



TABC Public Safety Penalty Chart

This chart is an excerpt from the [TABC Administrative Rules](#).

§34.2 Schedule of Sanctions and Penalties for Health, Safety and Welfare Violations

- (a) An act or failure to act that results in a violation of the Code or rules that represents a threat to the public health, safety, or welfare will be assessed sanctions and penalties according to Figure 16 TAC §34.2(e) and/or a license or permit suspension or cancellation. Each sanction in Figure 16 TAC §34.2(e) other than cancellation includes an optional monetary penalty of \$300 per day of suspension.
- (b) The list of violations in Figure 16 TAC §34.2(e) is nonexclusive; the absence of a statute or rule from the chart does not limit the commission's statutory authority to enforce compliance with the Code and its rules by assessing penalties.
- (c) Violations of Code §§11.61(b)(7), 32.17(a)(8), and 61.71(a)(16), and §34.3 of this title, which are not listed in Figure §34.2(e), will be assessed sanctions based upon all relevant facts and circumstances.
- (d) For a contested case brought under subchapters C and D of the Administrative Procedure Act or an investigation or violation referred to the legal services division of the commission for resolution, the sanctions and penalties in Figure §34.2 may be used as a guideline but adherence is not required.
- (e) Nothing in this rule shall be construed to limit the commission's authority to suspend or cancel a license or permit under §§11.38, 11.61, 32.17, 61.71, 201.075, or any other provision of the Code authorizing suspension or cancellation of a license or permit.

Figure: 16 TAC §34.2(e)

DESCRIPTION	Code (§) and Rule Citation(s)	1 ST Violation	2 nd Violation	3 rd Violation
Employing a minor to sell, serve, prepare, or otherwise handle alcoholic beverages	§§61.71(a)(11), 106.09	5-7 days	10-14 days	30 days-Cancel
Permitting a minor to possess or consume an alcoholic beverage	§106.13	3-5 days	6-10 days	18 days-Cancel

Selling an alcoholic beverage to a minor	§106.03	8-12 days	16-24 days	48 days- Cancel
Conducting business in a manner as to allow a simple breach of the peace with no serious bodily injury or deadly weapon involved (as defined in the Texas Penal Code)	§§22.12, 24.11, 28.11, 32.24, 69.13, 71.09	3-5 days	6-10 days	18 days- Cancel
Conducting business in a manner as to allow an aggravated breach of the peace with a serious bodily injury, death or involving a deadly weapon (as defined in the Texas Penal Code)	§§22.12, 24.11, 28.11, 32.24, 69.13, 71.09	25-35 days	Cancel	Cancel
Failure to report a breach of the peace	§§11.61(b) (21), 61.71(a)(30)	2-5 days	4-10 days	12 days- Cancel
Possession of, sale or delivery of, or permitting the sale or delivery of narcotics or synthetic cannabinoids by a licensee or permittee or possession of any equipment used or designed for the administering of narcotics or synthetic cannabinoids	§104.01	25-35 days	Cancel	Cancel
Selling or serving an alcoholic beverage to an intoxicated person – no associated bodily injury or death	§§11.61(b) (14), 61.71(a)(6), 101.63	8-12 days	16-24 days	Cancel
Intoxication of the license or permit holder or any employee on a licensed premise	§§11.61(b) (13), 104.01(a)(5)	17-25 days	34-50 days	Cancel
Soliciting any person to buy drinks for consumption by the retailer or any of its employees, servants, or agents	§104.01(a)(4)	30 days- Cancel	Cancel	Cancel

Permitting public lewdness, sexual contact, or obscene acts, or exposure of a person or permitting a person to expose themselves on a licensed premises	§§61.71(a)(10), 104.01(a)	5-7 days	10-14 days	Cancel
Selling, serving, or delivering alcoholic beverages during prohibited hours or consuming or permitting consumption of an alcoholic beverage during prohibited hours on a licensed premises	§§11.61(b)(22), 61.71(a)(17), 105.01-105.10	8-12 days	16-24 days	Cancel
Refusing inspection of premises	§101.04	10-14 days	30-Cancel	Cancel
Rudely displaying or permitting a person to rudely display a weapon in a retail establishment	§104.01 (a)(3)	5-7 days	10-14 days	30-Cancel
Trafficking of an adult with intent that adult engage in forced labor or services or receiving a benefit including labor or services per §20A.02(1-2) of the Penal Code; Trafficking an adult through force, fraud, coercion, causing prostitution-related conduct, receiving a benefit, or engaging in sexual conduct with an adult per §20A.02(3-4) of the Penal Code; Trafficking of one child with intent that child engage in forced labor or services, or receiving a benefit of such trafficking, including labor		Cancel	Cancel	Cancel

<p>or services per §20A.02(5-6) of the Penal Code; Trafficking of one child causing child to engage in, be victim of, or conduct prohibited by sexual offenses described in §20A.02(7), received benefit, or participation in sexual conduct with a child trafficked per §20A.02(7-8) of the Penal Code; Continuous trafficking of persons under §20A.03 of the Penal Code</p>				
Prostitution		30 days - Cancel	Cancel	Cancel
Promotion of prostitution		Cancel	Cancel	Cancel
Prohibited Activities by Persons Younger Than 18	§106.15	5 days	60 days	Cancel
Presence or Employment of Certain Minors at Sexually Oriented Business	§106.17	30 days	60 days	Cancel
Failure to timely provide records, including videos, related to violation not involving serious bodily injury or death or any smuggling or trafficking-related offense	§§5.32, 5.44, 11.61(b)(2), 61.71(a)(1)	8-12 days	16-24 days	Cancel
Failure to timely provide records, including videos, related to violation involving serious bodily injury or death or any smuggling or trafficking-related offense	§§5.32, 5.44, 11.61(b)(2), 61.71(a)(1)	30 days	60 days	Cancel

Note: Amended Rule Effective: June 6, 2022