

**House File 234 - Introduced**

HOUSE FILE 234

BY HEIN, PETTENGILL, DEYOE,  
MAXWELL, and SALMON

**A BILL FOR**

1 An Act relating to the underage possession or consumption of  
2 alcohol and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.47, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 1A. Except for the purposes described in  
4 subsection 2, a person who is the owner or lessee of, or who  
5 otherwise has control over, property that is not a licensed  
6 premises, shall not permit any person, knowing or having  
7 reasonable cause to believe the person to be under legal age,  
8 to consume or possess on such property any alcoholic liquor,  
9 wine, or beer.

10 Sec. 2. Section 123.47, subsection 2, Code 2013, is amended  
11 to read as follows:

12 2. A person or persons under legal age shall not purchase or  
13 attempt to purchase, consume, or individually or jointly have  
14 alcoholic liquor, wine, or beer in their possession or control;  
15 except in the case of liquor, wine, or beer given or dispensed  
16 to a person under legal age within a private home and with the  
17 knowledge, presence, and consent of the parent or guardian, for  
18 beverage or medicinal purposes or as administered to the person  
19 by either a physician or dentist for medicinal purposes and  
20 except to the extent that a person under legal age may handle  
21 alcoholic beverages, wine, and beer during the regular course  
22 of the person's employment by a liquor control licensee, or  
23 wine or beer permittee under this chapter.

24 Sec. 3. Section 123.47, subsection 3, paragraph a,  
25 unnumbered paragraph 1, Code 2013, is amended to read as  
26 follows:

27 A person who is eighteen, nineteen, or twenty years of  
28 age, other than a licensee or permittee, who violates this  
29 section regarding the purchase of, ~~or~~ attempt to purchase, or  
30 consumption of alcoholic liquor, wine, or beer, or possessing  
31 or having control of alcoholic liquor, wine, or beer, or  
32 permitting under legal age consumption or possession on certain  
33 property commits the following:

34 Sec. 4. Section 123.47, subsection 3, paragraph a,  
35 subparagraph (1), Code 2013, is amended to read as follows:

1 (1) A simple misdemeanor punishable as a scheduled  
2 violation under section 805.8C, subsection 7. Notwithstanding  
3 section 903.1, the court, in lieu of ordering payment of a  
4 scheduled fine, may suspend the fine and order the person who  
5 is eighteen, nineteen, or twenty years of age to receive a  
6 substance abuse evaluation by a program licensed to provide  
7 services pursuant to section 125.13.

8 Sec. 5. Section 123.47, subsection 4, Code 2013, is amended  
9 to read as follows:

10 4. Except as otherwise provided in subsections 5 and 6, a  
11 person who is of legal age, other than a licensee or permittee,  
12 who sells, gives, or otherwise supplies alcoholic liquor, wine,  
13 or beer to a person who is under legal age in violation of this  
14 section, or permits under legal age consumption or possession  
15 on certain property, commits a serious misdemeanor punishable  
16 by a minimum fine of five hundred dollars.

17 Sec. 6. Section 123.47B, Code 2013, is amended to read as  
18 follows:

19 **123.47B Parental and school notification — persons under**  
20 **eighteen years of age.**

21 1. A peace officer shall make a reasonable effort to  
22 identify a person under the age of eighteen discovered  
23 consuming or to be in possession of alcoholic liquor, wine, or  
24 beer in violation of section 123.47 and refer the person to  
25 juvenile court.

26 2. The juvenile court officer shall notify the person's  
27 custodial parent, legal guardian, or custodian of the  
28 violation. In addition, the juvenile court shall also make  
29 a reasonable effort to identify the elementary or secondary  
30 school which the person attends if the person is enrolled in  
31 elementary or secondary school and to notify the superintendent  
32 or the superintendent's designee of the school which the person  
33 attends, or the authorities in charge of the nonpublic school  
34 which the person attends, of the consumption or possession. A  
35 reasonable attempt to notify the person includes but is not

1 limited to a telephone call or notice by first-class mail.

2 Sec. 7. Section 232.52, subsection 2, paragraph a,  
3 subparagraph (4), subparagraph division (a), subparagraph  
4 subdivision (ii), Code 2013, is amended to read as follows:

5 (ii) Section 123.47 regarding the purchase, ~~or~~ attempt to  
6 purchase, or consumption of alcoholic beverages.

7 Sec. 8. Section 232.52, subsection 2, paragraph a,  
8 subparagraph (4), subparagraph division (a), subparagraph  
9 subdivision (vi), Code 2013, is amended to read as follows:

10 (vi) Two or more violations of section 123.47 regarding the  
11 consumption or possession of alcoholic beverages.

12 EXPLANATION

13 This bill relates to the underage possession or consumption  
14 of alcohol and provides penalties.

15 Under the bill, a person who is the owner or lessee of, or  
16 who otherwise has control over, property that is not a licensed  
17 premises, shall not permit an under legal age person to consume  
18 or possess an alcoholic beverage on such property.

19 The bill amends Code section 123.47 to specify that a person  
20 under legal age (under 21) in Iowa is prohibited from consuming  
21 alcoholic liquor, wine, or beer, subject to certain exceptions  
22 (if consumed in a private home with the knowledge, presence,  
23 and consent of the underage person's parent or guardian, for  
24 beverage or medicinal purposes or as administered to the person  
25 by either a physician or dentist for medicinal purposes, and to  
26 the extent that a person under legal age may handle alcoholic  
27 beverages, wine, and beer during the regular course of the  
28 person's employment by a liquor control licensee, or wine  
29 or beer permittee under Code chapter 123). The bill makes  
30 conforming changes.

31 For a first offense, a person who is 18, 19, or 20 who  
32 permits under legal age consumption or possession in violation  
33 of the bill commits a simple misdemeanor punishable as a  
34 scheduled violation under Code section 805.8C, subsection 7;  
35 for a second offense a person commits a simple misdemeanor

1 punishable by a fine of \$500; and for a third or subsequent  
2 offense the person commits a simple misdemeanor punishable by  
3 a fine of \$500 and suspension of the person's motor vehicle  
4 operating privileges for up to one year.

5 The court, for a first offense by a person who is 18, 19,  
6 or 20, may suspend the payment of a scheduled fine and order  
7 the person who is 18, 19, or 20 to receive a substance abuse  
8 evaluation by a program licensed to provide services pursuant  
9 to Code section 125.13.

10 A person of legal age who permits under legal age consumption  
11 or possession in violation of the bill commits a serious  
12 misdemeanor punishable by a minimum fine of \$500.