



# Module 2 – Part I

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## Minors and Alcohol Sales

*This module focuses on preventing illegal alcohol sales to minors. This module will take 15 minutes to complete*



# Module Objectives



Given a scenario, state if a sale of alcohol is legal or illegal with regards to a minor.



Use observations to detect that a minor is attempting to purchase alcohol.



Correctly identify if an ID is valid and proper for purposes of establishing age.



Recall that possession, use, manufacture, or misuse of an ID is an illegal act.



Given a scenario, select appropriate intervention techniques with regards to a minor attempting to purchase alcohol.



# TOPICS IN THIS MODULE



## ✓ **KEY #1: Know the Law**

- *For Minors*
- *For Seller-Servers*

## ✓ **KEY #2: Use Observations to Know Your Customers**

- *Checking Identification*

## ✓ **KEY #3: Know When and How to Say “No”**

## KEY #1: Know the Law

One of the most important jobs you will do as a seller or server of alcoholic beverages is to prevent illegal sales to minors.

It is important to know what is illegal with regards to selling or serving alcohol to minors. This section outlines what the law says, what is legal or illegal for minors, and what is legal or illegal for you to do.



# Laws about Minors and Alcohol

The Alcoholic Beverage Code defines a minor as a person under the age of 21. It is a criminal offense for a minor to purchase, possess, attempt to purchase or consume alcoholic beverages.

There are some general exceptions to these laws, such as:

- ✓ A minor may possess alcohol in the scope of employment;
- ✓ A minor may possess/consume alcohol when in the visible presence of his legal aged parent, legal guardian or spouse
- ✓ A minor may possess/purchase/attempt to purchase alcohol when assisting a police officer in the enforcement of the alcoholic beverage code (Minor Sting Operations);
- ✓ A minor may taste alcoholic beverages if they are a student enrolled in certain college courses of study and the minor must spit out the alcoholic beverage. The minor may only taste that alcohol and may not swallow the beverage
- ✓ A person under 18 may work as a cashier for transactions involving the sale of alcohol if it's for on-premise consumption and served by a person 18 years old or older and the business gets less than 50% of gross receipts from alcohol.

# Codes and Rules

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## Chapter 106. Provisions Relating to Age, Section 106.01 – Definition

In this code, “minor” means a person under 21 years of age.



# What It Means & Key Points

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Although it is true that for some things people 18 or over are adults, but when it comes to laws about alcoholic beverages, people under the age of 21 are minors.



With some exceptions that we will cover later, the minimum legal age to purchase, possess, or consume an alcoholic beverage is 21 years of age or older.

# Codes and Rules

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## Section 106.02 - Purchase of Alcohol by a Minor

- (a) A minor commits an offense if the minor purchases an alcoholic beverage. A minor does not commit an offense if the minor purchases an alcoholic beverage under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this code.
- (b) An offense under this section is punishable as provided by Section 106.071



A close-up, shallow depth-of-field photograph of a silver fountain pen resting on a white document. The pen's nib is visible, and the background is blurred, showing hints of green and red. This image occupies the left third of the slide.

# What It Means & Key Points

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It is illegal for a minor to *purchase* an alcoholic beverage.



The exception is if the minor is under the supervision of a peace officer during a sting operation, he will not be charged with an offense.

See Section 106.071 for punishments

# Codes and Rules

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## **Section 106.025 – Attempt to Purchase Alcohol by a Minor**

- (a) A minor commits an offense if, with specific intent to commit an offense under Section 106.02 of this code, the minor does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended**
- (b) An offense under this section is punishable as provided by Section 106.071**

# What It Means & Key Points



It is illegal for a minor to *attempt* to purchase an alcoholic beverage.

See Sec. 106.071 for punishments



# Codes and Rules

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## Section 106.04 - Consumption of Alcohol by a Minor

- (a) A minor commits an offense if he consumes an alcoholic beverage.
- (b) It is an affirmative defense to prosecution under this section that the alcoholic beverage was consumed in the visible presence of the minor's adult parent, guardian, or spouse.
- (c) An offense under this section is punishable as provided by Section 106.071.

# Codes and Rules

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## Section 106.04 - Continued

(d) A minor who commits an offense under this section and who has been previously convicted twice or more of offenses under this section is not eligible for deferred disposition. For the purposes of this subsection:

(1) an adjudication under Title 3, Family Code, that the minor engaged in conduct described by this section is considered a conviction of an offense under this section; and

(2) an order of deferred disposition for an offense alleged under this section is considered a conviction of an offense under this section.

# What It Means & Key Points



It is illegal for a minor to *drink* alcoholic beverages.



The exception is if the minor is in the visible presence of the minor's adult parent, guardian, or spouse.

See Sec. 106.071 for punishments



**NOTE:** Your employer's policy may prevent anyone under 21 from consuming alcohol. Review your policy to determine what you need to do.



# Codes and Rules

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## **Section 106.05 - Possession of Alcohol by a Minor**

- (a) Except as provided in Subsection (b) of this section, a minor commits an offense if he possesses an alcoholic beverage.**
- (b) A minor may possess an alcoholic beverage:**
  - (1) while in the course and scope of the minor's employment if the minor is an employee of a licensee or permittee and the employment is not prohibited by this code;**

# Codes and Rules

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## Section 106.05 - Continued

(2) if the minor is in the visible presence of his adult parent, guardian, or spouse, or other adult to whom the minor has been committed by a court; or

(3) if the minor is under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this code.

(C) An offense under this section is punishable as provided by Section 106.071.

# What It Means & Key Points



It is illegal for a minor to possess alcoholic beverages unless he she is:

- ❖ Legally serving or selling the alcohol as an employee.
- ❖ Is in the visible presence of his adult parent, guardian, or spouse.
- ❖ Under the supervision of a commissioned peace officer enforcing this code (in a sting operation).

See Sec. 106.071 for punishments



# Codes and Rules

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## Section 106.16 - Exception for Certain Course Work

(a) In this section:

(1) “Career school or college” has the meaning assigned by Section 132.001, Education Code.

(2) “Taste” means to draw a beverage into the mouth without swallowing or otherwise consuming the beverage.

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

# Codes and Rules

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## Section 106.16 - Continued

(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);

# Codes and Rules

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## Section 106.16 - Continued

(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) 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.





# What It Means & Key Points

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The Alcoholic Beverage Code defines “Taste” as to draw a beverage into the mouth without swallowing or otherwise consuming the beverage.



A minor may taste an alcoholic beverage if the minor is

- ❖ At least 18 years old

- ❖ And is enrolled 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.



The beverage must be tasted for education purposes as part of the curriculum for the course; the beverage may not be purchased by the minor; and the service and tasting of the beverage is supervised by a faculty or staff member who is at least 21 years of age.

# Codes and Rules

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## Section 106.07 – Misrepresentation of Age by a Minor

- (a) A minor commits an offense if he falsely states that he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages.
- (b) An offense under this section is punishable as provided by Section 106.071.

# What It Means & Key Points



It is illegal for a minor to falsely state that he is 21 years of age or older, or use a fake ID.

See Sec. 106.071 for punishments