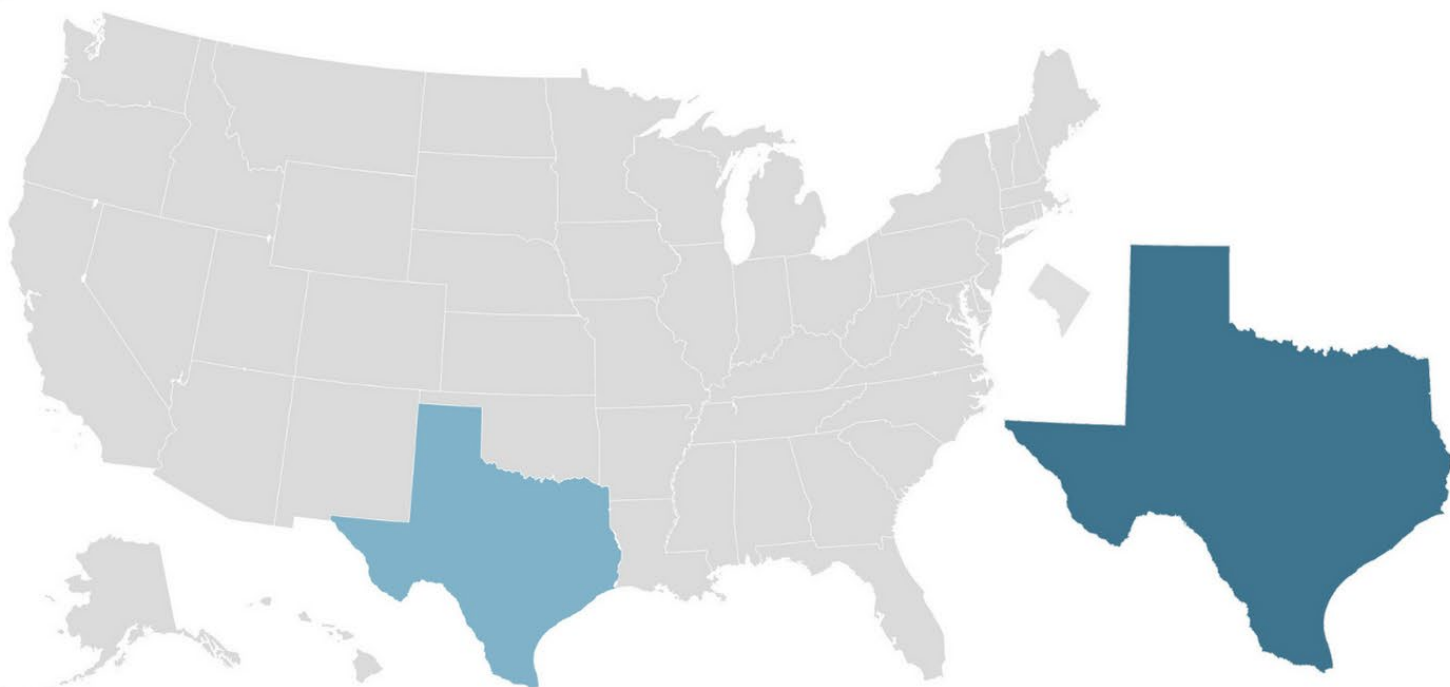




SAMHSA
Substance Abuse and Mental Health
Services Administration

Texas

2022 STATE REPORTS – UNDERAGE DRINKING PREVENTION AND ENFORCEMENT



ICCPUD

**THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the State Reports were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), chaired by Miriam Delphin-Rittmon, Ph.D., the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

Time Period Covered by this *State Report*: This *State Report* primarily includes data from calendar year 2020 and 2021. Regional and state profile data were drawn from the most recently available federal survey data as of 2020. State legal data reflect the status of the law as of January 1, 2021. State survey data, collected in 2021, were drawn from the most recent 12-month period in which the states maintained the data.

Source of Data: For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2017 through 2020 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2021). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application (updated May 2022) served as the resource for data about alcohol-attributable deaths from 2015–2019 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2020 data used to present statistics about fatalities among 15- to 20-year-old drivers. State legal policy data were obtained from the following sources: 1) the National Institute on Alcohol Abuse and Alcoholism’s Alcohol Policy Information System (APIS) website (<https://alcoholpolicy.niaaa.nih.gov/>); 2) legal research planned and managed by the ICCPUD.

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Staff Chair and Point of Contact, ICCPUD:

Robert M. Vincent, MS.Ed

Associate Administrator for Alcohol Prevention and Treatment Policy
ICCPUD Staff Chair

Substance Abuse and Mental Health Services Administration (SAMHSA)
Center for Substance Abuse Prevention (CSAP)

Office of the Director

Phone: (240) 276-1582

Email: Robert.Vincent@samhsa.hhs.gov

Texas Governor’s Designated Contact for STOP Act State Survey:

Claire Jamison

Manager for Public Awareness and Promotion, Substance Use Program Planning and Policy
IDD/ Behavioral Health Services Department

Phone: (512) 902-8075

Email: Claire.jamison@hhs.texas.gov



TEXAS



SAMHSA
Substance Abuse and Mental Health
Services Administration

THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)



Texas

State Population: 29,360,759

Population Ages 12–20: 3,678,000

Past-Month Alcohol Use	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	604,000 (16.4%)
Past-Month Binge Alcohol Use – Number (Percentage)	312,000 (8.5%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	25,000 (2.0%)
Past-Month Binge Alcohol Use – Number (Percentage)	6,000 (0.5%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	179,000 (14.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	86,000 (6.8%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	400,000 (33.6%)
Past-Month Binge Alcohol Use – Number (Percentage)	219,000 (18.4%)
Adults Ages 21+	
Past-Month Alcohol Use – (Percentage)	10,528,000 (53.2%)
Past-Month Binge Alcohol Use – (Percentage)	5,385,000 (27.2%)
Average Age of Initiation	
Average Age of Initiation	16.4
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21 ¹	
Alcohol-Attributable Deaths (under 21)	423
Years of Potential Life Lost (under 21)	22,829
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% ²	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	205
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	37%

¹ The Alcohol-Related Disease Impact Application was updated May 2022 to reflect new methodology for calculating the average annual alcohol-attributable deaths, and it reflects national and state annual averages from 2015–2019.

² Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number; however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

Behavioral Health Services Overview¹

Texas Health and Human Services Commission's (HHSC) Mental Health Programs, Planning, and Policy (MHPPP) is part of the Behavioral Health Services (BHS) section in the Intellectual and Developmental Disability and BHS (IDD-BHS) department. The area facilitates coordination and communication across multiple areas, including substance use, prevention, peer and recovery services, contracts management, business operations and quality management. Additionally, the MHPPP unit collaborates with the IDD-BHS's Office of Mental Health Coordination on initiatives designed to reduce suicide and promote veterans' services. The BHS Associate Commissioner oversees MHPPP operations.

MHPPP oversees the provision of a range of services for persons with mental health and co-occurring psychiatric and substance use disorders (COPSD) across the state via contracts with 39 local mental health and behavioral health authorities (LMHA/LBHAs) for community-based outpatient mental health services. LMHAs/LBHAs serve as both the local authority and provider. For people in need of residential services, HHSC operates 10 state hospitals located across the state. Each serves a different population, which may include adults, children and adolescents, and people involved with the criminal justice system. HHSC also contracts for 507 locally managed psychiatric hospital beds.

LMHAs/LBHAs collaborate with community stakeholders to develop local provider networks and some LMHAs/LBHAs subcontract with other entities to provide a variety of service, including pharmacological management, counseling, and certain crisis services. HHSC contractually requires LMHAs/LBHAs to collaborate with community stakeholders to create Consolidated Local Area Service Plans. This ensures LMHBAs/LBHAs and community members are working together and responsive to the needs of the local community.

Substance Use Service System

HHSC's Substance Use Programs, Planning, and Policy (SUPPP) is part of the BHS section in the IDD-BHS department. The area is designed to facilitate coordination and communication with internal department partners, including mental health, business operations, contracts, and quality management staff. The BHS Associate Commissioner oversees SUPPP operations. SUPPP includes the Substance Intervention and Treatment Programs and Prevention and Behavioral Health Promotion units that fund community-based and state-licensed treatment providers delivering substance use prevention, intervention, and treatment services. For the 2020-2021 biennium, SAMHSA's Substance Abuse Block Grant (SABG) accounted for 71 percent of substance use funding in the state. HHSC distributes SABG funds through contracts with community-based and/or state licensed treatment providers and other state agencies (e.g., Texas Department of Criminal Justice).

HHSC funds a comprehensive array of prevention services, ranging from direct services in schools and communities to data collection and population-based strategies. There were five

¹ Extracted from fiscal year (FY) 2022/2023 – (Texas) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

service types procured for funding in state fiscal year 2014 and continued with the state fiscal year 2020 procurement: Youth Prevention Universal (YPU), Youth Prevention Selective (YPS), Youth Prevention Indicated (YPI), Community Coalition Partnerships, and Prevention Resource Centers (PRCs). Texas currently supports over 140 youth prevention programs, over 40 coalitions, and 11 PRCs f across the state. HHSC uses data collected through its Regional Needs Assessments and statewide strategic planning processes as well as population health data analyses to determine prevention priorities for Texas that include: alcohol (underage drinking), marijuana and cannabinoids, tobacco and nicotine products, and prescription drug misuse. The strategies implemented to address these priority areas promote behavioral health and wellness and address the underlying factors leading to substance misuse including but not limited to: adverse childhood experiences, social determinants of health, and building youth, family and community risk and protective factors. HHSC is currently implementing a statewide survey and community listening sessions across the state to help inform priorities and strategies moving forward. All programs are structured according to the Strategic Prevention Framework and incorporate the Center for Substance Abuse Prevention’s six strategies to ensure a comprehensive continuum of prevention services.

Youth Prevention: The core strategy for these programs is prevention education to enhance wellness, social emotional development, relationship-building, and problem-solving skills. Youth Prevention programs use evidence-based curricula designated by the discontinued National Registry of Evidence-based Programs and Practices and proven effective with specific priority populations in school and community sites. Program types YPU, YPS, and YPI focus primarily on the youth population, though efforts are underway to expand reach to young adults (18-25). These program types additionally serve a secondary adult population, including parents, guardians, and grandparents of the youth receiving services. YPU direct services are designed to reach the general population, between kindergarten and grade 12, without regard to individual risk factors, and are generally intended to reach a very large audience. YPS direct services prioritize subgroups of the general population, between kindergarten and grade 12, determined to be at an elevated risk for substance use due to environmental risk factors. YPI direct services prioritize youth between kindergarten and grade 12 who are exhibiting early signs of substance use and/or other related behaviors associated with substance use.

HHSC SUD Treatment services for adults and adolescents (defined as ages 13-17) engage the individual and the family in recovery efforts through the continuum of care. Treatment approaches are evidence-based, holistic in design, and emphasize coordination of care across the continuum. HHSC requires evidence-based Motivational Enhancement Therapy in all SUD treatment settings.

Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through Substance Abuse Prevention and Treatment Block Grant (SABG) funds administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that Texas used for expenditures on substance abuse prevention and treatment in 2021. As indicated, SABG

funds and other federal funds account for the largest sources (65.29 percent and 21.73 percent, respectively).²

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2022–2023, Texas designated prevention of substance abuse among children and youth as part of the number one priority for use of SABG funds.³

Exhibit 1: Sources of Texas' 2021 Expenditures for Substance Abuse Prevention and Treatment



² WebBGAS State Profile, 2021 SABG and Community Mental Health Block Grant (MHBG) Reports— Texas 2021.

³ FY 2022/2023 – (Texas) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Texas' performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

The following sections address these measures:

State Laws and Policies: These underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into six categories:

- underage possession or purchase of alcohol
- underage drinking and driving
- alcohol availability
- sales and delivery to consumers at home
- alcohol pricing
- enforcement policies

STOP Act State Survey Data: The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

- enforcement programs to promote compliance with underage drinking laws and regulations
- programs targeted to youth, parents, and caregivers to deter underage drinking
- state interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns
- state expenditures on the prevention of underage drinking

Underage Possession or Purchase of Alcohol

Texas-Underage Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> • Is possession allowed if parent or guardian is present or consents? • Is possession allowed if spouse is present or consents? 	Yes Yes
Is there an exception based on location?	No
Notes: In Texas, a minor may possess an alcoholic beverage if the minor is in the visible presence of his adult parent, guardian, or spouse. Tex. Alco. Bev. Code Ann. § 106.05.	

Texas-Underage Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> • Is consumption allowed if parent or guardian is present or consents? • Is consumption allowed if spouse is present or consents? 	Yes Yes
Is there an exception based on location?	No
Notes: 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.	

Texas-Underage Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> • Is internal possession allowed if parent or guardian is present or consents? • Is internal possession allowed if spouse is present or consents? 	N/A N/A
Is there an exception based on location?	N/A

Texas-Underage Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	Yes

Texas-Underage False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor’s driver’s license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	Yes
Do state statutes or regulations mandate that state driver’s licenses for persons under 21 be easily distinguishable from licenses for persons 21 and over?	Yes
May the retailer seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes
<ul style="list-style-type: none"> Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)? 	Yes
<ul style="list-style-type: none"> Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)? 	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May the retailer detain a minor who used a false ID?	No

Underage Drinking and Driving

Texas-Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	0
What is the maximum age to which the limit applies?	21

Texas-Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)	
Is there a “use/lose” law that suspends or revokes a minor’s driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	Yes
• Possession of alcohol	Yes
• Consumption of alcohol	Yes
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	30
Maximum number of days	30

Texas-Graduated Driver’s Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians or adults before advancing to intermediate stage?	30 (10 of which must be at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	Midnight
Can law enforcement stop a driver for night driving violation as a primary offense?	No
Are there restrictions on passengers?	Yes, no more than one non-family passenger under 21.
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	No
License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	18

Alcohol Availability

Texas-Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> • Is furnishing allowed if the parent or guardian supplies the alcohol? • Is furnishing allowed if the spouse supplies the alcohol? 	<p>Yes</p> <p>Yes</p>
Is there an exception based on location?	No
Affirmative Defense for Sellers and Licensees	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No
<p>Notes: In Texas, a person may purchase an alcoholic beverage for or give an alcoholic beverage to a minor if he or 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 is visibly present when the minor possesses or consumes the alcoholic beverage.</p>	

Texas-Responsible Beverage Service (RBS)—Voluntary	
Is there a state law pertaining to Beverage Service Training?	Yes, voluntary
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
<ul style="list-style-type: none"> • Defense in dram shop liability lawsuits • Discounts in dram shop liability insurance, license fees, or other • Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons • Protection against license revocation for sales to minors or sales to intoxicated persons 	<p>No</p> <p>No</p> <p>No</p> <p>Yes</p>
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Unspecified
Does the RBS law apply to new or existing licensees?	Unspecified

Texas-Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	16
Wine	16

Spirits	21
Does a manager or supervisor have to be present when an underage person is selling beverages?	No

Texas-Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present when an underage person is selling beverages?	No
Notes: On-premises licenses that derive less than 50 percent of their gross receipts from alcoholic beverage sales may employ a person under 18 years of age as a cashier for transactions involving the sale of alcoholic beverages if the beverages are served by a person 18 years of age or older.	

Texas-Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A

Texas-Dram Shop Liability	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	Yes (retailers may be held liable if they are 21 or over and furnish alcohol to a minor under age 18)
Does the statute limit elements or standards of proof?	Yes (knowledge of underage status)

Does common law dram shop liability exist?	Unclear
<p>Notes: Any retailer may be held liable for furnishing alcohol to individuals 18 or older that 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 underage person is 18 or over. It is unclear whether there is common law liability when drinker is under age 18.</p> <p>Licensees (but not their employees) are shielded from liability if the licensee requires all employees to attend Responsible Beverage Service training; the employee who furnished the minor attended the training; and the licensee did not directly or indirectly encourage the employee to violate the law. Tex. Alco. Bev. Code Â§ 106.14.</p>	

Texas-Social Host Liability	
Does a statute create social host liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	Yes (social hosts may be held liable if they are 21 or over and furnish alcohol to a minor under age 18)
Does the statute limit elements or standards of proof?	Yes (knowledge of underage status)
Does common law social host liability exist?	Unclear
<p>Notes: There is no common law liability when underage person is 18 or over. It is unclear whether there is common law liability when drinker is under age 18.</p>	

Texas-Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	No
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	N/A
What action by underage guest triggers a violation?	N/A
Property type covered by the law?	N/A
What level of knowledge by the host is required?	N/A
Does host’s preventive action protect him/her from being held liable?	N/A
Are there any exceptions for underage guests?	N/A

Texas-Keg Registration	
How is a keg defined (in gallons)?	No law
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No law
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No law
What purchaser information is collected?	
Must the retailer collect the name and address?	No law

Must the retailer collect the ID number, name and address on license or other government information?	No law
Must the retailer collect the address at which keg will be consumed?	No law
Must warning information be given to purchaser?	No law
Is a deposit required?	No law
Does law cover disposable kegs?	No law

Texas-High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

Sales and Delivery to Consumers at Home

Texas-Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Texas-Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	Yes
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	Yes

Recording/reporting requirements	
Must the producer/manufacturer record/report purchaser's name?	Yes
Must the common carrier (deliverer) record/report recipient's name?	Yes
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes

Texas-Home Delivery	
Is home delivery of alcohol permitted?	
Beer	Permitted
Wine	Permitted
Spirits	Permitted
Notes: Package store permittees must have a Cartage permit. Vehicles used to transport alcoholic beverages must be clearly marked.	

Texas- Direct to Consumer	
Is there a policy allowing on-premises retailers to deliver alcohol to a consumer at home?	Yes
Which on-premises retailers can provide delivery of alcoholic beverages? <ul style="list-style-type: none"> • Restaurant • Bar license • Third party license 	Yes, with state permit No Yes
Which types of alcohol are permitted to be delivered? <ul style="list-style-type: none"> • Beer • Wine • Spirits • Mixed Drinks 	Yes Yes Yes Yes
Requirements and Restrictions	
Are there restrictions in place addressing details of the delivery? <ul style="list-style-type: none"> • Hours limited • Amount of alcohol limited • Food requirement 	No No Yes
Are there certain requirements that the delivery person must meet?	

<ul style="list-style-type: none"> • Must be 21 • Must check ID at point of delivery • Must receive payment regardless of delivery completion 	No Yes No
Notes: Alcoholic beverages other than beer or wine cannot exceed 375 milliliters.	

Alcohol Pricing

Texas-Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.19
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	14.95%
If retail tax rate applies, is there an exemption from general sales tax?	Yes
<ul style="list-style-type: none"> • General sales tax rate 	6.25%
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	8.70%
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> • General sales tax rate 	Not relevant
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	\$0.20 per gallon for alcohol content of more than 5%
Notes: In Texas, holders of a wine and beer retailer's permit or a beer retail dealer's license are subject to the State sales tax rate of 6.25% rather than the Ad Valorem Excise Tax On-Premises rates.	
Wine	
Control system for wine?	No

Specific excise tax per gallon for 12% alcohol wine	\$0.20
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	14.95%
If retail tax rate applies, is there an exemption from general sales tax?	Yes
<ul style="list-style-type: none"> • General sales tax rate 	6.25%
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	8.70%
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> • General sales tax rate 	Not relevant
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
Notes: In Texas, the holder of a wine and beer retailer's permit is subject to the State sales tax rate of 6.25% rather than the Ad Valorem Excise Tax On-Premises rates.	
Spirits	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	\$2.40
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	14.95%
If retail tax rate applies, is there an exemption from general sales tax?	Yes
<ul style="list-style-type: none"> • General sales tax rate 	6.25%
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	8.70%

Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	

Texas-Low-Price, High-Volume Drink Specials	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No (licensee may offer a free drink on a case-by-case basis)
Multiple servings at one time	No
Multiple servings for same price as single serving	Yes
Reduced price for a specified day or time (i.e., happy hours)	Restricted (Permitted before 11 p.m.)
Unlimited beverages for fixed price	Yes
Increased volume without increase in price	Yes

Texas-Wholesaler Pricing Restrictions	
Beer	
Are volume discounts to retailers allowed?	None
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
Wine	
Are volume discounts to retailers allowed?	None
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No

Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (25 days maximum)
Spirits	
Are volume discounts to retailers allowed?	None
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (25 days maximum)

Enforcement Policies

Texas-Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	Not specified
What is the maximum age a decoy may be to participate in a compliance check?	18
Are there appearance requirements for the decoy?	Yes, must appear youthful and have no facial hair and be dressed age appropriate
Does decoy carry ID during compliance check?	Discretionary
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Mandated

Texas-Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third, and subsequent offenses?	Three years
What is the penalty for the first offense?	8-12 days suspension or \$300 per day
What is the penalty for the second offense?	16-24 days suspension or \$300 per day
What is the penalty for the third offense?	48 days - revocation of license or \$300 per day
What is the penalty for the fourth offense?	N/A

Texas State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
Texas Alcoholic Beverage Commission (TABC)	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
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	No
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	No
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Texas Alcoholic Beverage Commission (TABC)
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>	Yes
Number of minors found in possession ¹ by state law enforcement agencies	135- TABC Citations Only (Note age-law enforcement greatly curtailed during pandemic)
Number pertains to the 12 months ending	08/31/2020
Data include arrests/citations issued by local law enforcement agencies	No
<i>State conducts underage compliance checks/decoy operations² to determine whether alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of retail licensees in state ³	55,511
Number of licensees checked for compliance by state agencies (including random checks)	5,905
Number of licensees that failed state compliance checks	462
Numbers pertain to the 12 months ending	08/31/2020
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>	Yes
Number of licensees subject to random state compliance checks/decoy operations	0
Number of licensees that failed random state compliance checks	0
<i>Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	No
Number of licensees checked for compliance by local agencies	Not applicable
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 to minors</i>	Yes
Number of fines imposed by the state ⁴	230

Total amount in fines across all licensees	\$525,500 (Some for prior FY violations)
Smallest fine imposed	\$1,200
Largest fine imposed	\$14,400
Numbers pertain to the 12 months ending	08/31/2020
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state ⁵	89
Total days of suspensions across all licensees	829
Shortest period of suspension imposed (in days)	4
Longest period of suspension imposed (in days)	60
Numbers pertain to the 12 months ending	08/31/2020
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed ⁶	0 for age-law violations
Numbers pertain to the 12 months ending	08/31/2020

Additional Clarification

State age law enforcement efforts were greatly curtailed in FY 2020 due to the pandemic. For most of the year, TABC agents were largely focused on enforcement of the Governor’s emergency orders relating to the operation of licensed businesses during the pandemic.

TABC cannot confirm practices by local law agencies.

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

Youth Prevention (YP) Programs - Universal, Selected, and Indicated Populations

Number of youth served	287,627
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	https://hhs.texas.gov/about-hhs/process-improvement/behavioral-health-services/substance-use-misuse-prevention

Program Description: The Texas Health and Human Services Commission (HHSC) funds more than 60 Substance Use and Misuse Prevention providers around the state. These providers deliver a comprehensive array of prevention services, modeled on the six Center for Substance Abuse Prevention (CSAP) strategies sponsored by the Substance Abuse and Mental Health Services Administration (SAMHSA). One of these services is the delivery of one of eight HHSC-approved evidence-based prevention curricula. These curricula are part of a holistic approach to educate youth and their families on the dangers of substance use and misuse and promote healthy living and positive decision-making. Texas recognizes underage alcohol use as an ever-present danger to youth and all Texans, and HHSC continues to recognize this as a leading prevention priority. Thus, underage drinking is addressed throughout all strategies delivered in the prevention contracts, particularly in the education being

delivered to youth and their families. In addition to prevention education, YP Programs highlight the importance of incorporating substance-free activities in communities as a way to engage young people and their families and strengthen the bonds established within healthy communities. YP Programs also conduct prevention presentations to schools, community sites, and any place where stakeholders require information on alcohol, tobacco, and other substances.

Community Coalition Partnerships (CCPs)

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	https://hhs.texas.gov/about-hhs/process-improvement/behavioral-health-services/substance-use-misuse-prevention

Program Description: CCPs engage and mobilize various sectors of the community to implement evidence-based environmental strategies with a primary focus on changing policies and influencing social norms related to substance use and misuse. HHSC recognizes underage drinking as a top prevention priority, and the 43 currently funded CCPs across Texas are engaged in policy and social norm change related to alcohol and underage drinking. CCPs work on initiatives such as alcohol excise taxes, sticker shock campaigns, media campaigns, and other evidence-based strategies that target underage access and consumption of alcohol.

Prevention Resource Centers (PRCs)

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	https://hhs.texas.gov/about-hhs/process-improvement/behavioral-health-services/substance-use-misuse-prevention

Program Description: PRCs work to increase the capacity of the statewide substance use and misuse prevention system by increasing community awareness and readiness, providing information and resources on substance use and related behavioral health data, supporting professional development of the prevention workforce, and providing resources for evaluation activities within each service region. A major product of the PRCs is the Regional Needs Assessment (RNA) created by each of the 11 HHS regions, used to identify substance use and other behavioral health-related trends around the state, find gaps in services, and inform areas of greatest need for prevention services. These RNAs monitor and capture an alcohol and underage drinking data set that helps HHSC ensure targeted prevention services in areas of greatest need.

Statewide Prevention Media Campaign

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable

URL for evaluation report:	Not applicable
URL for more program information:	No data
Program Description: The Statewide Prevention Media Campaign utilizes all media platforms to disseminate unified messaging related to behavioral health promotion and the state’s four prevention priorities of alcohol (underage drinking), tobacco and nicotine products, marijuana and other cannabinoids, and prescription drug misuse.	
Additional Underage Drinking Prevention Programs Operated or Funded by the State	
No data	
Additional Clarification	
While HHSC does not have one specific underage drinking prevention program, it utilizes federal Substance Abuse Prevention and Treatment Block Grant funds to contract comprehensive and holistic prevention services concentrated on four main priorities, of which alcohol (underage drinking) is a primary initiative. The numbers provided in this report are not reflective of all individuals impacted by or receiving these prevention services. In addition, it is difficult to determine the number of youth and adults specifically receiving services on alcohol prevention.	
In addition, the number of adults participating in the Youth Programs is 58,657. We only know they are adults but cannot determine if they are parents or caregivers.	
Additional Information Related to Underage Drinking Prevention Programs	
<i>State collaborates with federally recognized tribal governments in the prevention of underage drinking</i>	Yes
Description of collaboration: The Annual Red Ribbon Rally Capitol Kickoff event (RRRCK) was held virtually in October, 2020. Of the 3,000 who participated, 1.8% were American Indian students from Irving Independent School District. HHSC is also dedicating COVID-19 relief funding. HHSC will allocate funds to Alabama-Coushatta Tribe of Texas (ACTT) to address conditions contributing to substance use/misuse and social determinants of health within the tribal community (\$150,000 for FY22–23).	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
Description of program: Texas’ Drug-Free Texas Statewide Prevention Media Campaign addresses underage drinking through social media messaging on Facebook and Instagram as well as a digital text-to-subscribe “GovDelivery” campaign geared toward parents of 10- to 17-year-olds.	
<i>State collaborates with/participates in media campaigns to prevent underage drinking</i>	No
Federal campaigns:	Not applicable
Regional and local media campaigns:	Not applicable
Local school district efforts:	Not applicable
Other:	Not applicable
<i>State collaborates with/participates in SAMHSA’s national media campaign, “Talk. They Hear You.”</i>	Not applicable
State officially endorses TTHY efforts	Not applicable
State commits state resources for TTHY	Not applicable
State forwards TTHY materials to local areas	Not applicable
Other: Not applicable	Not applicable
<i>State procures funding for TTHY</i>	Not applicable
Pro bono	Not applicable
Donated air time	Not applicable
Earned media	Not applicable
Other:	Not applicable
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	No
Agencies/organizations that established best practices standards:	
Federal agency(ies):	Not applicable

Agency(ies) within your state:	Not applicable
Nongovernmental agency(ies):	Not applicable
Other:	Not applicable
Best practice standards description: Not applicable	

Additional Clarification

While the prevention programs funded by HHSC do not solely focus on underage alcohol use, they all follow the Strategic Prevention Framework (SPF) model for best practices to implement prevention services that are on a continuum for sustainable and culturally and linguistically appropriate services. HHSC identifies four prevention priorities: alcohol (underage drinking), tobacco and nicotine products, marijuana and other cannabinoids, and prescription drug misuse. Alcohol remains the number one cause of fatalities among Texans and is therefore a top priority for substance use and misuse prevention programming in the state. HHSC also prioritizes addressing risk and protective factors and social determinants of health in the interests of promoting overall behavioral health for Texans.

State Interagency Collaboration

<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	No
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Committee contact information:
Not applicable

Agencies/organizations represented on the committee:
Not applicable

<i>A website or other public source exists to describe committee activities</i>	Not applicable
URL or other means of access: Not applicable	

Underage Drinking Reports

<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
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Prepared by: HHSC’s Statewide Behavioral Health Coordinating Council
Plan can be accessed via: While the plan has not been written yet, the Council is developing a new 3-year plan that prioritizes behavioral health needs of public school students, social determinants of health and other barriers to care, and prevention and early intervention services.

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

Additional Clarification

The Texas Statewide Behavioral Health Strategic Plan addressed in this report will be a cumulative representation of services and initiatives related to behavioral health services at HHSC. The State’s Behavioral Health Strategic Plan addresses all behavioral health-related activities and strategies and not specifically underage drinking.

State Expenditures for the Prevention of Underage Drinking

Compliance checks in retail outlets:
Estimate of state funds expended

\$3,847,991 - \$7,073,517 (Very rough estimate, with the bottom end of the range being the most likely for FY 2020. Insufficient data for anything better.)
08/31/2020

Checkpoints and saturation patrols:
Estimate of state funds expended

\$0
08/31/2020

Community-based programs to prevent underage drinking:

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	08/31/2020

K–12 school-based programs to prevent underage drinking:

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	08/31/2020

Programs targeted to institutes of higher learning:

Estimate of state funds expended	\$0 from Texas HHSC
Estimate based on the 12 months ending	08/31/2020

Programs that target youth in the juvenile justice system:

Estimate of state funds expended	\$0 from Texas HHSC
Estimate based on the 12 months ending	08/31/2020

Programs that target youth in the child welfare system:

Estimate of state funds expended	\$0 from Texas HHSC
Estimate based on the 12 months ending	08/31/2020

Other programs:

Programs or strategies included:	Data not available
Estimate of state funds expended:	Data not available
Estimate based on the 12 months ending:	Data not available

Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue streams:

Taxes	No
Fines	No
Fees	No
Other: Not applicable	No

Description of funding streams and how they are used:

Not applicable

Additional Clarification

The Texas Statewide Behavioral Health Strategic Plan is a cumulative representation of services and initiatives related to behavioral health services at HHSC. The State’s Behavioral Health Strategic Plan addresses all behavioral health-related activities and strategies and not specifically underage drinking. As preventing underage drinking is just one component of HHSC’s prevention programs and not their sole focus of HHSC’s, it is not possible to break out the specific costs related to the prevention of underage drinking by state general fund expenditures. Including all forms of prevention, in State Fiscal Year 2020, HHSC spent \$4,326,362 on community-based programs that include the prevention of underage drinking, \$27,483,729 on K–12 school-based programs that include the prevention of underage drinking, and \$1,175,102 on other prevention programs that included the prevention of underage drinking.

Texas’ community-based programs (e.g., community coalitions) and school-based programs (e.g., youth prevention programs) may provide services focused on underage drinking to all areas of the community, including institutions of higher learning, juvenile justice programs, and child welfare programs. Our community coalitions spend resources to educate, mobilize, and affect change within a targeted age range of college-age youth and young adults. In addition, our youth prevention programs may provide education utilizing an evidence-based curriculum in the juvenile justice system or with youth who are in welfare programs. Given the nature of these curricula and activities, it would be difficult to determine the exact dollar amounts spent on such programs.



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**THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

