

Utah Alcohol, Tobacco, and Other Drug Laws

Obtaining or distributing under false pretenses:

Maximum penalty 5 years imprisonment and/or \$5,000 fine. Third degree felony.

Prohibited acts occurring in public or private school-related sites or with minors:

Punishment one degree greater than regular maximum penalty.

Possible confiscation of property used in connection with controlled substances.

Possession or sale of drug-related paraphernalia:

Maximum penalty: 5 years imprisonment and/or \$5,000 fine; third degree felony.*

Sale or use of inhalants to get high:

Maximum penalty: 6 months imprisonment and/or \$1,000 fine; misdemeanor.*

Manufacture or sale of imitation controlled substances:

Maximum penalty: 1 year imprisonment and/or \$2,500 fine. Class C misdemeanor.*

It is a criminal offense for a person to surreptitiously or by means of fraud, deception, or misrepresentation to cause another person to unknowingly consume or receive the administration of any poisonous, deleterious, or controlled substance or any alcoholic beverage.

Penalties are: (1) a second-degree felony if the substance is a poisonous substance, regardless of whether it is a controlled substance or a prescription drug. (2) a third-degree felony if the substance is not within the scope of (1) and is a controlled substance or a prescription drug; and (3) a class A Misdemeanor if the substance is a deleterious substance or an alcoholic beverage.

Possession or use of imitation controlled substances:

Maximum penalty: 90 days imprisonment and/or \$750 fine; misdemeanor.*

To buy, use, or possess any tobacco product by any person under age 19 is illegal. It is illegal to sell or furnish any tobacco product to any person under age 19.

Maximum penalty: up to \$750 fine.

Minors: It is illegal to sell or supply alcohol to a minor.

Maximum penalty: 1 year imprisonment and/or \$2,500 fine; Class A misdemeanor.

Minor in possession: It is unlawful for any person under the age of 21 years to purchase, attempt to purchase, solicit another person to purchase, possess, or consume any alcoholic beverage or product.

Maximum penalty: 6 months imprisonment and/or \$1,000 fine plus suspension of driver's license up to one year; Class B misdemeanor*.

Not-a-drop-law: It is illegal for anyone under 21 years of age to operate a vehicle while there is any measurable alcohol (less than .08) in his or her body.

Penalty for a first offense is suspension of license for 90 days; second offense (within 3 years), suspension of license for 1 year.

Unlawful transfer or use of identification card: It is illegal to give or use another's identification card to (1) procure alcoholic beverages, (2) gain admittance where alcohol is sold or consumed, (3) obtain employment that requires employees to handle alcoholic products.

Maximum penalty: 6 months imprisonment and/or \$1,000 fine; Class B misdemeanor.

Intoxication: It is illegal to sell or supply to intoxicated persons or to purchase alcohol if intoxicated.

Maximum penalty is 6 months imprisonment and/or \$1,000 fine; Class B misdemeanor.

It is illegal to drink in a public building, park, or stadium, or to be so intoxicated that you disturb others or injure self or others.

Maximum penalty: 90 days imprisonment and/or \$750 fine; Class C misdemeanor.

Dram Shop liability: Refers to any person who provides alcoholic beverages illegally to underage persons or who provides alcohol to someone who is apparently intoxicated or may be under the influence of alcohol or other drugs.

If an intoxicated person causes injury to persons or property, the person who furnished the alcohol may be liable for injuries, property, or support to any third person or their spouse, child, or parent.

It is illegal to drink any alcoholic beverage while operating or riding as a passenger in a motorized vehicle, whether that vehicle is moving, stopped, or parked on any highway, street, or area of traffic.

Once a container has been opened, one can be arrested for possession. Violating an open container law is a Class B misdemeanor, which carries a maximum penalty of 6 months imprisonment and/or \$1,000 fine**.

It is illegal to drive or be in physical control of a vehicle or motorboat, even when parked, while under the influence of alcohol, any drug, or the combined influence of alcohol and any drug if impaired.

Police officers can stop any driver they have reasonable cause to believe is under the influence of alcohol or another drug. Operating a vehicle in Utah means consenting to a blood alcohol content (BAC) test. If blood alcohol level is .08 or greater, or if officer determines impairment, license will be confiscated and a Driving Under the Influence (DUI) charge issued. If BAC test is refused, driver's license will be revoked for one year, and a \$50-200 reinstatement fee will be assessed, and issuance of an alcohol restricted driver license if convicted.

For a first DUI conviction in which no one is injured, the following penalties are imposed:

- 60 days to 6 months imprisonment and/or up to \$1,000; Class B misdemeanor.
- A mandatory sentence of 48 to 240 hours in jail in the drunk tank or 24 to 50 hours of community service.
- Mandatory assessment and participation in educational programs at a licensed alcohol rehabilitation facility.
- Suspension of driver's license for 90 days or more.
- Payment of \$100 to the victim restitution fund.

If DUI, with anyone under 16 years of age in vehicle or if driver is 21 years of age or older and driving with anyone under age 18, charges raise to a Class A misdemeanor and the possible driver license revocation period is extended to two years. An Alcohol Restricted Driver license will be issued for 5 to 10 years.

If a DUI results in injury, penalties of up to one year imprisonment and a fine up to \$2,500, separate from any lawsuit filed by the injured party, will be imposed. If death occurs, automobile homicide—a

third degree felony—is charged against the driver. It carries a sentence of up to 6 years in the state prison and a fine of up to \$5,000. License is automatically revoked for one year.

A DUI with blood alcohol content (BAC) of .16 or higher, prior DUI conviction within last six years, and/or DUI involving a drug other than alcohol requires court-ordered, supervised, offender-paid probation.

A second and third DUI conviction, within six years of first, results in penalties of increased severity, further alcohol and drug treatment, and driver's license suspension for a longer period.***

Expect a first DUI conviction to cost at least \$10,000.

It is illegal to operate or control a vehicle with any measurable amount of alcohol in the body for an Alcohol Restricted Driver

Anyone convicted of DUI, other alcohol and/ or drug related driving incidents, or refusal to submit to a BAC test will be issued an Alcohol Restricted Driver license for 5 to 10 years. Class B misdemeanor.

* All penalties enhance one degree if incident occurs within 1000 feet of a school, church, stadium, theatre, sports complex, etc.

** Unless it is completely inaccessible to driver and passengers.

*** Once an offender has been convicted of a felony DUI offense, any subsequent DUI offense would also be a felony; and the window for counting prior DUI offenses is 10 years.