



## Techniques for Effective Alcohol Management

### State information: Texas

#### **General Regulations**

Legal age to Consume Alcohol: 21

Legal age to Serve Alcohol: 18

Limit for Driving While Intoxicated: .08

Dram Shop Liability Laws: Yes

Maximum Alcohol per Drink: Not regulated

Number of Drinks Served at One Time: No on-premise permittee or licensee shall deliver more than two drinks to any one person at one time.

#### **Server Training**

TABC Certification is not required under state law, although it is strongly recommended. Texas has laws regulating server training for all people who sell, serve, dispense, or deliver alcohol. The laws establish which entities are eligible as providers for the training and set the minimum requirements for a training curriculum. The Texas Alcoholic Beverage Commission offers the Stop Alcohol Violations Early (SAVE) program, developed by the commission for retailers at no cost. The program is approximately one hour in length and discusses the laws concerning sales to minors, intoxicated customers, the consequences of such illegal sales, and regulatory matters. SAVE does not meet the requirements for seller/server certification.

#### **Acceptable Forms of ID**

Texas retailers are free to set their own policies concerning the types of IDs accepted as proof of age.

Texas law does provide a statutory defense for sellers and servers accused of selling an alcoholic beverage to a minor in those cases where the minor falsely represented himself to be 21 years old or older "by displaying an apparently valid Texas driver's license or an identification card issued by the Texas Department of Public Safety, containing a physical description consistent with his (the minor's) appearance." This defense pertains only to Texas driver's licenses and Texas Department of Public Safety issued identification cards.

#### **Recommended Age for Carding**

None

#### **ID Confiscation**

Only peace officers are authorized to confiscate false IDs.

#### **Policies Regarding Minors**

A person under the age of 21 may be convicted for purchasing, attempting to purchase, possessing, or consuming any form of alcohol. Adults are subject to fines and other repercussions if they provide alcohol to anyone under 21 years of age.



## Techniques for Effective Alcohol Management

### State information: Texas

It is illegal for a person under 21 to operate a motor vehicle in a public place while having any detectable amount of alcohol in their system.

Minors are permitted in any on-premise establishment so long as no alcohol is consumed. Minors are not permitted in package stores unless accompanied by their adult parent, guardian, or spouse. Minors may only consume alcohol beverages if in the visible presence of an adult parent, guardian, or spouse.

Licenses are not to sell or serve to a minor under any circumstances. All transactions must occur between licensee and adult parent, guardian, or spouse. An establishment operator would be well within their rights to refuse to permit a minor to possess or consume alcoholic beverages on the operator's premises. There are no age restrictions for employment of bar backs/busboys if duties are limited to clearing tables. However, bar backs/busboys must be 18 if duties include any deliver/preparing of drinks.

#### **Non-Alcoholic Beer and Wine**

Not regulated

#### **Liquor Liability**

The liquor liability law states that a statutory cause of action or a revocation proceeding can be brought if it can be established that alcohol was sold or served to a person who is 18 years of age or older and obviously intoxicated. If the recipient was obviously intoxicated and under 18, civil liability can be pursued through common law remedies. Revocation proceedings can also be brought. The penalty for sale to a minor is now an A misdemeanor with fines up to \$4,000 and one year in jail. The penalty for sale to an intoxicated person is now a full class A misdemeanor with the first offense fine not less than \$100 or more than \$500; by jail not more than one year or both. For a second offense, a fine of not less than \$500 nor more than \$1,000; by jail not more than one year or both. Civil penalties are determined in a court of law.

#### **Statute of Limitations**

A cause of action must be brought within two years.

#### **State Contact Information**

Alcoholic Beverage Commission Headquarters  
PO Box 13127  
Austin, Texas 78711  
512-206-3333  
[www.tabc.state.tx.us](http://www.tabc.state.tx.us)

This information has been provided to us by the regulating agency and is believed to be correct. However, laws and regulations may change at any time, and the information provided should not be relied upon in place of official documents. For more information or clarification, consult the regulatory body for this jurisdiction directly.



## Techniques for Effective Alcohol Management

State information:  
Texas