

HOUSE BILL NO. HB0035

Minors in possession of alcohol.

Sponsored by: Representative(s) Gingery, Hammons,
Harshman, Harvey, Slater, Warren and White
and Senator(s) Mockler

A BILL

for

1 AN ACT relating to alcoholic and malt beverages; amending
2 offenses relating to minor in possession of alcoholic and
3 malt beverages; providing that a minor who has consumed any
4 alcoholic or malt beverage is guilty of a misdemeanor;
5 repealing and renumbering exceptions to minors in
6 possession of, or who consume, alcoholic or malt beverages;
7 and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 12-6-101(b)(intro) and by creating
12 new subsections (f) and (g) is amended to read:

13

14 **12-6-101. Sale or possession prohibited; when**
15 **possession unlawful; public drunkenness; falsification of**

1 **identification; penalty; prima facie identification as**
2 **defense.**

3
4 (b) Any person under the age of twenty-one (21) years
5 who has any alcoholic or malt beverage in his possession or
6 who ~~is drunk or under the influence of~~ has consumed any
7 alcoholic ~~liquor, or~~ malt ~~beverages or a controlled~~
8 ~~substance on any street or highway or in any public place~~
9 beverage is guilty of a misdemeanor. ~~This subsection does~~
10 ~~not apply to possession of alcoholic or malt beverages by a~~
11 ~~person under the age of twenty one (21) years.~~

12
13 (f) The provisions of subsection (b) of this section
14 shall not apply to possession of alcoholic or malt
15 beverages by a person under the age of twenty-one (21)
16 years:

17
18 (i) When making a delivery of alcoholic or malt
19 beverages pursuant to his employment;

20
21 (ii) Who is a licensee under this title; or

22
23 (iii) When serving alcoholic or malt beverages
24 pursuant to his employment in a restaurant which holds a

1 license to serve alcoholic or malt beverages, if the person
2 is at least eighteen (18) years of age.

3

4 (g) The provisions of subsection (b) of this section
5 shall not apply to consumption of alcoholic or malt
6 beverages by a person under the age of twenty-one (21)
7 years when the consumption of alcoholic or malt beverage
8 occurred in the physical presence of, and with the consent
9 of, his parent or legal guardian unless the consumption
10 occurs in an establishment operating under any license
11 issued under this title.

12

13 **Section 2.** W.S. 12-6-101(b)(i), (ii), (iv) and (v) is
14 repealed.

15

16 **Section 3.** This act is effective July 1, 2007.

17

18 (END)