

By: West, et al.

S.B. No. 650

A BILL TO BE ENTITLED

AN ACT

relating to requiring the use of electronically readable information to verify a purchaser's age in the retail sale of alcoholic beverages.

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

SECTION 1. This Act shall be known as the Deshawn Jagwan Act.

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

(a-1) A person shall 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. A person required to access electronically readable information under this subsection may 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. This subsection does not apply to the holder of a food and beverage certificate operating a restaurant on the premises.

(a-2) The commission may not take any disciplinary action against the holder of a permit or license issued under this code for a violation of Subsection (a-1) if:

1 (1) the license or permit holder's failure to access
2 the electronically readable information is a result of a disruption
3 of, interruption of, or inability to access Internet connectivity
4 services or data connectivity services; and

5 (2) the license or permit holder visually inspected
6 the purchaser's driver's license, commercial driver's license, or
7 identification certificate to verify the purchaser's age.

8 (a-3) The commission shall not take any disciplinary action
9 against the holder of a permit or license issued under this code for
10 a violation of Subsection (a-1) for the retail sale of an alcoholic
11 beverage made before September 1, 2027. This subsection expires
12 September 1, 2028.

13 (b) A person may not retain information accessed under this
14 section ~~[unless the commission by rule requires the information to~~
15 ~~be retained. The person may not retain the information longer than~~
16 ~~the commission requires]~~.

17 (d) Except as provided by Subsection (d-1), a [A] person who
18 violates this section commits an offense. An offense under this
19 section is a Class A misdemeanor.

20 (d-1) It is a defense to prosecution for failure to access
21 electronically readable information on a driver's license,
22 commercial driver's license, or identification certificate as
23 required by Subsection (a-1) that:

24 (1) the person's failure to access the electronically
25 readable information as required by Subsection (a-1) was caused by
26 a disruption of, interruption of, or inability to access Internet
27 connectivity services or data connectivity services that prevented

1 the person from accessing the information; or

2 (2) the purchaser was 40 years of age or older on the
3 date of the purchase.

4 SECTION 3. Not later than September 1, 2027, the Texas
5 Alcoholic Beverage Commission shall adopt rules to implement
6 Section 109.61(a-1), Alcoholic Beverage Code, as added by this Act.

7 SECTION 4. This Act takes effect September 1, 2025.