

Disclaimer:

This document is not intended to provide legal advice. Laws on alcohol sales and service may vary greatly by city, county or state. For complete information on the alcohol laws in effect in your region, please contact the liquor authority in your state and/or municipality.

Texas – ServSafe Alcohol

STATE LIQUOR AUTHORITY	State of Texas Alcoholic Beverage Commission P.O. Box 13127 Austin, Texas 78731 Phone: 512-206-3333 Fax: 512-206-3350 Email: questions@tabc.state.tx.us Website: www.tabc.state.tx.us
AGE TO CONSUME	21
AGE TO SERVE	18
AGE TO POUR	18
AGE TO SELL (PACKAGED LIQUOR)	21 (may be 18 and operate cash register if location holds a food and beverage certificate.)
MINORS ALLOWED ON PREMISE?	Minors are not allowed in package stores unless accompanied by a parent, adult spouse, or legal guardian. No other restrictions.
CAN PARENTS SERVE?	Yes, the minor may not be served or pay for the alcohol but may consume in the visible presence of an adult spouse, parent, or court appointed legal guardian. Adult must be served/pay then may furnish to minor.
HOURS OF SERVICE	On Premise Establishments: Monday thru Saturday: 7:00 a.m. until Midnight. Late hours permit/license available in certain areas that extends hours of sale to 2:00 a.m. Sunday: with food service or at a "sporting venue", Midnight until 1:00 a.m. Other permits: Noon until 2:00 a.m. with late hours permit. Off Premise/Retail Store: Monday thru Saturday: 10:00 a.m. until 9:00 p.m. Sunday: Midnight until 1:00 a.m.
ACCEPTED ID'S	In Texas, it is permittee's decision whether or not to request ID's. In the event of a sale-to-minor- violation, the state will investigate if there was criminal negligence. However, state law does not require this investigation if the licensee requested an ID and the minor presented a Texas drivers license or state ID that appeared to be valid and of age. Because of this, some licensees only accepted Texas ID's but this is not the state's requirement.
LEGAL LEVEL OF INTOXICATION WHILE DRIVING	.08 BAC
DRAM SHOP LAW	Licensees and servers may be held liable for injuries or damages caused by a guest who was obviously intoxicated to the point of being a danger to himself or others at the time when served; or for a minor under the age or 18 who was knowingly served.
ID CONFISCATION	Not regulated
HAPPY HOUR & OTHER SERVICE RESTRICTIONS	The state of Texas prohibits the following: (1) serve, sell, or offer to serve or sell, two or more open containers of alcoholic beverages at a price less than the number of containers actually sold or served; (2) increase the volume of alcohol contained in a drink without increasing proportionally the price thereof; (3) Serve or offer to serve more than one free alcoholic beverage to any identifiable segment of the population during the course of one business day. Licensees and permittees may, however, without prior advertising, give one free alcoholic beverage to individual consumers in celebrations of birthday, anniversaries or similar events; (4) sell, serve, or offer to sell or serve an undetermined quantity of alcoholic beverage for a fixed price or "all you can drink"

	<p>basis;</p> <ol style="list-style-type: none"> (5) sell, serve, or offer to sell or serve, alcoholic beverages at a reduced price to those consumers paying a fixed “buy in” price; (6) sell, serve, or offer to sell or serve, alcoholic beverages at a price contingent on the amount of alcoholic beverages consumed by an individual; (7) reduce drink prices after 11:00 p.m (8) sell, serve or offer to sell or serve more than two drinks to a single consumer at one time; (9) impose an entry fee, cover or door charge for the purpose of recovering financial losses incurred by the licensee or permittee because of reduced or low drink prices; (10) conduct, sponsor or participate in, or allow any person on the licensed premises to conduct, sponsor or participate in or allow any person on the licensed premises to conduct, sponsor or participate in, any game or contest to be determined by the quantity of alcoholic beverages consumed by an individual or group, or where alcoholic beverages or reduced price alcoholic beverages are awarded as prizes; (11) engage in any practice, whether listed in this rule or not, that is reasonably calculated to induce consumers to drink alcoholic beverage to excess, or that would impair the ability of the licensee or permittee to monitor or control the consumption of alcoholic beverages by consumer. <p>The provisions of subsections (c 1) through (c 7) of this rule, licensees and permittees may:</p> <ol style="list-style-type: none"> (1) the permittee or licensee has entered into an agreement under the terms of which all or a portion of the licensed premises are utilized for a private party or a meeting of the particular organization: or (2) A caterer’s or other temporary permit or license is used for a private party or a meeting of a particular organization. <p>Notwithstanding the provisions of (c 1) through (c 7) of this rule, licensee and permittees may:</p> <ol style="list-style-type: none"> (1) offer free or reduced-price food or entertainment at any time, provided the offer is not based on the purchase of an alcoholic beverage; (2) include alcoholic beverages as part of a meal or hotel/motel package; (3) sell, serve or deliver wine by the bottle to individuals consumers during the sale or service of a meal to the consumer; (4) Sell, serve or deliver alcoholic beverages in pitchers, carafe, buckets or similar containers to two or more consumers at one time.
<p>PENALTIES FOR SERVING OR SELLING TO A MINOR</p>	<p>Class A misdemeanor punishable by up to a \$4000 fine and up to 1 year confinement. Creates a defense to prosecution of sales to a minor if person selling checked ID w/electronic scan device that showed ID was valid and person was 21. Creates a defense to administrative action if permittee provided a transaction scan device to employees and trained them, but an employee sold to a minor.</p>
<p>WARNING SIGNS REQUIRED ON EFFECTS OF ALCOHOL ON FETUS?</p>	<p>Not regulated</p>

ADDENDUM: TEXAS DRAM SHOW LAW

CHAPTER 2. CIVIL LIABILITIES FOR SERVING BEVERAGES

Sec. 2.01. DEFINITIONS. In this chapter:

- (1) "Provider" means a person who sells or serves an alcoholic beverage under authority of a license or permit issued under the terms of this code or who otherwise sells an alcoholic beverage to an individual.
- (2) "Provision" includes, but is not limited to, the sale or service of an alcoholic beverage.

Sec. 2.02. CAUSES OF ACTION. (a) This chapter does not affect the right of any person to bring a common law cause of action against any individual whose consumption of an alcoholic beverage allegedly resulted in causing the person bringing the suit to suffer personal injury or property damage.

(b) Providing, selling, or serving an alcoholic beverage may be made the basis of a statutory cause of action under this chapter and may be made the basis of a revocation proceeding under Section 6.01(b) of this code upon proof that:

- (1) at the time the provision occurred it was apparent to the provider that the individual being sold, served, or provided with an alcoholic beverage was obviously intoxicated to the extent that he presented a clear danger to himself and others; and
- (2) the intoxication of the recipient of the alcoholic beverage was a proximate cause of the damages suffered.

(c) An adult 21 years of age or older is liable for damages proximately caused by the intoxication of a minor under the age of 18 if:

(1) the adult is not:

- (A) the minor's parent, guardian, or spouse; or
- (B) an adult in whose custody the minor has been committed by a court; and

(2) the adult knowingly:

- (A) served or provided to the minor any of the alcoholic beverages that contributed to the minor's intoxication; or
- (B) allowed the minor to be served or provided any of the alcoholic beverages that contributed to the minor's intoxication on the premises owned or leased by the adult.

NOTE: The change in law made by this Act applies only to a cause of action that accrues on or after September 1, 2005. A cause of action that accrues before September 1, 2005, is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose. (Acts of the 79th Legislature, Regular Session, 2005)

Sec. 2.03. EXCLUSIVITY OF STATUTORY REMEDY. (a) The liability of providers under this chapter for the actions of their employees, customers, members, or guests who are or become intoxicated is in lieu of common law or other statutory law warranties and duties of providers of alcoholic beverages.

(b) This chapter does not impose obligations on a provider of alcoholic beverages other than those expressly stated in this chapter.

(c) This chapter provides the exclusive cause of action for providing an alcoholic beverage to a person 18 years of age or older.