

By: Phillips

H.B. No. 909

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the tasting of alcoholic beverages by students enrolled
3 in certain courses.

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

5 SECTION 1. Section 106.05(b), Alcoholic Beverage Code, is
6 amended to read as follows:

7 (b) A minor may possess an alcoholic beverage:

8 (1) while in the course and scope of the minor's
9 employment if the minor is an employee of a licensee or permittee
10 and the employment is not prohibited by this code;

11 (2) if the minor is in the visible presence of his
12 adult parent, guardian, or spouse, or other adult to whom the minor
13 has been committed by a court; ~~or~~

14 (3) if the minor is under the immediate supervision of
15 a commissioned peace officer engaged in enforcing the provisions of
16 this code; or

17 (4) if the beverage is lawfully provided to the minor
18 under Section 106.16.

19 SECTION 2. Section 106.06(b), Alcoholic Beverage Code, is
20 amended to read as follows:

21 (b) A person may purchase an alcoholic beverage for or give
22 an alcoholic beverage to a minor if the person is:

23 (1) ~~he is~~ the minor's adult parent, guardian, or
24 spouse, or an adult in whose custody the minor has been committed by

1 a court, and ~~he~~ is visibly present when the minor possesses or
2 consumes the alcoholic beverage; or

3 (2) a person lawfully providing an alcoholic beverage
4 to a minor under Section 106.16.

5 SECTION 3. Chapter 106, Alcoholic Beverage Code, is amended
6 by adding Section 106.16 to read as follows:

7 Sec. 106.16. EXCEPTION FOR CERTAIN COURSE WORK. (a) In
8 this section:

9 (1) "Career school or college" has the meaning
10 assigned by Section 132.001, Education Code.

11 (2) "Taste" means to draw a beverage into the mouth
12 without swallowing or otherwise consuming the beverage.

13 (b) Notwithstanding any other law, a minor may taste an
14 alcoholic beverage if:

15 (1) the minor:

16 (A) is at least 18 years old; and

17 (B) is enrolled:

18 (i) as a student at a public or private
19 institution of higher education or a career school or college that
20 offers a program in culinary arts, viticulture, enology or wine
21 technology, brewing or beer technology, or distilled spirits
22 production or technology; and

23 (ii) in a course that is part of a program
24 described by Subparagraph (i);

25 (2) the beverage is tasted for educational purposes as
26 part of the curriculum for the course described by Subdivision
27 (1)(B)(ii);

1 (3) the beverage is not purchased by the minor; and

2 (4) the service and tasting of the beverage is
3 supervised by a faculty or staff member who is at least 21 years of
4 age.

5 (c) A public or private institution of higher education or a
6 career school or college is not required to hold a license or permit
7 to engage in the activities authorized under this section.

8 SECTION 4. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 governed by the law in effect at the time the offense was committed,
12 and the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense occurred
15 before that date.

16 SECTION 5. This Act takes effect September 1, 2015.