

## HOUSE BILL NO. HB0035

Underage drinking.

Sponsored by: Representative(s) Gingery, Warren and White  
and Senator(s) Fecht and Sessions

A BILL

for

1 AN ACT relating to alcohol; creating an offense for persons  
2 under age twenty-one (21) years who attempt or gain  
3 admittance to liquor dispensing rooms or drive-in liquor  
4 areas as specified; expanding offenses for persons under  
5 the age of twenty-one (21) years who possess or consume  
6 alcohol; providing penalties; providing for prima facie  
7 evidence; providing a definition; limiting possession or  
8 consumption of alcohol by a person under the age of twenty-  
9 one (21) years in the presence of a parent or guardian as  
10 specified; and providing for an effective date.

11

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

13

14 **Section 1.** W.S. 12-6-101 by creating new subsections  
15 (c) through (e), by amending and renumbering (c) as (f) and

1 by renumbering (d) and (e) as (g) and (h) and by creating  
2 new subsections (j) and (k) is amended to read:

3

4 **12-6-101. Sale or possession prohibited; underage**  
5 **drinking prohibited; when possession unlawful;**  
6 **falsification of identification; penalty; prima facie**  
7 **identification as defense.**

8

9 (c) Except as otherwise provided in this act, no  
10 person under the age of twenty-one (21) years shall:

11

12 (i) Purchase or attempt to purchase any alcohol;

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14 (ii) Solicit another person to purchase alcohol;

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16 (iii) Possess any alcohol;

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18 (iv) Consume any alcohol; or

19

20 (v) Have measurable blood, breath or urine  
21 alcohol concentration in his body.

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1       (d) This section shall not apply to possession or  
2 consumption of alcohol by a person under the age of twenty-  
3 one (21) years in accordance with this title:

4  
5       (i) For medicinal purposes if the alcohol is  
6 furnished by:

7  
8           (A) The person's parent or legal guardian;  
9 or

10  
11           (B) The person's physician or dentist; or

12  
13       (ii) As part of a church's or religious  
14 organization's religious services.

15  
16       (e) The prohibitions against possession of alcohol by  
17 a person under the age of twenty-one (21) years specified  
18 in this section shall not apply:

19  
20       (i) When the person is making a delivery of  
21 alcohol pursuant to his employment;

22  
23       (ii) When the person is serving alcohol pursuant  
24 to his employment in a restaurant which holds a license to

1 serve alcohol, if the person is at least eighteen (18)  
2 years of age. The term "serving" in this paragraph does  
3 not include the mixing or dispensing of alcoholic  
4 beverages; or

5  
6 (iii) To a person who is a licensee under this  
7 title.

8  
9 ~~(e)~~(f) Any person under the age of twenty-one (21)  
10 years who attempts in any manner to purchase ~~alcoholic or~~  
11 ~~malt beverages~~alcohol or who falsifies any identification  
12 or uses any false identification in order to obtain  
13 ~~alcoholic or malt beverages~~alcohol is guilty of a  
14 misdemeanor.

15  
16 ~~(d)~~(g) Any person who violates this section, or aids,  
17 abets or incites any violation hereof, is guilty of a  
18 misdemeanor.

19  
20 ~~(e)~~(h) A motor vehicle driver's license issued by any  
21 state, territory or possession of the United States, the  
22 District of Columbia, the Commonwealth of Puerto Rico or by  
23 an official governmental agency of Canada or Mexico, a  
24 permanent resident card issued by the United States

1 citizenship and immigration services, an identification  
2 card issued to a member of the armed forces, an  
3 internationally accepted passport document with a  
4 discernible date of birth and photograph or an  
5 identification card issued by the department of  
6 transportation is prima facie evidence of the age and  
7 identity of a person. Proof that a licensee or his employee  
8 or agent demanded, was shown and acted in reasonable  
9 reliance upon the information contained in any one (1) of  
10 the above documents as identification is a defense to any  
11 criminal prosecution or action for the suspension or  
12 revocation of a license.

13

14 (j) Evidence that the defendant was under the age of  
15 twenty-one (21) years and manifested any of the  
16 characteristics commonly associated with alcohol  
17 intoxication or impairment, including having any measurable  
18 alcohol concentration on a portable breath testing device  
19 generally accepted in the scientific community for  
20 measuring alcohol concentration, shall constitute prima  
21 facie evidence of a violation of subsection (c) of this  
22 section.

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1       (k) For purposes of this section, "alcohol" means any  
2 substance which is or contains alcohol. During a trial for  
3 a violation of subsections (c) through (e) of this section,  
4 any bottle, can or other container with labeling indicating  
5 the contents of the bottle, can or other container shall be  
6 admissible into evidence and the information contained on  
7 any label on the bottle, can or other container shall be  
8 admissible into evidence and shall not constitute hearsay.  
9 The court may consider the information upon the label in  
10 determining whether the contents of the bottle, can or  
11 other container were composed in whole or in part of  
12 alcohol. A label which identifies the contents of any  
13 bottle, can or other container as "beer", "ale", "malt  
14 beverage", "fermented malt beverage", "malt liquor",  
15 "wine", "champagne", "whiskey" or "whisky", "gin", "vodka",  
16 "tequila", "schnapps", "brandy", "cognac", "liquor",  
17 "cordial", "rum", "applejack", "eisbier", "meads",  
18 "alcohol" or "liquor" shall constitute prima facie evidence  
19 that the contents of the bottle, can or other container was  
20 composed in whole or in part of alcohol.

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22       **Section 2.** W.S. 12-6-101(a) and (b) is repealed.

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1       **Section 3.** This act is effective July 1, 2008.

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(END)