

S.B. No. 1828

1 (c) Information accessed under this section may not be
2 marketed in any manner.

3 (d) A person who violates this section commits an offense.
4 An offense under this section is a Class A misdemeanor.

5 (e) It is an affirmative defense to prosecution under this
6 code, for an offense having as an element the age of a person, that:

7 (1) a transaction scan device identified the [a]
8 license or certificate of the purchaser as valid and that the person
9 is over 21, and the defendant accessed the information and relied on
10 the results in good faith; or

11 (2) if the defendant is the owner of a store in which
12 alcoholic beverages are sold at retail, the offense occurs in
13 connection with a sale by an employee of the owner, and the owner
14 had provided the employee with:

15 (A) a transaction scan device in working
16 condition; ~~and~~

17 (B) adequate training in the use of the
18 transaction scan device; and

19 (C) the defendant did not directly or indirectly
20 encourage the employee to violate the law.

21 (f) The defense offered in Subsection (e) does not apply in
22 actions to cancel, deny, or suspend the license or permit, except as
23 provided by rules adopted by the commission under Section 5.31.

24 (g) In this section, "transaction scan device" includes an
25 electronic age verification system authorized by commission rule
26 operated in conjunction with a point of sale terminal that scans the
27 purchaser's driver's license or identification certificate upon

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1 enrollment, associates the purchaser's personal identifying
2 information, as defined by Section 521.002(1)(C), Business &
3 Commerce Code, with the purchaser's license or identification
4 certificate information, and is capable of allowing a seller to
5 verify a purchaser's age solely by accessing the data and
6 information.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2007.

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David Dewhurst
President of the Senate

Jim Cuddick
Speaker of the House

I hereby certify that S.B. No. 1828 passed the Senate on April 19, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 21, 2007, by the following vote: Yeas 30, Nays 0.

Patsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1828 passed the House, with amendments, on May 16, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

15 JUN 07
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8 PM O'CLOCK

ROGER WILLIAMS
Secretary of State