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H.835

Introduced by Representative Jewett of Ripton

Referred to Committee on

Date:

Subject: Alcoholic beverages; enforcement

Statement of purpose of bill as introduced: This bill proposes to create a provisional alcohol license that will permit an individual between 18 and 21 years of age to consume a limited amount of alcoholic beverages provided the individual is accompanied by a parent or legal guardian.

An act relating to provisional alcohol licenses

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 7 V.S.A. § 602a is added to read:

§ 602a. ALCOHOL USE BY INDIVIDUALS 18 YEARS OF AGE OR OLDER; PROVISIONAL ALCOHOL LICENSE; REQUIRED EDUCATION

(a) The Commissioner of Liquor Control may grant a provisional alcohol license to an individual who satisfies the following requirements:

(1) Is at least 18 years of age, but not yet 21 years of age.

(2) Has completed his or her secondary education.

1 (3) Is a Vermont resident or a full-time student enrolled at a college or
2 university located in Vermont.

3 (4) Has completed a 40-hour alcohol education course designed and
4 conducted by the Department or by a person whom the Department has
5 certified to conduct the course. The Department may establish a fee for the
6 course that is sufficient to cover the actual cost of providing the course.

7 (5) Has paid the license fee pursuant to section 231 of this title.

8 (b)(1) A provisional alcohol license issued pursuant to this section shall
9 permit the licensee to purchase, possess, or consume alcoholic beverages at an
10 establishment that holds a first- or first- and third-class license, or in a private
11 residence provided the individual is accompanied by or in the presence of the
12 individual's parent or legal guardian.

13 (2) The holder of a first- or first-and third-class license shall be
14 permitted to serve the holder of a provisional alcohol license a total of no more
15 than 16 ounces of malt beverage, four ounces of vinous beverage, or two
16 ounces of spirits or fortified wine.

17 (c) An individual who has violated section 656, 657, or 657a of this title
18 shall not be permitted to obtain a provisional alcohol license for a period 12
19 months from his or her 18th birthday for each violation. Nothing in this
20 subsection shall be construed to prevent an individual from purchasing

1 possessing, or consuming alcoholic beverages as otherwise permitted by this
2 title upon reaching 21 years of age.

3 (d)(1)(A) When the Department grants an alcohol license to an individual,
4 the Department of Motor Vehicles shall issue a provisional alcohol license to
5 the individual upon submission of valid photographic identification and written
6 approval for the license provided by the Department.

7 (B) A provisional alcohol license shall contain the licensee's name,
8 date of birth, gender, address, and signature, a unique identification number, a
9 full facial photograph, and the issuance and expiration dates in a form
10 approved by the Department.

11 (2) A provisional alcohol license issued pursuant to this subsection shall
12 expire when the licensee reaches 21 years of age.

13 (3) A provisional alcohol license shall be revoked if the licensee is
14 determined to have violated any laws relating to the purchase, possession, or
15 consumption of alcoholic beverages set forth in this title or Title 23.

16 Revocation of a provisional alcohol license shall not affect an individual's
17 right to purchase, possess, or consume alcoholic beverages when the individual
18 reaches 21 years of age.

1 Sec. 2. 7 V.S.A. § 231 is amended to read:

2 § 231. FEES FOR LICENSES AND PERMITS; DISPOSITION OF FEES

3 (a) The following fees shall be paid:

4 * * *

5 (25) For a provisional alcohol license, \$50.00.

6 * * *

7 Sec. 3. 7 V.S.A. § 2 is amended to read:

8 § 2. DEFINITIONS

9 The following words as used in this title, unless a contrary meaning is
10 required by the context, shall have the following meaning:

11 * * *

12 (26) “Minor”: a person who has not attained ~~the age of~~ 21 years of age,
13 but does not include an individual who has been granted a provisional alcohol
14 license pursuant to section 602a of this title.

15 * * *

16 (31) “Legal age”: 21 years of age or older, or, for an individual who has
17 been granted a provisional alcohol license pursuant to section 602a of this title,
18 18 years of age or older.

19 * * *

20 (40) “Provisional alcohol license”: a license granted by the Department
21 that permits an individual who is at least 18 years of age, but not yet 21 years

1 of age to purchase, possess, and consume alcoholic beverages as provided in
2 section 602a of this title.

3 Sec. 4. 7 V.S.A. § 602 is amended to read:

4 § 602. EXHIBITION OF CARD

5 An individual shall exhibit “a valid authorized form of identification,”
6 which means a valid photographic operator’s license, enhanced driver’s
7 license, or valid photographic nondriver identification card issued by Vermont
8 or another state or foreign jurisdiction, a U.S. military identification card, a
9 valid provisional alcohol license, or a valid passport or passport card bearing
10 the photograph and signature of the individual upon demand of a licensee, an
11 employee of a licensee, or a law enforcement officer. On the failure of an
12 individual to produce and exhibit a valid authorized form of identification upon
13 demand of a licensee, the licensee shall be entitled to refuse to sell the
14 individual any alcoholic beverage. Sale or furnishing of any alcoholic
15 beverages by a licensee to an individual exhibiting a valid authorized form of
16 identification shall be prima facie evidence of the licensee’s compliance with
17 the law prohibiting the sale or furnishing of alcoholic beverages to minors.

18 Sec. 5. 7 V.S.A. § 656 is amended to read:

19 § 656. ~~PERSON~~ INDIVIDUAL UNDER 21 YEARS OF AGE

20 MISREPRESENTING AGE, PROCURING, POSSESSING, OR

1 CONSUMING ALCOHOLIC BEVERAGES; FIRST OR SECOND
2 OFFENSE; CIVIL VIOLATION

3 (a)(1) Prohibited conduct. ~~A person~~ An individual under 21 years of age
4 shall not:

5 (A) falsely represent his or her age for the purpose of procuring or
6 attempting to procure malt or vinous beverages, spirits, or fortified wines from
7 any licensee, State liquor agency, or other person or persons;

8 (B) possess malt or vinous beverages, spirits, or fortified wines for
9 the purpose of consumption by himself or herself or other minors, except in the
10 regular performance of duties as an employee of a licensee licensed to sell
11 alcoholic liquor; or

12 (C) consume malt or vinous beverages, spirits, or fortified wines. A
13 violation of this subdivision may be prosecuted in a jurisdiction where the
14 minor has consumed malt or vinous beverages, spirits, or fortified wines or in a
15 jurisdiction where the indicators of consumption are observed.

16 * * *

17 (3) Exception. Notwithstanding any provision of subdivisions (1)(B)
18 and (1)(C) of this section to the contrary, the holder of a provisional alcohol
19 license shall not be in violation of subdivision (1) of this subsection if he or
20 she consumes or possesses for the purpose of consumption malt or vinous

1 beverages, spirits, or fortified wines as permitted pursuant to subsection
2 602a(b) of this title.

3 * * *

4 Sec. 6. 7 V.S.A. § 658 is amended to read:

5 § 658. SALE OR FURNISHING TO MINORS; ENABLING

6 CONSUMPTION BY MINORS; MINORS CAUSING DEATH OR

7 SERIOUS BODILY INJURY

8 (a) No person shall:

9 (1) sell or furnish malt or vinous beverages, spirits, or fortified wines to
10 ~~a person~~ an individual ~~under the age of 21 years of age who does not hold a~~
11 provisional alcohol license pursuant to section 602a of this title; or

12 (2) knowingly enable the consumption of malt or vinous beverages,
13 spirits, or fortified wines by ~~a person~~ an individual ~~under the age of 21 years of~~
14 age who does not hold a provisional alcohol license pursuant to section 602a of
15 this title.

16 * * *

17 (c) A person who violates subsection (a) of this section shall be fined not
18 less than \$500.00 nor more than \$2,000.00 or imprisoned not more than two
19 years, or both. However, an employee of a licensee or an employee of a
20 State-contracted liquor agency, who in the course of employment violates
21 subdivision (a)(1) of this section:

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* * *

(2) may plead as an affirmative defense that:

(A) the purchaser exhibited and the employee carefully viewed photographic identification that complied with section 602 of this title and indicated the purchaser to be ~~21 or older~~ of legal age; and

(B) an ordinary prudent person would believe the purchaser to be of legal age to make the purchase; and

(C) the sale was made in good faith, based upon the reasonable belief that the purchaser was of legal age to purchase alcoholic beverages.

* * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2016.