

SENATE BILL NO. 242

INTRODUCED BY R. WEBB

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE PROVISION OF ALCOHOL TO A PERSON UNDER 21 YEARS OF AGE; PROVIDING THAT A PERSON IN CONTROL OF PROPERTY WHO KNOWINGLY OR PURPOSELY ALLOWS A PERSON UNDER 21 YEARS OF AGE TO CONSUME ALCOHOL ON THE PROPERTY IS GUILTY OF A MISDEMEANOR; AND AMENDING SECTION 16-6-305, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-6-305, MCA, is amended to read:

"16-6-305. Age limit for sale or provision of alcoholic beverages -- liability of provider. (1) (a)

Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.

(b) A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.

(c) For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic beverage that is sufficient to produce:

- (i) a blood, breath, or urine alcohol concentration in excess of 0.05; or
- (ii) substantial or visible mental or physical impairment.

(2) A person is guilty of a misdemeanor who:

(a) invites a person under the age of 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person;

(b) permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase alcoholic beverages for the person; ~~or~~

(c) holds out the person to be 21 years of age or older to the owner of the establishment or to the owner's employee; or



1 (d) EXCEPT AS PROVIDED IN SUBSECTION (1)(A), is the owner or lessee of or otherwise has control over
2 property and knowingly or purposely allows a person, knowing or having reasonable cause to believe the person
3 is under 21 years of age, to consume an alcoholic beverage on the property.

4 (3) It is unlawful for any person to fraudulently misrepresent the person's age to any dispenser of
5 alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any
6 identification card, including a tribal identification card.

7 (4) A person 21 years of age or older who violates the provisions of subsection (1)(b) is, in addition to
8 applicable criminal penalties, subject to civil liability for damages resulting from a tortious act committed by the
9 person to whom the intoxicating substance was sold or provided if the act is judicially determined to be the result
10 of the intoxicated condition created by the violation. (See compiler's comments for contingent termination of
11 certain text.)"

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