

What are Utah's Laws Regarding Alcohol, Tobacco, & Other Drugs?

Every year, students like you leave home—many for the first time—to study at universities across the country. To many, the college experience also includes the use of alcohol, tobacco, and other drugs. But with this newfound freedom comes responsibility. Here at Utah State University we want to keep you safe and healthy, while also treating you as the adults you are. Part of taking responsibility for your own actions is to become informed of the laws governing the use of these items. See below for a guide to the laws governing Utah and the associated penalties.

A WORD OF CAUTION!

If any of these prohibited acts occur in public or private school-related sites, or with minors, the punishment will be one degree greater than the regular maximum penalty.

Tobacco Product Use

- You must be 19 to buy, use, or possess any tobacco product.
- Selling or furnishing any tobacco product to anyone under the age of 19 is illegal.

Failure to follow these laws may result in a maximum fine of \$750.

Alcohol Use by Minors (under age 21):

- **Minors:** Selling or supplying alcohol to a minor is illegal.
Maximum penalty: 1 year imprisonment and/or \$2,500 fine. Class A misdemeanor.
- **Minor in possession:** You may not purchase, attempt to purchase, or 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 your driver's license up to one year. Class B misdemeanor.*
- **Not-a-drop law:** It is illegal to operate a vehicle while there is any measurable alcohol (less than .08) in your body.
Penalty: 1st offense - driver's license suspended for 90 days. 2nd offense (within 3 years) driver's license suspended for 1 year.
- **Unlawful transfer or use of identification card:** It is illegal to give or use someone else's identification card to 1) procure alcoholic beverages, 2) gain admittance where alcohol is sold or consumed, 3) obtain employment that requires you to handle alcoholic products.
Maximum penalty: 6 months imprisonment and/or \$1,000 fine. Class B misdemeanor.

Alcohol Use (everyone):

- **Intoxication:** It is illegal to sell or supply alcohol to anyone who is intoxicated. It is also illegal to purchase alcohol if you are intoxicated.
Maximum penalty: 6 months imprisonment and/or \$1,000 fine. Class B misdemeanor.
- **Dram shop liability:** This refers to anyone who provides alcoholic beverages illegally to minors or who provides alcohol to someone who appears to be intoxicated or may be under the influence of alcohol or other drugs.
If the 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.
- **Public intoxication:** It is illegal to drink in a public building, park, or stadium, or to be so intoxicated that you disturb others or injure yourself or others.
Maximum penalty: 90 days imprisonment and/or \$750 fine. Class C misdemeanor.
- **Open container law:** It is illegal to drink any alcoholic beverage while operating or riding as a passenger in a motorized vehicle, regardless if the vehicle is moving, stopped or parked on any highway, street, or other area of traffic.
Once a container has been opened, you can be arrested for possession. Maximum penalty: 6 months imprisonment and/or \$1,000 fine. Class B misdemeanor.

Drug Use (everyone):

- **There is possible confiscation of property used in connection with controlled substances.**
- **Obtaining or distributing under false pretenses.**
Maximum penalty: 5 years imprisonment and/or \$5,000 fine. Third degree felony.
- **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.
- **Possession or use of imitation controlled substances.**
Maximum penalty: 90 days imprisonment and/or \$750 fine. Misdemeanor.*

Other Drug & Alcohol Laws:

- It is a criminal offense for a person to surreptitiously or by means of fraud, deception, or misrepresentation 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) above 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.*

Let's Talk About DUIs:

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 a blood alcohol level is .08 or greater, or if the officer determines impairment, the driver's license will be confiscated and a Driving Under the Influence (DUI) charge will be issued. If the BAC test is refused, the driver's license will be revoked for one year, and a \$50-200 reinstatement fee will be assessed. If convicted, an alcohol-restricted driver license will be issued.

For a 1st 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 you receive a DUI with anyone under 16 years of age in the vehicle or if the 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 maximum penalty 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.

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

Second and third DUI convictions, within six years of the first:

Results in penalties of increased severity, further alcohol and drug treatment, and driver's license suspension for a longer period.***

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.

Footnotes:

* 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.