



BILL & AMENDMENT SUMMARY

Social Host & Underage Consumption of Alcohol SF 2310

Status of Bill: House Floor (passed Senate 48-0)
Committee: Public Safety (15-5)
Lead Democrats: Rep. R. Olson
Floor Manager: Rep. Klein
Research Analyst: Anna Hyatt-Crozier 515-281-5939
anna.hyatt-crozier@legis.iowa.gov

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Background

Current law makes it illegal for a person 21 years or older (legal age) to sell, give, or otherwise supply alcohol to any person knowing or having reasonable cause to believe that the person is under legal age. Current law also prohibits an underage person from purchasing, attempting to purchase, or have alcohol in their possession or control. The exception to this law is if the alcohol is dispensed to the person within a private home and with the knowledge, presence, and consent of the parent or guardian.

The penalty for a person of legal age is a serious misdemeanor which is punishable by a minimum fine of \$500.

The penalties for a person who is 18, 19, or 20 years of age is as follows:

- First offense is a simple misdemeanor punishable as a scheduled violation of \$200.
- Second offense is a simple misdemeanor punishable by a fine of \$500. In addition, the person must choose between either completing a substance abuse evaluation or the suspension of driving privileges for a period not to exceed one year.
- Third or subsequent offense is a simple misdemeanor punishable by a fine of \$500 and the suspension of the person's driving privileges for a period not to exceed one year.
- The court has discretion to order the person to perform community service of an equivalent value to any of the fines imposed.

If a person under the age of 18 years commits a violation, the matter is transferred to a juvenile judge.

Last year the House Public Safety Committee passed out a bill on this issue but that bill, HF 529, was never voted on by the full House.

The main reason that some opposed the bill is because there is no definition of "consumption."

Bill Summary

This bill creates a new penalty for a person who is the owner or lessee of, or who has control over property and knowingly permits an underage person to consume or possess alcohol on the property. If the property owner is found guilty, their penalties are as follows:

- First offense is a simple misdemeanor punishable by a scheduled fine of \$200.
- Second or subsequent is a simple misdemeanor punishable by a fine of \$500.

Language is added to current law to make it illegal for an underage person to consume alcohol. In addition, just like the juvenile court officer does for persons under the age of 18 when caught possessing alcohol, the juvenile

court officer will notify parents/guardians and the superintendent of the underage person's school of their charge of consumption. The penalties for underage consumption for a person who is 18, 19, or 20 years of age follows the current law regarding underage possession.

Amendment Summary

H-8128 by Public Safety Committee – This amendment makes changes to the penalties against property owners. The amendment changes it so that the owner or lessee of the property cannot knowingly permit consumption on the property by a person who is under the age of 18 years to be found guilty, not just underage. The amendment also exempts a landlord or manager of the property as well consumption and possession by an underage person if it is connection with a religious observance, ceremony, or right.

H-8133 by Baudler (R) - States that the language in the bill regarding owners and lessee's of land shall preempt any local ordinances and must be applied uniformly throughout the state.