

## HOUSE BILL NO. HB0051

Minors in possession of alcohol.

Sponsored by: Representative(s) Gingery

A BILL

for

1 AN ACT relating to alcoholic and malt beverages; amending  
2 offenses relating to minors in possession of alcoholic and  
3 malt beverages; providing that a minor who has consumed any  
4 alcoholic or malt beverage is guilty of a misdemeanor;  
5 repealing and renumbering exceptions to minors in  
6 possession of, or who consume, alcoholic or malt beverages;  
7 and providing for an effective date.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 12-6-101(b) (intro) and by creating  
12 new subsections (f) and (g) is amended to read:

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14 **12-6-101. Sale or possession prohibited; when**  
15 **possession unlawful; public drunkenness; falsification of**  
16 **identification; penalty; prima facie identification as**  
17 **defense.**

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2 (b) Any person under the age of twenty-one (21) years  
3 who has any alcoholic or malt beverage in his possession or  
4 who ~~is drunk or under the influence of~~ has consumed any  
5 alcoholic ~~liquor,~~ or malt ~~beverages or a controlled~~  
6 ~~substance on any street or highway or in any public place~~  
7 beverage is guilty of a misdemeanor. ~~This subsection does~~  
8 ~~not apply to possession of alcoholic or malt beverages by a~~  
9 ~~person under the age of twenty-one (21) years:~~

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11 (f) The provisions of subsection (b) of this section  
12 shall not apply to possession of alcoholic or malt  
13 beverages by a person under the age of twenty-one (21)  
14 years:

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16 (i) When making a delivery of alcoholic or malt  
17 beverages pursuant to his employment;

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19 (ii) Who is a licensee under this title; or

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21 (iii) When serving alcoholic or malt beverages  
22 pursuant to his employment in a restaurant which holds a  
23 license to serve alcoholic or malt beverages, if the person  
24 is at least eighteen (18) years of age.

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2       (g) The provisions of subsection (b) of this section  
3 shall not apply to consumption of alcoholic or malt  
4 beverages by a person under the age of twenty-one (21)  
5 years when the consumption of alcoholic or malt beverage  
6 occurred in the physical presence of, and with the consent  
7 of, his parent or legal guardian.

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9       **Section 2.** W.S. 12-6-101(b)(i), (ii), (iv) and (v) is  
10 repealed.

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12       **Section 3.** This act is effective July 1, 2006.

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(END)