

## HOUSE BILL NO. HB0013

Underage drinking.

Sponsored by: Joint Judiciary Interim Committee

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 exceptions; providing penalties;  
7 providing for prima facie evidence; providing a definition;  
8 and providing for an effective date.

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

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12 **Section 1.** W.S. 12-6-101 by creating new subsections  
13 (c) through (e), by amending and renumbering (c) as (f), by  
14 renumbering (d) and (e) as (g) and (h) and by creating new  
15 subsections (j) and (k) is amended to read:

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1           12-6-101. Sale or possession prohibited; when  
2 possession unlawful; public drunkenness; falsification of  
3 identification; penalty; prima facie identification as  
4 defense.

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6           (c) Except as otherwise provided in this title, no  
7 person under the age of twenty-one (21) years shall:

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9           (i) Purchase or attempt to purchase any ethyl  
10 alcohol;

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12           (ii) Solicit another person to purchase ethyl  
13 alcohol;

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15           (iii) Possess any ethyl alcohol;

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17           (iv) Consume any ethyl alcohol; or

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

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

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(i) Who is in the physical presence of his parent, spouse or legal guardian who is twenty-one (21) years of age or older;

(ii) As part of a church's or religious organization's religious services; or

(iii) For medicinal purposes if the ethyl alcohol is furnished by:

(A) The person's parent, spouse or legal guardian who is twenty-one (21) years of age or older; or

(B) The person's physician or dentist.

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

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

1           (ii) When the person is serving ethyl alcohol  
2 pursuant to his employment in a restaurant which holds a  
3 license to serve ethyl alcohol, if the person is at least  
4 eighteen (18) years of age. The term "serving" in this  
5 paragraph does not include the mixing or dispensing of  
6 alcoholic beverages; or

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8           (iii) To a person who is a licensee under this  
9 title.

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

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

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22       ~~(e)~~(h) A motor vehicle driver's license issued by any  
23 state, territory or possession of the United States, the  
24 District of Columbia, the Commonwealth of Puerto Rico or by

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

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16 (j) Except as provided in subsections (d) and (e) of  
17 this section, evidence that the defendant was under the age  
18 of twenty-one (21) years, has any ethyl alcohol in his  
19 possession or who is under the influence of ethyl alcohol,  
20 and who has any measurable alcohol concentration, as  
21 measured on a portable breath testing device generally  
22 accepted in the scientific community for measuring alcohol  
23 concentration, shall constitute prima facie evidence of a  
24 violation of subsection (c) of this section.

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2       (k) For purposes of this section, "ethyl alcohol"  
3       means any substance which is or contains ethyl alcohol.

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5       **Section 2.** W.S. 12-6-101(b) is repealed.

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7           **Section 3.** This act is effective July 1, 2010.

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9 (END)