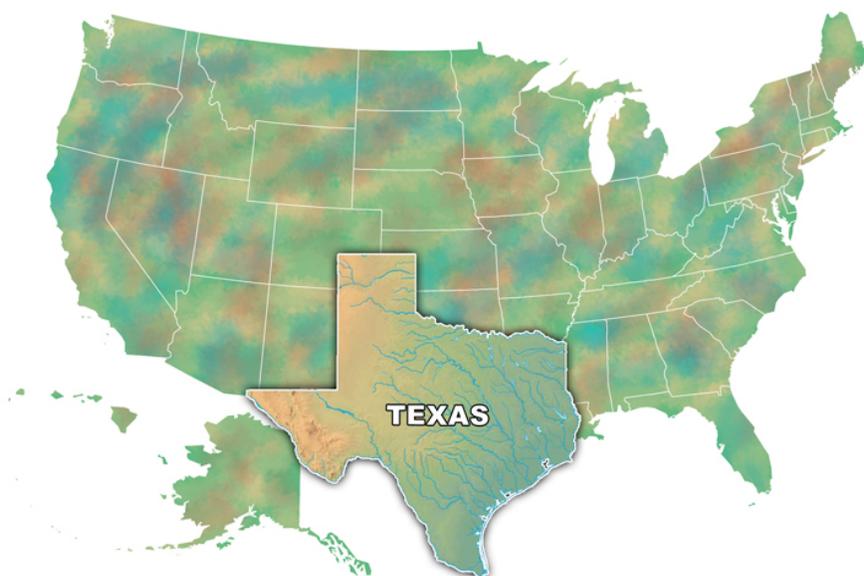


State Report

Texas

This document is excerpted from:

The June 2015 Report to Congress on the Prevention and Reduction of Underage Drinking



Texas

State Profile and Underage Drinking Facts*

State Population: 26,059,203
Population Ages 12–20: 3,314,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	24.0	795,000
Past-Month Binge Alcohol Use	15.6	516,000
Ages 12–14		
Past-Month Alcohol Use	4.9	53,000
Past-Month Binge Alcohol Use	2.2	24,000
Ages 15–17		
Past-Month Alcohol Use	19.7	217,000
Past-Month Binge Alcohol Use	11.7	128,000
Ages 18–20		
Past-Month Alcohol Use	46.9	525,000
Past-Month Binge Alcohol Use	32.5	364,000
Alcohol-Attributable Deaths (under 21)		372
Years of Potential Life Lost (under 21)		22,574
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	31.0	148

* See Appendix C for data sources.

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited with the following exception(s): EITHER

- Parent/guardian OR
- Spouse

Note: In Texas, a minor may possess an alcoholic beverage if the minor is in the visible presence of his adult parent, guardian, or spouse.

Underage Consumption of Alcohol

Consumption is prohibited with the following exception(s): EITHER

- Parent/guardian OR
- Spouse

Note: In Texas, a minor may consume an alcoholic beverage if it is in the visible presence of the minor's adult parent, guardian or spouse.

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Underage Purchase of Alcohol

Purchase is prohibited, but youth may purchase for law enforcement purposes.

False Identification for Obtaining Alcohol

Provision(s) targeting minors

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver's license suspension through a judicial procedure.

Provision(s) targeting retailers

- State provides incentives to retailers who use electronic scanners that read birthdate and other information digitally encoded on valid identification cards.
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.00
- Any detectable alcohol in the blood is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

Use/lose penalties apply to minors under age 21.

Type(s) of violation leading to driver’s license suspension, revocation, or denial

- Underage purchase
- Underage possession
- Underage consumption

Authority to impose driver’s license sanction

- Mandatory

Length of suspension/revocation

- 30 days

Graduated Driver’s License***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 20 hours, of which 10 must be at night

Intermediate stage

- Minimum age: 16
- Unsupervised night driving
 - Prohibited after: 12 a.m.
 - No primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one nonfamily passenger under 21
 - No primary enforcement of the passenger-restriction rule

License stage

- Minimum age to lift restrictions: 17

Laws Targeting Alcohol Suppliers**Furnishing of Alcohol to Minors**

Furnishing is prohibited with the following exception(s): EITHER

- Parent/guardian OR
- Spouse

Note: In Texas, a person may purchase an alcoholic beverage for or give an alcoholic beverage to a minor if he/she 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/she is visibly present when the minor possesses or consumes the alcoholic beverage.

Compliance Check Protocols***Age of decoy***

- Minimum: Not specified
- Maximum: 18

Appearance requirements

- Youthful appearance; attire typical for teenagers in target area
- Male: No facial hair

ID possession

- Discretionary

Verbal exaggeration of age

- Prohibited

Decoy training

- Mandated—orientation meeting required

Penalty Guidelines for Sales to Minors

- Time period/conditions: 3 years
- First offense: 8- to 12-day suspension or \$300 per suspension day
- Second offense: 16- to 24-day suspension or \$300 per suspension day
- Third offense: 48-day suspension or license revocation/\$300 per suspension day

Responsible Beverage Service

Voluntary beverage service training

- The law does not specify on- or off-sale establishments
- The law does not specify new or existing outlets

Incentive for training

- Protection against license revocation for sales to minors

Minimum Ages for Off-Premises Sellers

- Beer: 16
- Wine: 16
- Spirits: 21

Minimum Ages for On-Premises Sellers

- Beer: 18 for both servers and bartenders
- Wine: 18 for both servers and bartenders
- Spirits: 18 for both servers and bartenders

Distance Limitations for New Alcohol Outlets near Universities and Schools

Colleges and universities

- No distance limitation

Primary and secondary schools

- No distance limitation

Dram Shop Liability

Statutory liability exists subject to the following conditions:

- Limitations on who may sue: Retailers may be held liable if they are 21 or over and furnish alcohol to a minor under age 18.
- Limitations on elements/standards of proof: Knowledge of underage status.

Note: Any retailer may be held liable for furnishing alcohol to individuals 18 or older who are obviously intoxicated to the extent that they present a clear danger to themselves or others at the

time of furnishing. There is no common law liability when the underage person is 18 or over. It is unclear whether there is common law liability when the drinker is under age 18. Licensees (but not their employees) are shielded from liability if the licensee requires all employees to attend Responsible Beverage Service training; if the employee who furnished the minor attended the training; and if the licensee did not directly or indirectly encourage the employee to violate the law.

Social Host Liability Laws

Statutory liability exists subject to the following conditions:

- Limitations on who may be sued: Social hosts may be held liable if they are 21 or over and furnish alcohol to a minor under age 18.
- Limitations on elements/standards of proof: Knowledge of underage status.

Note: There is no common law liability when the underage person is 18 or over. It is unclear whether there is common law liability when the drinker is under age 18.

Host Party Laws

No state-imposed liability for hosting underage drinking parties.

Retailer Interstate Shipments of Alcohol

Retailer interstate shipments are prohibited for all types of beverages.

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

Age verification requirements

- Common carrier must verify age of recipient.

State approval/permit requirements

- Producer/shipper must obtain state permit.
- State must approve common carrier.

Reporting requirements

- Producer must record/report purchaser's name.

Shipping label statement requirements

- Contains alcohol
- Recipient must be 21

Keg Registration

Registration is not required.

Home Delivery

- Beer: Permitted—package store permittees must have a cartage permit. Vehicles used to transport alcoholic beverages must be clearly marked.
- Wine: Permitted—package store permittees must have a cartage permit. Vehicles used to transport alcoholic beverages must be clearly marked.

- Spirits: Permitted—package store permittees must have a cartage permit. Vehicles used to transport alcoholic beverages must be clearly marked.

Alcohol Pricing Policies

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.19 per gallon
- Additional taxes: \$0.20 per gallon for alcohol content of more than 5 percent

Wine (12 percent alcohol)

- Specific excise tax: \$0.20 per gallon

Spirits (40 percent alcohol)

- Specific excise tax: \$2.40 per gallon
- Ad valorem excise tax (on-premises retail): 14 percent
 - Sales tax does NOT apply
 - Sales tax: 6.25 percent
 - Sales tax adjusted retail ad valorem rate: 7.75 percent

Drink Specials

- Free beverages: Not prohibited—licensee may offer a free drink on a case-by-case basis.
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Prohibited
- Reduced price, specified day or time: Not prohibited—not permitted after 11 p.m.
- Unlimited beverages: Prohibited
- Increased volume: Prohibited

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Retailer credit: Not permitted

Wine (12 percent alcohol)

- Retailer credit: Restricted—25 days maximum

Spirits (40 percent alcohol)

- Retailer credit: Restricted—25 days maximum

Texas State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
Texas Alcoholic Beverage Commission	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
Primary state agency responsible for enforcing laws addressing direct sales/shippments of alcohol to minors	Yes Texas Alcoholic Beverage Commission
Such laws are also enforced by local law enforcement agencies	Don't know
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by state law enforcement agencies	No
Number pertains to the 12 months ending	Not applicable
Data include arrests/citations issued by local law enforcement agencies	Not applicable
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of retail licensees in state ³	47,394
Number of licensees checked for compliance by state agencies (including random checks)	9,215
Number of licensees that failed state compliance checks	1,024
Numbers pertain to the 12 months ending	12/31/2012
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
<i>State conducts random underage compliance checks/decoy operations</i>	
Number of licensees subject to random state compliance checks/decoy operations	Yes
Number of licensees that failed random state compliance checks	9,215
	1,024
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	No
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ⁴	Yes
Total amount in fines across all licensees	317
Smallest fine imposed	\$754,800
Largest fine imposed	\$300
Numbers pertain to the 12 months ending	\$14,400
	12/31/2012

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁵	141
Total days of suspensions across all licensees	1,392
Shortest period of suspension imposed (in days)	No data
Longest period of suspension imposed (in days)	No data
Numbers pertain to the 12 months ending	12/31/2012
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed ⁶	3
Numbers pertain to the 12 months ending	12/31/2012
Additional Clarification	
No data	

¹ Or having consumed or purchased per state statutes.

² Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

³ Excluding special licenses such as temporary, seasonal, and common carrier licenses.

⁴ Does not include fines imposed by local agencies.

⁵ Does not include suspensions imposed by local agencies.

⁶ Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State	
Enforcing Underage Drinking Laws (EUDL) Program	
Program serves specific or general population	Specific population
Number of youth served	69,766
Number of parents served	1,293
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	
http://www.phsapps.wfubmc.edu/eudl2/index.cfm	
URL for more program information:	
http://www.tabc.state.tx.us/grants/eudl_grants.asp	
Program Description: EUDL is the only federal initiative directed exclusively to preventing underage drinking. The program is administered by the Department of Justice’s OJJDP and involves using strategic goals to reduce the availability of alcoholic beverages to minors, defined as persons younger than 21 years old, throughout the 50 states, the District of Columbia, and five U.S. Territories. Statutory authority for the EUDL Program can be found in Section 504 of the Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. 5783.	
Texas uses the EUDL grant to support activities in law enforcement, educational programs including specialized law enforcement training, and innovative methods for reaching youth. Most recently, funding has been used to encourage voluntary compliance from retailers, community members, and youth, as well as to enforce the zero tolerance laws and Alcoholic Beverage Code throughout the state. Law enforcement campaigns have been conducted to prevent the sale of alcohol to minors and enforce social hosting/third-party provision laws. Educational and prevention campaigns have been conducted to educate youth on the laws and consequences of underage drinking as well as provide youth with examples of alternative solutions to underage drinking.	
Additional Underage Drinking Prevention Programs Operated or Funded by the State	
No data	
URL for more program information: No data	
Program description: No data	
Additional Clarification	
No data	

Additional Information Related to Underage Drinking Prevention Programs	
<p><i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i></p> <p>Description of collaboration: Texas has three federally recognized Tribal governments: the Kickapoo Tribe, the Ysleta Del Sur, and the Alabama Coshautta. The Department of State Health Services (DSHS) currently meets quarterly with two of the federally recognized Tribes. Discussions and collaborations continue with local substance abuse mental providers and Tribal leaders. The current goal is to establish a Memorandum of Understanding between the Tribes and DSHS. The Ysleta Del Sur are currently funded by DSHS to provide comprehensive prevention services to the indicated population within their Tribe. They provide one-to-one indicated prevention counseling to the identified youth and provide goals for the individual based on the indicated prevention assessment, which identifies the risk and protective factors. In addition, an evidence-based curriculum identified by the National Registry of Evidence-Based Programs and Practices is delivered in a structured setting. The curriculum identified for the Ysleta del Sur is a family-focused curriculum called Creative Lasting Family Connections (CLFC) that aims to build the resiliency of youth ages 9 to 17 and reduce the frequency of their alcohol and other drug use.</p>	Yes
<p><i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i></p> <p>Program description: Community Coalitions are a collaborative partnership that works to prevent and reduce illegal and harmful use of alcohol, tobacco, and drugs in Texas communities (with emphasis on reduction in youth use) by promoting and conducting community-based and evidence-based environmental prevention strategies that have an impact on the social, cultural, political, and economic processes of the community. Coalitions maximize the power of participating in groups through joint action and are critical when engaging in broad community actions to change public policy. The strategies conducted by the coalitions include social norms campaigns, educational campaigns, and media awareness campaigns to create awareness in communities of alcohol marketing and advertising that influences underage drinking. Community Coalition Partnerships also collaborate with the Prevention Resource Center in each of the 11 Health and Human Services regions throughout Texas to promote media awareness campaigns and activities. Both programs are funded by the Texas DSHS and are required to provide media awareness through radio and television public service announcements, billboards, and print ads in local newspapers; they must also report data on the specific activities conducted. DSHS also funds the Prevention Media Campaign and the Partnership for Drug-Free Texas, each of which works closely with other DSHS-funded programs to develop materials that include media and print materials to directly address the issues and create awareness in communities throughout Texas. The Texas Department of Public Safety works with Sherry Mathews Advertising, Travis County Underage Drinking Program, and other nonprofit organizations to provide advertising on billboards, radio, and television.</p>	Yes
<p><i>State has adopted or developed best practice standards for underage drinking prevention programs</i></p> <p>Agencies/organizations that established best practices standards:</p> <p>Federal agency(ies): SAMHSA</p> <p>Agency(ies) within your state: DSHS</p> <p>Nongovernmental agency(ies):</p> <p>Other:</p> <p>Best practice standards description: The state office follows federal direction with evidence-based approaches, practices, and programs that demonstrate significant outcomes and change in behavior, knowledge, attitude, skills, and policies. The Prevention Resource Centers (PRCs) and Community Coalition Partnerships (CCPs) work collaboratively and implement the Strategic Prevention Framework (SPF) five-step process within their structure to address the alcohol and underage drinking issue within their communities. The coalitions develop a strategic plan that will help guide the implementation of the strategies and activities focused on the environmental strategy, policy, or social norm changes to be achieved in the targeted communities. In addition, a Community Needs Assessment (CNA) Summary Report is developed that is region-specific to data on substance use consumption patterns, consequences, and risk factors; emotional and behavioral prevalence data; population and cultural-specific effects; and data about assets that protect against</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>

substance use and promote emotional well-being. In addition, data that identify trends in incidence and prevalence of alcohol use, misuse and abuse, and related problems for the targeted community(ies) are collected. The coalition collaborates with the DSHS-funded Prevention Resource Center in the region by sharing data and resources and participating in surveys to help the PRC develop a regional needs assessment. The coalitions enhance this process with the logic model format in achieving their goals and objectives for their coalition work. Three coalitions along the Bay Area in Health and Human Services Commission (HHSC) region 6 implement the evidence-based approach, “Communities Mobilizing Change on Alcohol (CMCA).” The curriculum is for implementing strategies focused on underage drinking. CMCA is a community-organizing program designed to reduce teenagers’ (ages 13 to 20) access to alcohol by changing community policies and practices. CMCA seeks both to limit youths’ access to alcohol and to communicate a clear message to the community that underage drinking is inappropriate and unacceptable.

Additional Clarification

No data

State Interagency Collaboration

<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	No
<i>Committee contact information:</i> Not applicable	
<i>Agencies/organizations represented on the committee:</i> Not applicable	
<i>A website or other public source exists to describe committee activities</i> URL or other means of access: Not applicable	Not applicable

Underage Drinking Reports

<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	No
Prepared by: Not applicable Plan can be accessed via: Not applicable	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	No
Prepared by: Not applicable Plan can be accessed via: Not applicable	

Additional Clarification

No data

State Expenditures for the Prevention of Underage Drinking

<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	\$453,101.55
Estimate based on the 12 months ending	12/31/2012
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$359,645.58
Estimate based on the 12 months ending	8/31/2012
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$364,639.70
Estimate based on the 12 months ending	8/31/2012
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$257,365.44
Estimate based on the 12 months ending	10/31/2012
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other:	No
<i>Description of funding streams and how they are used:</i>	
Not applicable	
Additional Clarification	
No data	