

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1651
By: Eltife
Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As grocery stores become more innovative, incorporating restaurants, the Texas Alcoholic Beverage Commission rules hinder the ability of grocery stores to employ 16-year-olds and 17-year-olds as cashiers. Historically, grocery stores tend to hold off-premise consumption of alcohol permits. With these permits, grocery cashiers can be employed at age 16 and older. These employees are permitted to sell alcohol for off-premise consumption. However, to offer additional services like growlers or the service of beer and wine with food for on-premises consumption, the grocery store must hold a different permit that allows for on and off-premise consumption of alcohol. With an on/off-premises consumption permit, grocery cashiers must be at least 18 years old to sell alcohol.

While mixed beverage establishments that serve liquor have the ability to obtain a food and beverage certificate to allow 16-year-olds and 17-year-olds to sell liquor, grocery stores holding beer and wine on/off-premises permits do not have this ability.

S.B. 1651 allows 16-year-olds and 17-year-olds to work as grocery cashiers in on/off-premise establishments, continuing to sell for off-premises consumption as in a typical grocery store, but does not change the requirement that the service of alcohol must be performed by someone who is at least 18 years old. This bill does not intend to change any of the age restrictions for serving alcohol. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1651 amends current law relating to the employment of persons under 18 years of age on the premises of certain business selling or serving alcoholic beverages and adds a provision that is subject a criminal penalty.

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 106.09, Alcoholic Beverage Code, by amending Subsection (a) and adding Subsection (f), as follows:

- (a) Provides that, except as provided by Subsections (b) (authorizes a holder of wine only package store permit to employ a person 16 years old or older to work in any capacity), (c) (authorizes a holder of a permit or license providing for the on-premises consumption of alcoholic beverages to employ a person under 18 years of age to work in any capacity other than the actual selling, preparing, or serving of alcoholic beverages), (e) (authorizes the holder of a permit or license providing for the on-premises consumption of alcoholic beverages who also holds a food and beverage certificate to employ a person under 18 years of age to work as a cashier for transactions involving the sale of alcoholic beverages if the alcoholic beverages are served by a person 18 years of age or older), and (f), rather than except as provided in Subsections (b), (c), and (e) of this section, no person may employ a person under 18 years of age to see, prepare, serve, or otherwise handle liquor or assist in doing so.

(f) Authorizes the holder of a permit or license providing for the on-premises consumption of alcoholic beverages that derives less than 50 percent of its gross receipts for the premises from the sale or service of alcoholic beverages to employ a person under 18 years of age to work as a cashier for transactions involving the sale of alcoholic beverages if the alcoholic beverages are served by a person 18 years of age or older.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2015.