

2-7-95 Referred to Judiciary

FEB 6 1995  
STATE GOVERNMENT

HOUSE FILE 134  
BY HURLEY

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the consumption of alcoholic beverages by  
2 persons under age twenty-one.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF  
134

1 Section 1. Section 123.47, Code 1995, is amended to read  
2 as follows:

3 123.47 PERSONS UNDER THE AGE OF EIGHTEEN -- PENALTY.

4 A person shall not sell, give, or otherwise supply  
5 alcoholic liquor, wine, or beer to any person knowing or  
6 having reasonable cause to believe that person to be under the  
7 age of eighteen, and a person or persons under the age of  
8 eighteen shall not purchase or attempt to purchase, or  
9 individually or jointly have alcoholic liquor, wine, or beer  
10 in their possession or control; except in the case of liquor,  
11 wine, or beer given or dispensed to a person under the age of  
12 eighteen within a private home and with the knowledge,  
13 presence, and consent of the parent or guardian, ~~or with the~~  
14 ~~signed, written consent of the parent or guardian specifying~~  
15 ~~the date and place for the consumption and displayed by the~~  
16 ~~person upon demand,~~ for beverage or medicinal purposes or as  
17 administered to the person by either a physician or dentist  
18 for medicinal purposes and except to the extent that a person  
19 under the age of eighteen may handle alcoholic beverages,  
20 wine, and beer during the regular course of the person's  
21 employment by a liquor control licensee, or wine or beer  
22 permittee under this chapter. A person, other than a licensee  
23 or permittee, who violates this section regarding the purchase  
24 of or attempt to purchase alcoholic liquor, wine, or beer  
25 shall pay a twenty-five dollar penalty.

26 Sec. 2. Section 123.47A, Code 1995, is amended to read as  
27 follows:

28 123.47A PERSONS AGE EIGHTEEN, NINETEEN, AND TWENTY --  
29 PENALTY.

30 1. A person shall not sell, give, or otherwise supply  
31 alcoholic liquor, wine, or beer to any person knowing or  
32 having reasonable cause to believe that the person is age  
33 eighteen, nineteen, or twenty. A person age eighteen,  
34 nineteen, or twenty shall not purchase or possess alcoholic  
35 liquor, wine, or beer. However, a person age eighteen,

1 nineteen, or twenty may possess alcoholic liquor, wine, or  
2 beer given to the person within a private home with the  
3 knowledge, presence, and consent of the person's parent or  
4 guardian, ~~or with the signed, written consent of the parent or~~  
5 ~~guardian specifying the date and place for the consumption and~~  
6 ~~displayed by the person upon demand,~~ and a person age  
7 eighteen, nineteen, or twenty may handle alcoholic liquor,  
8 wine, and beer during the course of the person's employment by  
9 a liquor control licensee, or wine or beer permittee. A  
10 person, other than a licensee or permittee, who commits a  
11 first offense under this section commits a scheduled violation  
12 of section 805.8, subsection 10. A person, other than a  
13 licensee or permittee, who commits a second or subsequent  
14 violation of this section, commits a simple misdemeanor. A  
15 licensee or permittee who violates this section with respect  
16 to a person who is age nineteen or twenty is guilty of a  
17 simple misdemeanor punishable by a fine of not more than fifty  
18 dollars. The penalty provided under this section against a  
19 licensee or permittee who violates this section with respect  
20 to a person who is age nineteen or twenty is the only penalty  
21 which shall be imposed against a licensee or permittee who  
22 violates this section. A licensee or permittee who violates  
23 this section with respect to a person who is age eighteen  
24 commits a simple misdemeanor, and is subject to the criminal  
25 and civil penalties provided pursuant to sections 123.49 and  
26 123.50 with respect to selling, giving, or otherwise supplying  
27 alcoholic beverages, liquor, wine, or beer to persons under  
28 legal age.

29 2. For the purpose of determining if a violation charged  
30 is a second or subsequent offense, a conviction or plea of  
31 guilty to a violation of this section shall be counted as a  
32 previous offense.

33 EXPLANATION

34 This bill provides that a person under age 21 may only  
35 consume alcoholic beverages with the consent, and in the

1 presence, of the person's parent or guardian. The bill  
2 deletes statutory language allowing consumption by a person  
3 under age 21 with the written consent of the parent or  
4 guardian.

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