

BILL ANALYSIS

Senate Research Center
79R43 AJA-D

S.B. 753
By: Hinojosa
State Affairs
5/6/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In 1991, the Texas Supreme Court determined that no civil cause of action exists in Texas when a social host makes alcohol available to a minor (*Reeder v. Daniel*, 61 S.W.3d 359 (2001)). In reaching this opinion, the Texas Supreme Court concluded that the legislature had failed to create such a cause of action when it enacted the Dram Shop Act, which creates only one civil cause of action: an action against a commercial establishment that serves an obviously intoxicated person.

As proposed, S.B. 753 creates a narrowly tailored cause of action against a social host who serves alcohol to a minor who is obviously intoxicated.

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 2.01, Alcoholic Beverage Code, by adding Subdivision (3), to define "social host."

SECTION 2. Amends Section 2.02, Alcoholic Beverage Code, by adding Subsection (c), as follows:

(c) Authorizes the provision or service of an alcoholic beverage (beverage) by a social host to an individual under the age of 18 to be made the basis of a statutory cause of action under this chapter on proof that at the time the service of the beverage it was apparent to the social host that the recipient was obviously intoxicated to the extent the person presents a clear danger or the intoxication was a proximate cause of the damages suffered.

SECTION 3. Amends Sections 2.03(a) and (b), Alcoholic Beverage Code, to make conforming changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2005.