

TEXAS ALCOHOLIC BEVERAGE COMMISSION

ALCOHOLIC BEVERAGE CODE

Sec. 109.61. USE OF CERTAIN ELECTRONICALLY READABLE INFORMATION. (a) A person may access electronically readable information on a driver's license, commercial driver's license, or identification certificate for the purpose of complying with this code or a rule of the commission, including for the purpose of preventing the person from committing an offense under this code. (b) A person may not retain information accessed under this section unless the commission by rule requires the information to be retained. The person may not retain the information longer than the commission requires. (b-1) Information retained may be printed to hard copy with a time and date confirmation from the transaction scan device or transferred to an electronic encrypted data storage or electronic record. After printing or transferring data, the transaction scan device may clear the scanned information from the device or any memory in the device. The commission by rule may set further requirements for the retention of information under this subsection. (c) Information accessed under this section may not be marketed in any manner. (d) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor. (e) It is an affirmative defense to prosecution under this code, for an offense having as an element the age of a person, that: (1) a transaction scan device identified the license or certificate of the purchaser as valid and that the person is over 21, and the defendant accessed the information and relied on the results in good faith; or (2) if the defendant is the owner of a store in which alcoholic beverages are sold at retail, the offense occurs in connection with a sale by an employee of the owner, and the owner had provided the employee with: (A) a transaction scan device in working condition; (B) adequate training in the use of the transaction scan device; and (C) the defendant did not directly or indirectly encourage the employee to violate

Disclaimer - this was found at URL <https://www.tabc.state.tx.us/laws/code/85th/AllTitles.pdf>.htm and is provided as a back up. This information should only be used as a backup reference and may be out of date with the latest legislation. Please check back with the original source to confirm accuracy. Date: 4/20/2020

the law. (f) The defense offered in Subsection (e) does not apply in actions to cancel, deny, or suspend the license or permit, except as provided by rules adopted by the commission under Section 5.31. (g) In this section, "transaction scan device" includes an electronic age verification system authorized by commission rule operated in conjunction with a point of sale terminal that scans the purchaser's driver's license or identification certificate upon enrollment, associates the purchaser's personal identifying information, as defined by Section 521.002(1)(C), Business & Commerce Code, with the purchaser's license or identification certificate information, and is capable of allowing a seller to verify a purchaser's age solely by accessing the data and information