21 years of age or older; or

8 (B) at least 18 years of age and a member of the
9 United States armed forces on active duty [~~to a person engaged in~~
10 ~~selling or serving alcoholic beverages~~].

11 SECTION 9. Section 110.054, Alcoholic Beverage Code, is
12 amended to read as follows:

13 Sec. 110.054. DELIVERY OF WINE IN A DRY AREA. A package
14 store that participates in the program may ship wine under Section
15 110.053 to a person who resides in a dry area if:

16 (1) the delivery is made by the holder of a carrier
17 permit; and

18 (2) the package is clearly labeled as requiring the
19 signature of a person 21 years of age or older or at least 18 years
20 of age and a member of the United States armed forces on active duty
21 for delivery.

22 SECTION 10. Section 49.02(e), Penal Code, is amended to
23 read as follows:

24 (e) An offense under this section committed by a person who
25 is a minor for the purposes of the Alcoholic Beverage Code [~~younger~~
26 ~~than 21 years of age~~] is punishable in the same manner as if the
27 minor committed an offense to which Section 106.071, Alcoholic

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1 Beverage Code, applies.

2 SECTION 11. This Act takes effect September 1, 2013.