

BILL ANALYSIS

Senate Research Center

S.B. 650
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to *Forbes*, Texas has the third-highest rate of any state of drunk drivers under age 21 being involved in fatal crashes (0.94 per 100,000 licensed drivers).

Although under Texas law it is illegal to sell alcohol to a minor, the front line of defense against selling alcohol to minors—convenience and grocery store clerks—are often faced with making determinations of whether or not an identification presented is actually valid to allow the holder to purchase alcohol. The rise in fake identification cards, made to look very much like state identification and driver licenses, has made it more difficult for store clerks to determine if an identification presented is real or fake.

Clerks' failure to be able to determine whether or not a presented identification is valid or not can lead to dangerous situations, such as minors being sold and allowed to consume alcohol. One such preventable death occurred in Dallas in the spring of 2022. Deshawn Jagwan, an 18-year-old Woodrow Wilson High School senior, went to a convenience store on his prom night and, using a fake ID, made multiple alcohol purchases at multiple times with multiple store clerks. Deshawn consumed the alcohol, became intoxicated, and was killed when the vehicle he was driving crashed.

S.B. 650 seeks to ensure that there are no more stories like Deshawn's.

S.B. 650 will require all establishments selling alcohol to, by January 1, 2027, begin using a system that will swipe identification cards to determine if they are real or fake—a system commonly in use at multiple retailers around the country.

The committee substitute will exclude liquor stores, as you must be 21 to enter a liquor store.

S.B. 650 amends current law relating to requiring the use of electronically readable information to verify a purchaser's age in the retail sale of alcoholic beverages.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Alcoholic Beverage Commission is rescinded in SECTION 2 (Section 109.61, Alcoholic Beverage Code) of this bill.

Rulemaking authority is expressly granted to the Texas Alcoholic Beverage Commission in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires that this Act be known as the Deshawn Jagwan Act.

SECTION 2. Amends Section 109.61, Alcoholic Beverage Code, by adding Subsections (a-1), (a-2), (a-3), (a-4), and (d-1) and amending Subsections (b) and (d), as follows:

(a-1) Requires a person to visually inspect and access electronically readable information on a driver's license, commercial driver's license, or identification certificate for the purpose of verifying a purchaser's age in any retail sale of an alcoholic beverage on a

permitted or licensed premises for off-premises consumption. Authorizes a person required to access electronically readable information under this subsection to manually enter into an electronic reader the information on the driver's license, commercial driver's license, or identification certificate if the license or certificate cannot be electronically scanned. Provides that this subsection does not apply to the retail sale of alcohol on certain premises and certain permit or license holders.

(a-2) Prohibits the Texas Alcoholic Beverage Commission (TABC) from taking any disciplinary action against the holder of a permit or license issued under the Alcoholic Beverage Code for a violation of Subsection (a-1) if the permit or license holder's failure to access the electronically readable information is a result of a disruption of, interruption of, or inability to access Internet connectivity services or data connectivity services and the permit or license holder visually inspected the purchaser's driver's license, commercial driver's licenses, or identification certificate to verify the purchaser's age.

(a-3) Prohibits TABC from taking any disciplinary action against the holder of a permit or license to whom Subsection (a-1) applies for selling an alcoholic beverage to a minor if the permit or license holder electronically accessed the electronically readable information on the purchaser's driver's license, commercial driver's license, or identification certificate in the manner required under Subsection (a-1) and the transaction scan device used to electronically access the purchaser's electronically readable information identified the license or certificate as valid and the purchaser as 21 years of age or older on the date of the purchase.

(a-4) Prohibits TABC from taking any disciplinary action against the holder of a permit or license issued under the Alcoholic Beverage Code for a violation of Subsection (a-1) for the retail sale of an alcoholic beverage made before September 1, 2027. Provides that this subsection expires September 1, 2028.

(b) Prohibits a person from retaining information under this section. Deletes existing text prohibiting a person from retaining information accessed under this section unless TABC by rule requires the information to be retained. Deletes existing text prohibiting the person from retaining the information longer than TABC requires.

(d) Creates an exception under Subsection (d-1).

(d-1) Provides that it is a defense to prosecution for failure to access electronically readable information on a driver's license, commercial driver's license, or identification certificate as required by Subsection (a-1) that the person's failure to access the electronically readable information as required by Subsection (a-1) was caused by a disruption of, interruption of, or inability to access Internet connectivity services or data connectivity services that prevented the person from accessing the information or the purchaser was 40 years of age or older on the date of the purchase.

SECTION 3. Requires TABC, not later than September 1, 2027, to adopt rules to implement Section 109.61(a-1), Alcoholic Beverage Code, as added by this Act.

SECTION 4. Effective date: September 1, 2025.