

Legally Speaking...

Proms, Graduation & Alcohol Don't Mix

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Springtime brings thoughts of proms, graduations and the promise of a long summer of freedom for Iowa's youth. Many teens see this time of the year as their rite of passage into adulthood. Kids being kids, it's no surprise that some partake in the adult pleasure of imbibing alcoholic beverages before they reach age 21. But the fact remains: underage drinking is a problem with numerous societal consequences.

The law is unmistakably clear. You must be 21 to drink alcohol. Iowa Code § 123.3(19). And providing alcohol to someone under 21 is equally unlawful. Licensees and their employees may not "sell, give or otherwise supply any alcoholic beverage, wine or beer to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine or beer." Iowa Code § 123.49(2)(h).

Failure to observe the law brings criminal, administrative and civil consequences – all of which are substantial enough, when imposed, to impact a retailer's "bottom line."

I. Criminal Fines

A sale-to-minor violation is a simple misdemeanor. The crime is punishable by a fine of \$1,500 if the sale is made by the licensee or, if the sale is made by an employee, by a fine of \$500.

II. Administrative Sanctions

In addition to criminal fines, the law provides for administrative sanctions against the license. The sanctions begin with a \$500 civil penalty for a first time offense. Subsequent violations result in

staggered penalties, including a 30-day license suspension and a \$1,500 civil penalty for a second violation within two years, and a 60-day license suspension and a \$1,500 civil penalty for a third violation within three years. Finally, a fourth violation in a span of three years results in the automatic revocation of the license. And, along with the loss of the license, a license may not be issued to that person for two years at that location and, moreover, a license cannot be issued at that property to anyone for one year.

III. Civil Liability

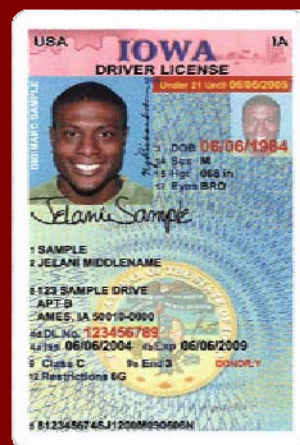
Licensees may also be subject to civil liability or dram shop claims for serving or providing alcohol to an underage person who becomes intoxicated and injures or kills an innocent third party. In a social setting, an adult who provides alcohol to a minor resulting in serious injury is guilty of an aggravated misdemeanor subject to two years in prison and a fine not to exceed \$5,000. If death results, the offense is a class "D" felony subject to a maximum of five years in prison and a fine not to exceed \$7,500.

IV. Minors

Minors also face the consequences of their actions. It is a simple misdemeanor for a person under the legal age to purchase or attempt to purchase an alcoholic beverage, or to be in possession or have control of liquor, wine, or beer. Iowa Code § 123.47(3). The offense is punishable by a \$200 fine. Stiffer penalties are provided for subsequent violations, including a \$500 criminal fine and a substance abuse evaluation or the suspension of the minor's driver's license up to one year for a second violation. A third violation results in a \$500 fine and the suspension of the minor's driver's license for up to one year. The court may order the minor to perform community service work equivalent to the value of the fine. Minors under age 18 are turned over to the juvenile court.

Underage drinking is an ongoing problem – both locally and across the nation – as avoidable alcohol-related tragedies continue to take their toll on youth and society. Unfortunately, combating the problem

The Iowa Alcoholic Beverages Division recommends that licensees follow a 5-step ID check.



1. Ask for an ID and match the customer with the photo.
2. Look for a red bar indicating that the customer is under the legal drinking age.
3. Calculate the customer's age.
4. Check the ID's expiration date.
5. Check the ID for tampering. Be sure the last digit of the audit date on the ID matches the customer's date of birth. When in doubt, refuse the sale!

requires more than just law enforcement and regulatory sanctions. Iowa's regulatory agencies and the licensee community must work cooperatively to deter teens from drinking.

It is important that licensees exercise their due diligence and fulfill their responsibility to assure that alcoholic beverages are not sold or provided to any person under age 21. The primary vehicle for licensees to meet their obligation is to thoroughly check identification.

Considering the consequences, it is better to be safe than sorry. It pays for licensees to be absolutely certain that their patron is of legal drinking age. Help make proms, graduations and spring a sober experience for Iowa's youth. ■