

UNDER 21 MEANS
ZERO.00^{BAC}
ALCOHOL

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Legal Consequences of Underage Drinking

A GUIDE FOR MINORS & ADULTS IN TEXAS



It is illegal for a minor to consume, possess, or purchase alcohol. A minor in possession or a minor found operating any vehicle with any detectable amount of alcohol in their system could find themselves the not-so-proud recipient of a citation and the potential guest of the county jail.

MINORS IN POSSESSION¹

1ST OFFENSE

- **Class C** misdemeanor
- Pay up to a **\$500 fine**
- Attend an alcohol awareness class.
- Serve **8-12 hours** of alcohol prevention- or education-related community service
- **30 day** driver's license suspension

2ND OFFENSE

- **Class C** misdemeanor
- Pay up to a **\$500 fine**
- **Attend** an alcohol awareness class
- Serve **20-40 hours** of alcohol prevention- or education-related community service
- **60 day** driver's license suspension

3RD OFFENSE

- IF AGE 17-20
- **Class B** Misdemeanor
 - Pay up to a **\$2,000 fine**
 - Up to **180 days** in jail
- IF UNDER AGE 17
- **Class C** Misdemeanor
 - Pay up to a **\$500 fine**
 - Attend an alcohol awareness class with your parents
 - Serve **20-40 hours** of alcohol prevention- or education-related community service
 - **180 day** driver's license suspension

Driving Under the Influence (DUI):

In Texas, a DUI is the charge issued to those under 21 who have **any detectable amount** of alcohol in their system while operating any vehicle, including watercraft. This is known as the Zero Tolerance Law because there is no legal amount of alcohol for a person who is under the age of 21.

Misdemeanor: A misdemeanor is a **criminal offense**, the punishment of which could include a fine, jail time, or both. The punishment depends on the class of the offense (see chart).



It is illegal to provide alcohol to anyone under the age of 21.³ An adult cannot provide alcohol to a child not their own, even if the parent gives permission, written or otherwise. Giving a minor alcohol **in any way**—be it selling, buying for, or even just giving—exposes adults to both criminal and civil liability.

IF ADULTS PROVIDE TO MINORS

Criminal Penalties⁴

- **Class A** misdemeanor
- Pay up to a **\$4,000 fine**
- Confinement in jail for up to **180 days**

Because criminal law can't give an injured person the right to sue somebody that gave alcohol to a minor that resulted

in the minor injuring somebody, TABC has provided this right:

An adult can be sued for damages caused by an intoxicated minor who is under age 18 if the adult knowingly provided any of the alcohol that caused the minor to be intoxicated.⁵

People can only sue under this statute after the intoxicated minor hurts somebody because of their intoxication.

4,298 TEENS WERE ARRESTED FOR DUI IN TEXAS IN 2015²

¹ Texas Alcoholic Beverage Code § 106.071: Punishment for Alcohol-Related Offense by Minor

² According to 2015 Texas Department of Public Safety traffic arrest data

³ A minor may consume alcohol only if they are in the direct eyesight of their parent, guardian, or spouse who is 21 years of age. This is strictly applied to mean

within arm's length. If the minor moves out of the parent, guardian, or spouse's eyesight, the minor can be issued a citation for minor in possession.

⁴ Texas Alcoholic Beverage Code § 106.06 Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor; Texas Penal Code § 12.21: Class A Misdemeanor.

⁵ Texas Alcoholic Beverage Code § 2.02: Causes of Action.