

## CHAPTER 1096

### UNDERAGE POSSESSION OR CONSUMPTION OF ALCOHOL

S.F. 2310

**AN ACT** relating to the underage possession or consumption of alcohol and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 123.47, Code 2014, is amended by adding the following new subsection:

**NEW SUBSECTION.** 1A. a. Except for the purposes described in subsection 2, 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 liquor, wine, or beer.

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 7A.

(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 liquor, wine, or beer in connection with a religious observance, ceremony, or right.<sup>1</sup>

Sec. 2. Section 123.47, subsection 2, Code 2014, is amended to read as follows:

2. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine, or beer 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, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under this chapter.

Sec. 3. Section 123.47, subsection 3, paragraph a, unnumbered paragraph 1, Code 2014, is amended to read as follows:

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, or attempt to purchase, or consumption of alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits the following:

Sec. 4. Section 123.47B, Code 2014, is amended to read as follows:

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

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

2. The juvenile court officer shall notify the person's custodial parent, legal guardian, or custodian of the violation. In addition, the juvenile court shall also make a reasonable effort to identify the elementary or secondary school which the person attends if the person is enrolled in elementary or secondary school and to notify the superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the consumption or possession. A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first-class mail.

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<sup>1</sup> See chapter 1141, §19 herein

Sec. 5. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (ii), Code 2014, is amended to read as follows:

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

Sec. 6. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (vi), Code 2014, is amended to read as follows:

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

Sec. 7. Section 805.8C, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. *Unlicensed premises owner — under eighteen years of age consumption or possession.* For first offense violations of section 123.47, subsection 1A, the scheduled fine is two hundred dollars.

Approved April 24, 2014