

Bill Summary
1st Session of the 59th Legislature

Bill No.:

SB 1032

Version:

HASB

Author:

Sen. Howard

Date:

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Bill Analysis

SB 1032 provides that certain actions of an employee paid by an establishment licensed by the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall not be attributable to the establishment and provides for an affirmative defense to such liability. Such actions include selling or furnishing alcohol to a mentally deficient person, a minor, and an intoxicated person. The establishment must require all employees to maintain a currently valid employee license from the ABLE Commission, require the presentation of a seller-server training certificate within 14 days of employment, adopt written policies and procedures that prohibit certain actions, and ensure that all employees have read and understood required policies. The establishment may assert the affirmative defense provided for in the measure if it provides an affidavit to the ABLE Commission no later than 10 days after receiving the administrative notice. If an employee is not licensed, the measure specifies that his or actions shall be attributable to the employer. The measure provides that if the Commission took 3 or more actions in a single year against the establishment, it shall be a rebuttable presumption that a licensed establishment has indirectly encouraged a violation of the law.

House Amendments

HA's to SB 1032 modifies language relating to attributing the actions of an employee to the establishment as it relates to furnishing alcohol as compared to the engrossed measure.

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