

SUBJECT: Prohibiting minors from being in places where alcohol is served

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 5 ayes — Yarbrough, Flores, Haggerty, J. Moreno, A. Reyna
1 nay — Wilson
3 absent — Goolsby, D. Jones, Palmer

WITNESSES: For — None
Against — None
On — Ellen S. Ward, Texans Standing Tall

BACKGROUND: While it is against the law for minors to drink in Texas, no law prohibits them from entering a place that has an alcoholic beverage license or permit. The Alcoholic Beverage Code, sec. 106.01 defines “minor” as a person under 21.

DIGEST: HB 106 would prohibit persons under 21 from being in a place covered by an alcoholic beverage license or permit. Exceptions would include:

- minors who were on the premises at all times in the presence of the minor’s parent or adult spouse or an adult with legal custody;
- businesses where more than 65 percent of gross revenue came from the sale of food and goods other than alcoholic beverages;
- businesses where more than 50 percent of gross revenue came from the sale of tickets to outdoor live performances; or
- minors employed as permitted under the Alcoholic Beverage Code.

This bill would take effect September 1, 1999.

SUPPORTERS SAY: It is very easy for minors to drink once they are inside a bar or club. Attempts to stop underage drinking have been ineffective because minors can circumvent hand-stamping precautions or simply have a friend over 21 buy drinks for them. While they are waiting in line to enter a bar or club, sometimes very late at night, the minors are vulnerable to unscrupulous

people who try to sell them liquor, crack cocaine, marijuana, and other drugs. For these reasons, Texas must take action to keep all unchaperoned minors out of bars and clubs.

Studies show that 95 percent of minors believe that it is easy to get alcohol. One-third of all minors who drink buy their own alcohol. Underage drinking is a matter of life and death that has to take precedence over all other concerns, including profits for bar and club owners.

**OPPONENTS
SAY:**

HB 106 would penalize bars and clubs that have been active and successful in stopping underage drinking on their premises. Many live music venues are struggling to survive and depend on ticket revenue from customers between 18 and 21 to supplement their revenue from alcohol sales to adults. The bill would endanger these venues.

HB 106 would drive minors out of legitimate businesses and after-hours clubs that do not even sell alcohol while minors are allowed inside. These minors might go to parking lots, public parks, and private homes where there are no protections against underage drinking and drug use.

NOTES:

The provisions of HB 106 are contained in HB 3555 by Wilson, an omnibus alcoholic beverage regulation bill passed by the House as amended on May 12.