

By: Capriglione

H.B. No. 1299

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the tasting of wine by students enrolled in certain  
3 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, "career school or college" means a career school or  
9 college as defined by Section 132.001, Education Code, that offers  
10 a two-year associate degree as approved by the Texas Higher  
11 Education Coordinating Board.

12 (b) Notwithstanding any other law, a minor may consume not  
13 more than one ounce of wine per course meeting if:

14 (1) the minor:

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

16 (B) is enrolled as a student in a course at a  
17 public or private institution of higher education or a career  
18 school or college;

19 (2) the wine is consumed for educational purposes as  
20 part of the curriculum for the course described by Subdivision  
21 (1)(B);

22 (3) the wine is not purchased by the minor; and

23 (4) the service and consumption of the wine is  
24 supervised by a faculty or staff member who is at least 21 years of  
25 age.

26 (c) A public or private institution of higher education or a  
27 career school or college is not required to hold a license or permit

1 to engage in the activities authorized under this section.

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

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