

BILL ANALYSIS

Senate Research Center
84R5156 JAM-D

H.B. 909
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Several institutions of higher education in Texas offer programs related to the production of wine, beer, or liquor or culinary programs in which the tasting of alcohol as it relates to food is a part of the instruction. Interested parties have expressed concerns regarding the absence of an exception in current law to allow students in these courses who are at least 18 years of age, but under 21 years of age, to taste alcohol as it pertains to course work. The parties contend that without such an exception a student cannot fully participate in the course work, which may result in some students having to delay such course work until they are 21 years of age. The parties also note that other states have established exceptions for such students. H.B. 909 seeks to address these concerns.

H.B. 909 amends current law relating to the tasting of alcoholic beverages by students enrolled in certain courses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 106.05(b), Alcoholic Beverage Code, as follows:

- (b) Authorizes a minor to possess an alcoholic beverage:
 - (1) Makes no change to this subdivision;
 - (2) and (3) Makes nonsubstantive changes;
 - (4) if the beverage is lawfully provided to the minor under Section 106.16.

SECTION 2. Amends Section 106.06(b), Alcoholic Beverage Code, as follows:

(b) Authorizes a person to purchase an alcoholic beverage for or give an alcoholic beverage to a minor if the person is:

- (1) the minor's adult parent, guardian, or spouse, or an adult in whose custody the minor has been committed by a court, and is visibly present when the minor possesses or consumes the alcoholic beverage; or

Creates this subdivision from existing text. Makes nonsubstantive changes.

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

SECTION 3. Amends Chapter 106, Alcoholic Beverage Code, by adding Section 106.16, as follows:

Sec. 106.16. EXCEPTION FOR CERTAIN COURSE WORK. (a) Defines "career school or college" and "taste."

(b) Authorizes a minor, notwithstanding any other law, to taste an alcoholic beverage if:

(1) the minor:

(A) is at least 18 years old; and

(B) is enrolled:

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

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

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

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

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

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

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2015.