

123.47 Persons under eighteen years of age, persons eighteen, nineteen, or twenty years of age, and persons twenty-one years of age and older.

1. A person shall not sell, give, or otherwise supply any alcoholic beverage to any person knowing or having reasonable cause to believe that person to be under legal age.

2. a. Except for the purposes described in [subsection 3](#), a person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises, shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of eighteen, to consume or possess on such property any alcoholic beverage.

b. A person who violates [this subsection](#) commits the following:

(1) For a first offense, a simple misdemeanor punishable as a scheduled violation under [section 805.8C, subsection 8](#).

(2) For a second or subsequent offense, a simple misdemeanor punishable by a fine of five hundred dollars.

c. [This subsection](#) shall not apply to any of the following:

(1) A landlord or manager of the property.

(2) A person under legal age who consumes or possesses any alcoholic beverage in connection with a religious observance, ceremony, or rite.

3. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person's employment by a retail alcohol licensee, or wine or beer permittee under [this chapter](#).

4. a. A person who is eighteen, nineteen, or twenty years of age, other than a licensee or permittee, who violates [this section](#) regarding the purchase of, attempt to purchase, or consumption of any alcoholic beverage, or possessing or having control of any alcoholic beverage, commits the following:

(1) A simple misdemeanor punishable as a scheduled violation under [section 805.8C, subsection 7](#).

(2) A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars. In addition to any other applicable penalty, the person in violation of [this section](#) shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

(3) A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

b. The court may, in its discretion, order the person who is under legal age to perform community service work under [section 909.3A](#), of an equivalent value to the fine imposed under [this section](#).

c. If the person who commits a violation of [this section](#) is under the age of eighteen, the matter shall be disposed of in the manner provided in [chapter 232](#).

5. Except as otherwise provided in [subsections 7 and 8](#), a person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies any alcoholic beverage to a person who is under legal age in violation of [this section](#) commits a serious misdemeanor punishable by a minimum fine of five hundred dollars.

6. A person shall not be charged or prosecuted for a violation of [subsection 3 or 4](#) if the person is immune from charge or prosecution pursuant to [section 701.12](#).

7. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies any alcoholic beverage to a person who is under legal age in violation of [this section](#) which results in serious injury to any person commits an aggravated misdemeanor.

8. A person who is of legal age, other than a licensee or permittee, who sells, gives, or

otherwise supplies any alcoholic beverage to a person who is under legal age in violation of [this section](#) which results in the death of any person commits a class “D” felony.

9. Upon the expiration of two years following conviction for a violation of [subsection 3](#) or of a similar local ordinance, a person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of [chapter 321](#) during the two-year period, the conviction shall be expunged as a matter of law. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding [section 692.2](#), after receipt of notice from the clerk of the district court that a record of conviction has been expunged for a violation of [subsection 3](#), the record of conviction shall be removed from the criminal history data files maintained by the department of public safety. An expunged conviction shall not be considered a prior offense for purposes of enhancement under [subsection 4](#) or under a local ordinance unless the new violation occurred prior to entry of the order of expungement.

[C35, §1921-f43; C39, §1921.043; C46, 50, 54, 58, 62, §123.43; C66, 71, §123.43, 125.33; C73, 75, 77, 79, 81, §123.47]

85 Acts, ch 32, §37; 92 Acts, ch 1231, §8; 94 Acts, ch 1105, §1; 94 Acts, ch 1172, §2; 95 Acts, ch 191, §3; 97 Acts, ch 126, §2; 99 Acts, ch 153, §1; 2005 Acts, ch 105, §1; 2010 Acts, ch 1071, §2; 2010 Acts, ch 1128, §2; 2014 Acts, ch 1096, §1 – 3; 2014 Acts, ch 1141, §19; 2018 Acts, ch 1060, §28 – 33; 2020 Acts, ch 1080, §2; 2022 Acts, ch 1099, §43, 88

Referred to in §123.47B, 135B.34, 135C.33, 137C.25C, 232.2, 232.19, 232.22, 232.52, 321.216B, 321.284, 321.284A, 701.12, 805.8C(7), 805.8C(8), 901C.3

2022 amendment to subsection 3 effective January 1, 2023; 2022 Acts, ch 1099, §88

Subsection 3 amended