

1-1 By: Phillips (Senate Sponsor - Watson) H.B. No. 909  
 1-2 (In the Senate - Received from the House April 20, 2015;  
 1-3 May 6, 2015, read first time and referred to Committee on Business  
 1-4 and Commerce; May 15, 2015, reported favorably by the following  
 1-5 vote: Yeas 8, Nays 0; May 15, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8			X	
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the tasting of alcoholic beverages by students enrolled  
 1-20 in certain courses.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 106.05(b), Alcoholic Beverage Code, is  
 1-23 amended to read as follows:

1-24 (b) A minor may possess an alcoholic beverage:

1-25 (1) while in the course and scope of the minor's  
 1-26 employment if the minor is an employee of a licensee or permittee  
 1-27 and the employment is not prohibited by this code;

1-28 (2) if the minor is in the visible presence of his  
 1-29 adult parent, guardian, or spouse, or other adult to whom the minor  
 1-30 has been committed by a court; ~~[or]~~

1-31 (3) if the minor is under the immediate supervision of  
 1-32 a commissioned peace officer engaged in enforcing the provisions of  
 1-33 this code; or

1-34 (4) if the beverage is lawfully provided to the minor  
 1-35 under Section 106.16.

1-36 SECTION 2. Section 106.06(b), Alcoholic Beverage Code, is  
 1-37 amended to read as follows:

1-38 (b) A person may purchase an alcoholic beverage for or give  
 1-39 an alcoholic beverage to a minor if the person is:

1-40 (1) ~~[he is]~~ the minor's adult parent, guardian, or  
 1-41 spouse, or an adult in whose custody the minor has been committed by  
 1-42 a court, and [he] is visibly present when the minor possesses or  
 1-43 consumes the alcoholic beverage; or

1-44 (2) a person lawfully providing an alcoholic beverage  
 1-45 to a minor under Section 106.16.

1-46 SECTION 3. Chapter 106, Alcoholic Beverage Code, is amended  
 1-47 by adding Section 106.16 to read as follows:

1-48 Sec. 106.16. EXCEPTION FOR CERTAIN COURSE WORK. (a) In  
 1-49 this section:

1-50 (1) "Career school or college" has the meaning  
 1-51 assigned by Section 132.001, Education Code.

1-52 (2) "Taste" means to draw a beverage into the mouth  
 1-53 without swallowing or otherwise consuming the beverage.

1-54 (b) Notwithstanding any other law, a minor may taste an  
 1-55 alcoholic beverage if:

1-56 (1) the minor:

1-57 (A) is at least 18 years old; and

1-58 (B) is enrolled:

1-59 (i) as a student at a public or private  
 1-60 institution of higher education or a career school or college that  
 1-61 offers a program in culinary arts, viticulture, enology or wine

2-1 technology, brewing or beer technology, or distilled spirits  
2-2 production or technology; and  
2-3 (ii) in a course that is part of a program  
2-4 described by Subparagraph (i);  
2-5 (2) the beverage is tasted for educational purposes as  
2-6 part of the curriculum for the course described by Subdivision  
2-7 (1)(B)(ii);  
2-8 (3) the beverage is not purchased by the minor; and  
2-9 (4) the service and tasting of the beverage is  
2-10 supervised by a faculty or staff member who is at least 21 years of  
2-11 age.

2-12 (c) A public or private institution of higher education or a  
2-13 career school or college is not required to hold a license or permit  
2-14 to engage in the activities authorized under this section.

2-15 SECTION 4. The change in law made by this Act applies only  
2-16 to an offense committed on or after the effective date of this Act.  
2-17 An offense committed before the effective date of this Act is  
2-18 governed by the law in effect at the time the offense was committed,  
2-19 and the former law is continued in effect for that purpose. For  
2-20 purposes of this section, an offense was committed before the  
2-21 effective date of this Act if any element of the offense occurred  
2-22 before that date.

2-23 SECTION 5. This Act takes effect September 1, 2015.

2-24

\* \* \* \* \*