



# Module 2 – Part 3

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## Minors and Alcohol Sales

*This module focuses on preventing illegal alcohol sales to minors. This module will take 10 minutes to complete*

# Codes and Rules

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## Sec. 106.03 – Sale to Minors

(a) A person commits an offense if with criminal negligence he sells an alcoholic beverage to a minor.

(b) A person who sells a minor an alcoholic beverage does not commit an offense if the minor falsely represents himself to be 21 years old or older by displaying an apparently valid proof of identification that contains a physical description and photograph consistent with the minor's appearance, purports to establish that the minor is 21 years of age or older, and was issued by a governmental agency. The proof of identification may include a driver's license or identification card issued by the Department of Public Safety, a passport, or a military identification card.

# Codes and Rules

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## Sec. 106.03. Continued

**(c) An offense under this section is a Class A misdemeanor.**

**(d) Subsection (b) does not apply to a person who accesses electronically readable information under Section 109.61 that identifies a driver's license or identification certificate as invalid**

A hand in a blue suit sleeve points forward, with a city skyline visible in the background. The slide has a teal background with a gold vertical bar on the right.

# What It Means & Key Points



It is illegal to sell, with criminal negligence, alcoholic beverages to a minor.



This is a Class A misdemeanor. The punishment for this offense is:

- ❖ Up to \$4,000 fine;
- ❖ Confinement in jail for up to one year;
- ❖ Both the fine and confinement.



A hand in a blue suit sleeve points forward, with a city skyline visible in the background.

# **What It Means & Key Points**

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In addition, a seller-server can also be found liable for any damages caused by an intoxicated minor if they served, provided, or allowed the minor to be served or provided alcohol.



You will not be charged if the minor shows you an apparently valid ID issued by a governmental agency that contains a physical description and photograph that matches the minor's appearance and shows him or her to be 21 years of age or older.

# REMINDER!!

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- ✓ **CRIMINAL NEGLIGENCE** is when you should have known the person was a minor, or did not ask for proof of age when you should have.

# Codes and Rules

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## **Sec. 106.06 – Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor**

**(a) Except as provided in Subsection (b) of this section, a person commits an offense if he purchases an alcoholic beverage for or gives or with criminal negligence makes available an alcoholic beverage to a minor.**

# Codes and Rules

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## Sec. 106.06. Continued

(b) A person may purchase an alcoholic beverage for or give an alcoholic beverage to a minor if he is the minor's adult parent, guardian, or spouse, or an adult in whose custody the minor has been committed by a court, and he is visibly present when the minor possesses or consumes the alcoholic beverage.

(c) An offense under this section is a Class A misdemeanor.





# What It Means & Key Points

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It is illegal to provide alcoholic beverages to a minor, unless you are the minor's adult parent, guardian, or spouse, and you are visibly present when the minor possesses or consumes the alcoholic beverage.



This is a Class A misdemeanor. The punishment for this offense is:

- ❖ Up to \$4,000 fine;
- ❖ Confinement in jail for up to one year;
- ❖ Both the fine and confinement;
- ❖ Drivers license revoked for a period of 180 days, upon conviction.

A close-up of a hand in a blue suit sleeve pointing forward. The background is a blurred city skyline at dusk or dawn.

# What It Means & Key Points

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- ✓ In addition, a seller-server can also be found liable for any damages caused by an intoxicated minor if they served, provided, or allowed the minor to be served or provided alcohol.
- ✓ You will not be charged if the minor shows you an apparently valid ID issued by a governmental agency that contains a physical description and photograph that matches the minor's appearance and shows him or her to be 21 years of age or older.

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 other documents and a green plant.

# Codes and Rules

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## Sec. 106.13 – Sanctions Against Retailer

(a) Except as provided in Subsections (b) and (c) of this section, the commission or administrator may cancel or suspend for not more than 90 days a retail license or permit or a private club registration permit if it is found, on notice and hearing, that the licensee or permittee with criminal negligence sold, served, dispensed, or delivered an alcoholic beverage to a minor or with criminal negligence permitted a minor to violate Section 106.04 or 106.05 of this code on the licensed premises.

# Codes and Rules

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## Sec. 106.13. Continued

(b) For a second offense the commission or administrator may cancel the license or permit or suspend it for not more than six months. For a third offense within a period of 36 consecutive months the commission or administrator may cancel the permit or suspend it for not more than 12 months.

(c) The commission or administrator may relax the provisions of this section concerning suspension and cancellation and assess a sanction the commission or administrator finds just under the circumstances if, at a hearing, the licensee or permittee establishes to the satisfaction of the commission or administrator:



# Codes and Rules

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## Sec. 106.13. Continued

(1) that the violation could not reasonably have been prevented by the permittee or licensee by the exercise of due diligence;

(2) that the permittee or licensee was entrapped; or

(3) that an agent, servant, or employee of the permittee or licensee violated this code without the knowledge of the permittee or licensee.



# What It Means & Key Points



If it is found that the owner or officer of the business (the licensee or permittee) with criminal negligence sold, served, dispensed, or delivered an alcoholic beverage to a minor or with criminal negligence permitted a minor to violate the laws on the licensed premises, their licenses and permits can be cancelled or suspended.

# Discussion Questions



## Compare: Penalties for Minors and Servers

### Penalty for Minors (First Offense):



- A fine up to \$500
- Required attendance at an Alcoholic Awareness Course
- 8–12 hours of community service
- 30 days driver's license suspension



### Penalty for Seller-Servers:

- Up to \$4,000 fine
- Confinement in jail for up to one year
- Both the fine and confinement