

HCS HB 180 -- POSSESSION OF INTOXICATING LIQUOR (Cookson)

COMMITTEE OF ORIGIN: Standing Committee on Civil and Criminal Proceedings

This bill specifies that the provisions regarding the sale of intoxicating liquor to a minor and the permitted drinking or possession of intoxicating liquor to a minor are to be known as Austin's Law.

The bill changes the penalty for a person who knowingly allows a minor to drink or possess intoxicating liquor who is not the minor's parent or guardian from a class B misdemeanor to a class D felony for an offense committed before January 1, 2017, and a class E felony for an offense committed on or after January 1, 2017. The penalty for any subsequent violation is changed from a class A misdemeanor to a class C felony for an offense committed before January 1, 2017, and a class D felony for any subsequent violation committed on or after January 1, 2017. If an individual under the age of 21 injures or kills another person while intoxicated, the penalty is a class B felony. The bill exempts any business licensed to sell alcohol and his or her employee from the class B felony provisions of the bill.

A person commits the offense of illegal possession of powdered alcohol if he or she purchases, possesses, offers for sale or use, uses, or sells powdered alcohol or ships any package or container that contains powdered alcohol into this state. Any person who violates this provision must be guilty of a class C misdemeanor. "Powdered alcohol" means alcohol that is prepared in a powdered, crystalline, or capsule form either for direct use or for reconstitution in a nonalcoholic liquid. These provisions must not apply to any hospital that operates primarily for the purpose of scientific research; any state institution or college or university conducting scientific research; or any pharmaceutical or biotechnology company conducting research.

The provisions of the bill regarding powdered alcohol contain an emergency clause.