

By: West, et al.
(Bowers)

S.B. No. 650

Substitute the following for S.B. No. 650:

By: Phelan

C.S.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), (a-4), 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 for off-premises consumption. 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:

(1) the retail sale of an alcoholic beverage on the premises of:

(A) the holder of:

(i) a package store permit;

1 (ii) a distiller's and rectifier's permit;

2 (iii) a winery permit;

3 (iv) a brewer's license;

4 (v) a brewpub license; or

5 (vi) a mixed beverage permit;

6 (B) the holder of a food and beverage certificate
7 operating a restaurant on the premises; or

8 (C) a restaurant;

9 (2) the retail sale of an alcoholic beverage at a
10 public entertainment facility property, as defined by Section
11 108.73, during a sporting event, concert, festival, or other
12 similar temporary event at the facility by a permit or license
13 holder authorized to sell alcoholic beverages during the event;

14 (3) the holder of a carrier permit delivering wine to
15 an ultimate consumer on behalf of the holder of an out-of-state
16 winery direct shipper's permit;

17 (4) the holder of or an individual contracted with or
18 employed by the holder of a wine only package store permit, local
19 cartage permit, or consumer delivery permit delivering alcoholic
20 beverages to an ultimate consumer as provided by Chapter 24, 43, or
21 57, as applicable; or

22 (5) the retail sale of an alcoholic beverage in an
23 original container sealed by the manufacturer where a person picks
24 up the alcoholic beverage at an outdoor area on the retailer's
25 premises and removes the alcoholic beverage from the premises for
26 consumption by an ultimate consumer off the premises.

27 (a-2) The commission may not take any disciplinary action

1 against the holder of a permit or license issued under this code for
2 a violation of Subsection (a-1) if:

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

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

10 (a-3) The commission may not take any disciplinary action
11 against the holder of a permit or license to whom Subsection (a-1)
12 applies for selling an alcoholic beverage to a minor if:

13 (1) the permit or license holder electronically
14 accessed the electronically readable information on the
15 purchaser's driver's license, commercial driver's license, or
16 identification certificate in the manner required under Subsection
17 (a-1); and

18 (2) the transaction scan device used to electronically
19 access the purchaser's electronically readable information
20 identified the license or certificate as valid and the purchaser as
21 21 years of age or older on the date of the purchase.

22 (a-4) The commission shall not take any disciplinary action
23 against the holder of a permit or license issued under this code for
24 a violation of Subsection (a-1) for the retail sale of an alcoholic
25 beverage made before September 1, 2027. This subsection expires
26 September 1, 2028.

27 (b) A person may not retain information accessed under this

1 section [~~unless the commission by rule requires the information to~~
2 ~~be retained. The person may not retain the information longer than~~
3 ~~the commission requires~~].

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

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

11 (1) the person's failure to access the electronically
12 readable information as required by Subsection (a-1) was caused by
13 a disruption of, interruption of, or inability to access Internet
14 connectivity services or data connectivity services that prevented
15 the person from accessing the information; or

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

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

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