

1 **ALCOHOLIC BEVERAGE AMENDMENTS**

2 **RELATED TO MINORS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Loraine T. Pace**

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **32A-12-209**, as last amended by Chapter 314, Laws of Utah 2003

24 **78-57-102**, as last amended by Chapter 188, Laws of Utah 2002

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

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



28 **32A-12-209. Unlawful purchase, possession, consumption by minors --**
29 **Measurable amounts in body.**

30 (1) [~~It~~] Unless specifically authorized by this title, it is unlawful for any minor to:

31 (a) purchase[;] any alcoholic beverage or product;

32 (b) attempt to purchase[;] any alcoholic beverage or product;

33 (c) solicit another person to purchase[;] any alcoholic beverage or product;

34 (d) possess[~~, or~~] any alcoholic beverage or product;

35 (e) consume any alcoholic beverage or product[~~, unless specifically authorized by this~~
36 title.]; or

37 (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.

38 (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic
39 beverage or product for a minor for:

40 (a) any minor to misrepresent the minor's age; or

41 (b) any other person to misrepresent the age of a minor.

42 (3) It is unlawful for a minor to possess or consume any alcoholic beverage while
43 riding in a limousine or chartered bus.

44 (4) When a person who is at least 13 years old, but younger than 18 years old, is found
45 by the court to have violated this section, the provisions regarding suspension of the driver's
46 license under Section 78-3a-506 apply to the violation.

47 (5) When the court has issued an order suspending a person's driving privileges for a
48 violation of this section, the Driver License Division shall suspend the person's license under
49 the provisions of Section 53-3-219.

50 (6) When the Department of Public Safety receives the arrest or conviction record of a
51 person for a driving offense committed while the person's license is suspended pursuant to this
52 section, the department shall extend the suspension for an additional like period of time.

53 (7) This section does not apply to a minor's consumption of an alcoholic beverage or
54 product in accordance with this title:

55 (a) for medicinal purposes if the alcoholic beverage or product is furnished by:

56 (i) the parent or guardian of the minor; or

57 (ii) the minor's physician or dentist; or

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

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

60 **78-57-102. Definitions.**

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

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

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

69 (a) class A misdemeanors;

70 (b) felonies of any degree;

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

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

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

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

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

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

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

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

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

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

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

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

Legislative Review Note

as of 2-2-04 4:45 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0289

Alcoholic Beverage Amendments Related to Minors

09-Feb-04

2:06 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst