

ALCOHOLIC BEVERAGE AMENDMENTS

RELATED TO MINORS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Loraine T. Pace

LONG TITLE

General Description:

This bill modifies the Alcoholic Beverage Control Act to address unlawful acts by minors.

Highlighted Provisions:

This bill:

- ▶ makes it unlawful for a minor to have any measurable blood, breath, or urine alcohol concentration;
- ▶ addresses consumption for medicinal or religious purposes; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32A-12-209, as last amended by Chapter 314, Laws of Utah 2003

78-57-102, as last amended by Chapter 188, Laws of Utah 2002

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **32A-12-209** is amended to read:

32A-12-209. Unlawful purchase, possession, consumption by minors --

Measurable amounts in body.

- (1) [~~H~~] Unless specifically authorized by this title, it is unlawful for any minor to:
 - (a) purchase[;] any alcoholic beverage or product;
 - (b) attempt to purchase[;] any alcoholic beverage or product;
 - (c) solicit another person to purchase[;] any alcoholic beverage or product;
 - (d) possess[, ~~or~~] any alcoholic beverage or product;
 - (e) consume any alcoholic beverage or product[, ~~unless specifically authorized by this title.]; 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 beverage or product for a minor for:
 - (a) any 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 any alcoholic beverage while riding in a limousine or chartered bus.
- (4) When a person who is at least 13 years old, but younger than 18 years old, is found by the court to have violated this section, the provisions regarding suspension of the driver's license under Section 78-3a-506 apply to the violation.
- (5) When the court has issued 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 the provisions of Section 53-3-219.
- (6) 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 shall extend the suspension for an additional like period of time.
- (7) This section does not apply to a minor's consumption of an alcoholic beverage or product in accordance with this title:
 - (a) for medicinal purposes if the alcoholic beverage or product is furnished by:
 - (i) the parent or guardian of the minor; or
 - (ii) the minor's physician or dentist; or

(b) as part of a church's or religious organization's religious services.

Section 2. Section **78-57-102** is amended to read:

78-57-102. Definitions.

(1) "Adult" means a person 18 years of age or older.

(2) "Gang activity" means any criminal activity that is conducted as part of an organized youth gang. It includes any criminal activity that is done in concert with other gang members, or done alone if it is to fulfill gang purposes. "Gang activity" does not include graffiti.

(3) "Minor offense" means any unlawful act that is a status offense or would be a class B or C misdemeanor, infraction, or violation of a municipal or county ordinance if the youth were an adult. "Minor offense" does not include:

(a) class A misdemeanors;

(b) felonies of any degree;

(c) any offenses that are committed as part of gang activity;

(d) any of the following offenses which would carry mandatory dispositions if referred to the juvenile court under Section 78-3a-506:

(i) a second violation of Section 32A-12-209, Unlawful Purchase, Possession or Consumption by Minors -- Measurable Amounts in Body;

(ii) a violation of Section 41-6-44, Driving Under the Influence;

(iii) a violation of Section 58-37-8, Controlled Substances Act;

(iv) a violation of Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

(v) a violation of Title 58, Chapter 37b, Imitation Controlled Substances Act; or

(vi) a violation of Section 76-9-701, Intoxication; or

(e) any offense where a dangerous weapon, as defined in Subsection 76-1-601(5), is used in the commission of the offense.

(4) "Sponsoring entity" means any political subdivision of the state, including a school or school district, juvenile court, law enforcement agency, prosecutor's office, county, city, or town.

(5) "Status offense" means a violation of the law that would not be a violation but for the age of the offender.

H.B. 289

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(6) "Youth" means a person under the age of 18 years or who is 18 but still attending high school.