

Effective 5/12/2015

32B-4-409 Unlawful purchase, possession, consumption by minor -- Measurable amounts in body.

- (1) Unless specifically authorized by this title, it is unlawful for a minor to:
 - (a) purchase an alcoholic product;
 - (b) attempt to purchase an alcoholic product;
 - (c) solicit another person to purchase an alcoholic product;
 - (d) possess an alcoholic product;
 - (e) consume an alcoholic product; or
 - (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.
- (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic product for a minor for:
 - (a) a minor to misrepresent the minor's age; or
 - (b) any other person to misrepresent the age of a minor.
- (3) It is unlawful for a minor to possess or consume an alcoholic product while riding in a limousine or chartered bus.
- (4)
 - (a) If a minor is found by a court to have violated this section and the violation is the minor's first violation of this section, the court may:
 - (i) order the minor to complete a screening as defined in Section 41-6a-501;
 - (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
 - (iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance abuse treatment as indicated by an assessment.
 - (b) If a minor is found by a court to have violated this section and the violation is the minor's second or subsequent violation of this section, the court shall:
 - (i) order the minor to complete a screening as defined in Section 41-6a-501;
 - (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
 - (iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance abuse treatment as indicated by an assessment.
- (5)
 - (a) When a minor who is at least 18 years old, but younger than 21 years old, is found by a court to have violated this section, except as provided in Section 32B-4-411, the court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.
 - (b) Notwithstanding the provision in Subsection (5)(a), the court may reduce the suspension period required under Section 53-3-219 if:
 - (i) the violation is the minor's first violation of this section; and
 - (ii)
 - (A) the minor completes an educational series as defined in Section 41-6a-501; or
 - (B) the minor demonstrates substantial progress in substance abuse treatment.
 - (c) Notwithstanding the requirement in Subsection (5)(a) and in accordance with the requirements of Section 53-3-219, the court may reduce the suspension period required under Section 53-3-219 if:
 - (i) the violation is the minor's second or subsequent violation of this section;
 - (ii) the minor has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance abuse treatment; and
 - (iii)

- (A) the person is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (5)(a); or
 - (B) the person is under 18 years of age and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (5)(a).
- (6) When a minor who is at least 13 years old, but younger than 18 years old, is found by the court to have violated this section, Section 78A-6-606 applies to the violation.
- (7) When a court issues an order suspending a person's driving privileges for a violation of this section, the Driver License Division shall suspend the person's license under Section 53-3-219.
- (8) When the Department of Public Safety receives the arrest or conviction record of a person for a driving offense committed while the person's license is suspended pursuant to this section, the Department of Public Safety shall extend the suspension for an additional like period of time.
- (9) This section does not apply to a minor's consumption of an alcoholic product in accordance with this title:
- (a) for medicinal purposes if:
 - (i) the minor is at least 18 years old; or
 - (ii) the alcoholic product is furnished by:
 - (A) the parent or guardian of the minor; or
 - (B) the minor's health care practitioner, if the health care practitioner is authorized by law to write a prescription; or
 - (b) as part of a religious organization's religious services.

Amended by Chapter 165, 2015 General Session