

State of Utah

Alcohol, Tobacco, and Other Drugs Laws

It is important to understand Utah's laws governing the use and misuse of alcohol, tobacco, and other drugs. Running afoul of these laws can cost you; literally. Criminal acts have two classifications:

- **Felony:** defined as a criminal offense that is punishable with imprisonment or a heavy fine
- **Misdemeanor:** defined as a lesser criminal act and/or infringement that attracts less severe punishment than a felony

Felony

Classification	Punishment	Fine
Capital	Minimum of 25 years imprisonment; imprisonment for life without parole; death.	Not applicable
First degree	Five years to life imprisonment	\$10,000.00
Second degree	One to fifteen years imprisonment	Up to \$10,000.00
Third degree	Up to five years imprisonment and/or a fine	\$5,000.00

Misdemeanor

Classification	Punishment	Fine
Class A	Up to 1 year imprisonment	\$2,500.00
Class B	Up to 6 months imprisonment	\$1,000.00 or compensatory service
Class C	Up to 90 days imprisonment	\$750.00 or compensatory service

FOR A LIST OF COMPENSATORY SERVICES VISIT:
<https://www.utcourts.gov/howto/criminallaw/penalties.asp>

You are a minor if you are under the age of 21 years.

The following gives a full description of the penalties and charges that will be applied for non-compliance with Utah's alcohol, tobacco and other drugs laws. Remember to stay on the right side of the law, so that you would not be left in serious trouble.

CONTROLLED SUBSTANCES

It is illegal	You will be charged with a	Penalty
To possess or sell drug-related paraphernalia	third degree felony*	Maximum penalty: 5 years imprisonment and/or \$5,000 fine
To sell or use inhalants to get high	misdemeanor*	Maximum penalty: 6 months imprisonment and/or \$1,000 fine
To obtain or distribute alcohol under false pretenses	third degree felony	Maximum penalty 5 years imprisonment and/or \$5,000 fine
To manufacture or sell imitation controlled substances	class C misdemeanor*	Maximum penalty: 1 year imprisonment and/or \$2,500 fine
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	<p>(1) second-degree felony if the substance is a poisonous substance, regardless of whether it is a controlled substance or a prescription drug.</p> <p>(2) third-degree felony if the substance is not within the scope of (1) and is a controlled substance or a prescription drug</p> <p>(3) class A misdemeanor if the substance is a deleterious substance or an alcoholic beverage.</p>	

Important to note:

Punishment is one degree greater than regular maximum penalty, if the prohibited acts occur in public or private school-related sites, or with minors.

Maximum penalty is 90 days imprisonment and /or a \$750.00 fine for possession or use of imitation controlled substances.

ALCOHOL

It is illegal	You will be charged with a	Penalty
To sell or supply alcohol to a minor	class A misdemeanor	Maximum penalty: 1 year imprisonment and/or \$2,500 fine
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.	class B misdemeanor	Maximum penalty: 6 months imprisonment and/or \$1,000 fine
To sell or supply to intoxicated persons; or to purchase alcohol if intoxicated.	class B misdemeanor	Maximum penalty: 6 months imprisonment and/or \$1,000 fine
To drink in a public building, park, or stadium; or to be so intoxicated that you disturb others or injure self or others.	class C misdemeanor	Maximum penalty: 90 days imprisonment and/or \$750 fine
To drink any alcoholic beverage while operating or riding as a passenger in a motorized vehicle, whether that vehicle is in motion, stopped, or parked on any highway, street, or area of traffic.	class B misdemeanor	maximum penalty: 6 months imprisonment and/or \$1,000 fine**

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

Important to note:

Dram Shop liability:

Any person who provides alcoholic beverages illegally to underage persons, or any person who provides alcohol to someone who is apparently intoxicated or may be under the influence of alcohol or other drugs is liable if such intoxicated person inflicts injuries, or causes damage to property.

The person who furnished the alcohol will also be held responsible for the support of any third person or his/her spouse, child, or parent.

Once a container has been opened, one can be arrested for possession.**

ALCOHOL AND TOBACCO

It is illegal	You will be charged with a	Penalty
To purchase, attempt to purchase; to solicit another person to purchase; to possess; or to consume any alcoholic beverage or product if you are under the age of 21	class B misdemeanor	Six months imprisonment and/or a \$1,000.00 fine, plus the suspension of driver's license for up to one year
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. Not-a-drop-law		1. First offense is suspension of license for 90 days; 2. Second offense (within 3 years) - suspension of license for one year.
To buy, to use, or to possess any tobacco product if you are under the age 19; or to sell or furnish any tobacco product to any person under age 19		Maximum penalty: up to \$750 fine.

Important to note:

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; your license will be confiscated and a Driving Under the Influence (DUI) charge issued.

If BAC test is refused, your driver's license will be revoked for one year, and a \$50.00 - \$200.00 reinstatement fee will be assessed, and the issuance of an alcohol restricted driver license if convicted.

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.

For a first DUI conviction in which no one is injured the following fines and/or penalties are imposed:

- 60 days to 6 months imprisonment and/or a fine of up to \$1,000.00. 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 \$100.00 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
- 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 DUI results in injury:

Penalties of up to 1 year imprisonment and a fine up to \$2,500.00 separate from any lawsuit filed by the injured party will be imposed.

If DUI results in death (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 \$5,000.00. License is automatically revoked for 1 year.

A DUI with blood alcohol content (BAC) of .16 or higher; prior DUI conviction within last 6 years; and/or DUI involving a drug other than alcohol requires court-ordered, supervised, offender-paid probation.

Important to
note:

Expect a first DUI conviction to cost at least \$10,000.00

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

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

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 and be charged with a class B misdemeanor.