

**LEGISLATIVE STATUS DRINKING AND DRIVING
AND UNDERAGE DRINKING LAWS AND REGULATIONS
AS OF JANUARY 1, 2000**

Community How To Guide On...PUBLIC POLICY
APPENDIX 8

ST	AGE ZERO TOLERANCE	AGE SALE / PURCH.	AGE ALC. POSS.	EXEMPTIONS ALC. CONSUMP.	DRAM POSSESSION/ CONSUMPTION	CRIMINAL SHOP SOCIAL	ADMIN. SANC. SALE	ANTI- SANC. SALE	HAPPY HOUR	GRAD. LICENSE	OPEN CONTAIN	ANTI- CONSUMP
AL	Yes	21	21	21	employment	Y-Ltd. 7	Misdemeanor 1	Yes 2	Yes	No	No	No
AK	Yes	21	21	21	parents/medical	No	Class A Misd.	Yes	Yes	No	Yes-*D	Yes-D
AZ	Yes	21	21	21	religious	Y-Ltd. 7	Class 1 Misd.	Yes	Yes	No	No	Y>**D & P
AR	Yes	21	21	None	home/employ/rel	No	Misdemeanor	Yes	No	No	No	Yes
CA	Yes	21	21	21 4	parent	No	Misdemeanor	Yes	No	Yes	Yes	Yes-D & P
CO	Yes	21	21	21	parent/religious	Y-Ltd. 7	Class 2 Misd.	Yes	No	Yes	No	Yes-D & P
CT	Yes	21	21 5	None	employ/par/med	Yes	Misdemeanor	Yes	No	No	No	No
DE	Yes	21 3	21	21	home/religious	No	Misdemeanor	Yes	No	Yes	No	Yes-D11
DC	Yes	21	21	21		No	Unspecified	Yes	No	No	Yes	Yes-D & P
FL	Yes	21 3	21	None 4	employment	No	Misdemeanor	Yes 2	No	Yes	Yes	No
GA	Yes	21	21	None	par/med/religious	Y-Limited	Misdemeanor	Yes	No	Yes	Yes-D	No
HI	Yes	21	21	None 6	employ/med/rel	No	Misdemeanor	Yes	Yes	No	Yes 12	Y-D & P12
ID	Yes	21	21	21	employment-19	Yes	Misdemeanor	Yes	No	No	Yes	Yes
IL	Yes	21	21	21	employ/par/rel	No	Class A Misd.	Yes	Yes	Yes	Yes	No
IN	Yes	21 3	21	21		Yes	Class C Misd.	Yes	Yes	Yes	Yes 13	Yes-D
IA	Yes	21	21	None	employ/par/med	Y-Ltd. 7	Misdemeanor	Yes	No	Yes	Yes-D & P	Yes-D & P
KS	Yes	21	21	21	par/employ	No	Class B Misd.	Yes	Yes	No	Yes	Y-D & P 14
KY	Yes	21	21	None	employment	No	Class B Misd.	Yes	No	No	No	Yes-D & P
LA	Yes	21	21	21	par/med/religious	Y-Ltd. 7	Misdemeanor	Yes 2	Yes	Yes	No	No
ME	Yes	21	21	21	employ/parents	Y-Ltd. 7	Class E Crime	Yes	Yes	No	Yes D & P	Yes-D & P
MD	Yes	21 3	21	None	rel/par/employ-18	No	Misdemeanor	Yes	No	Yes	Yes 15	Yes-D
MA	Yes	21	21	None	trans/employ-18	Yes	Misdemeanor	Yes	Yes	Yes	No	Yes-D
MI	Yes	21	21	21 6	employ/religious	Y-Ltd. 7	Misdemeanor 8	Yes	Yes	Yes	Yes	Yes-D & P
MN	Yes	21 9	21	21	home/parent	Y-Ltd. 7	Gross Misd.	Yes	No	No	Yes	Yes-D & P
MS	Yes	21	21	None	parent/employ	Y-Ltd. 7	Misdemeanor	Yes	No	No	No	No
MO	Yes	21	21	None		No	Misdemeanor	Yes	No	Yes	No	Yes-D
MT	Yes	21 3	21	21	employment	Y-Ltd. 7	Misdemeanor	Yes	No	No	Yes16	Y-D & P 16
NE	Yes	21	21	None	home/employ-19	No	Class I Misd.	Yes 10	Yes	No	Yes-D&P	Yes-D & P
NV	Yes	21	21 5	21 4		No	Misdemeanor	Yes	No	No	Yes	Yes-D
NH	Yes	21 3	21	None	employment	Yes	Class A Misd.	Yes	No	Yes	Yes	No
NJ	Yes	21	21 5	21 5	employment	Yes	Disorderly Off.	Yes	Yes	Yes	No	Y-D & P 12
NM	Yes	21	21	None 4	parent	Yes	Misdemeanor	Yes	No	Yes	Yes	Yes-D & P
NY	Yes	21 3	21 6	21 6	parent	Y-Ltd. 7	Class A Misd.	Yes	Yes	No	Yes-D&P	Yes-D & P
NC	Yes	21	21	21	employment	Yes	Class 1 Misd.	Yes	Yes	Yes	Yes	Yes-D

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ND	Yes	21	21	21	parent/employ-19	Yes	Class A Misd.	Yes	No	No	Yes	Yes-D & P
OH	Yes	21	21	21	parent/spouse	Y-Ltd. 7	Misdemeanor	Yes	Yes	Yes	Yes	Yes-D & P
OK	Yes	21	21	21		No	Felony 17	Yes	Yes	No	Yes	Yes-D & P
OR	Yes	21	21	21	parent/religious	Yes	Class A Misd.	Yes	No	Yes	Yes	Y-D & P12
PA	Yes	21	21	21		Y-Ltd. 7	Misdemeanor	Yes	No	Yes	No	Yes-D
RI	Yes	21	21	21 4		No	Petty Misd.	Yes	Yes	Yes	Yes	No
SC	Yes	21	21	None	home/rel/employ	No	Misdemeanor	Yes	Y-Limited	Yes	Yes	Yes-D & P
SD	Yes	21	21	21	religious	No	Class 1 Misd.	Yes	No	Yes	Yes	Yes
TN	Yes	21	21	21	employment	No	Class A Misd.	Yes	No	No	Yes-D	Yes-D
TX	Yes	21	21	21	parent/employ	Y-Limited	Misdemeanor	Yes 10	Yes	No	No	Yes-D
UT	Yes	21	21	21		Y-Limited	Class A Misd.	Yes	Y-Limited	No	Yes	Yes-D & P
VT	Yes	21 6	21 6	21	employment	Yes	Misdemeanor	Yes	No	No	No	Yes-D
VA	Yes	21	21	None	parent/employ	No	Class 1 Misd.	Yes	Yes	No	No	Yes-D
WA	Yes	21	21	21	par/med/religious	No	Gross Misd.	Yes	No	No	Yes	Yes-D & P
WV	Yes	21	21	21		No	Misdemeanor	Yes	No	No	No	Yes-D & P
WI	Yes	21	21 5	21 5	parent	Yes 7	Misdemeanor	Yes	No	Yes	Yes	Yes-D & P
WY	Yes	21	21 5	None	parent/employ	Y-Ltd. 7	Misdemeanor	Yes	No	No	No	No

* "D" refers to drivers
** "D & P" refers to drivers and passengers

Source: Digest of State Alcohol-Highway Safety Related Legislation, 18th Edition, National Highway Traffic Safety Administration (NHTSA)
Graduated Licensing Law Information: NHTSA web site at www.nhtsa.dot.gov

LEGISLATIVE STATUS REPORT FOOTNOTES

- ¹ In Alabama, under certain circumstances using constitutional principles of double jeopardy, a person, who has been prosecuted for a criminal violation of the alcoholic beverage control laws, cannot be assessed a civil fine for the same offense.
- ² A licensee, which has been certified as a “responsible vendor,” may be exempt from a license suspension or revocation or have that penalty be mitigated. Responsible vendors are those that have been certified in or provided a special training program to employees and/or managers on how to prevent the sale or service of alcoholic beverages to an underage person. States: Alabama, Florida, and Louisiana.
- ³ It is not a crime for a minor to purchase alcoholic beverages. However, it is a crime for a minor to make a “false statement” about their age or “misrepresent” their age in order to obtain alcoholic beverages. States: Delaware, Florida, Indiana, Maryland, Montana, and New Hampshire. In New York, it is a crime for a minor to use “written evidence” of their age, which is false or fraudulent.
- ⁴ Applies to consumption of alcoholic beverages on premises of licensed establishments. States: California, Nevada, and Rhode Island. In Florida and New Mexico, a licensee cannot allow a person under 21 years old to consume alcoholic beverages on the licensed premises.
- ⁵ Applies to possession in a public place. States: Connecticut, Nevada, and Wyoming. In New Jersey and Wisconsin applies to both possession and consumption.
- ⁶ A person under 21 years old may consume alcoholic beverages as part of a educational curriculum. States: Hawaii (wine tasting as part of course in food and beverage control, club management offered by the University of Hawaii), Michigan (course at a post-secondary educational institution), New York (consumption and possession), and Vermont (purchase and possession).
- ⁷ Liability in the state’s dram shop/social host law is limited to situations where the social host served alcoholic beverages to a minor. States: Alabama, Arizona, Colorado, Louisiana, Maine, Michigan, Minnesota, Mississippi, Montana, New York, Ohio, Pennsylvania, Wisconsin, and Wyoming. In Iowa, social host must “physically” serve alcoholic beverage to a minor.
- ⁸ In Michigan, state/local police cannot charge or suspend/revoke or take other action against a licensee violating the law prohibiting the sale of alcoholic beverages to persons under 21 years old, unless the law enforcement agencies also charge the minors involved in the offense.
- ⁹ In Minnesota, a person under 21 years old may purchase alcoholic beverages if they are under the supervision of a person over 21 years old and the purpose is for training, educational or research purposes.
- ¹⁰ In lieu of a suspension, a licensee may pay a “cash penalty” or civil fine for each day of the suspension. In Nebraska, for a first offense, the “cash penalty” is \$50 per day and for 2nd and subsequent offenses within four years, the “cash penalty is \$100 per day. In Texas, the civil fine is \$150 per day.
- ¹¹ In Delaware, applies to persons who consume an alcoholic beverage while “operating a motor vehicle in the presence of, or in the view of, a police officer.”
- ¹² Exemptions in the case of motor vehicles for hire. States: Hawaii, New Jersey and Oregon.
- ¹³ In Indiana, law only applies if vehicle operator has a BAC of .04 or above.
- ¹⁴ In Kansas, law only applies to alcoholic beverages, which have an alcoholic content of 3.2% or above.
- ¹⁵ In Maryland, law is limited to certain public parking areas.
- ¹⁶ In Montana, law applies to “common carriers.”
- ¹⁷ In Oklahoma, the felony charge applies to alcoholic beverages of 3.2% and above. The criminal charge is a misdemeanor for low point beer.