

WYOMING STATUTE TITLE 12, CHAPTER 6. SALE OF ALCOHOL



§12-6-101. Sale or possession prohibited; when possession unlawful; public drunkenness; falsification of identification; penalty; prima facie identification as defense.

- (a) Any person who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient or member of his own immediate family, is guilty of a misdemeanor. This subsection does not apply to sales by the division or a wholesaler to a licensee under this title.
- (b) Repealed By Laws 2010, Ch. 6, § 2.
- (c) Except as otherwise provided in this title, no person under the age of twenty-one (21) years shall:
 - (i) Purchase or attempt to purchase any alcoholic liquor or malt beverage;
 - (ii) Solicit another person to purchase alcoholic liquor or malt beverage;
 - (iii) Possess any alcoholic liquor or malt beverage;
 - (iv) Consume any ethyl alcohol; or
 - (v) Have measurable blood, breath or urine alcohol concentration in his body.
 - (vi) Enter or remain in designated sales areas approved by the local licensing authority that is primarily for off-premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one (21) years of age or older; or
 - (vii) Dispense or sell any alcoholic liquor or malt beverage. The term "dispensing" means mixing or pouring alcoholic liquors or malt beverages.
- (d) This section shall not apply to possession of alcoholic liquor or malt beverages or consumption of ethyl alcohol by a person under the age of twenty-one (21) years in accordance with this title:
 - (i) Who is in the physical presence of his parent, spouse or legal guardian who is twenty-one (21) years of age or older;
 - (ii) As part of a church's or religious organization's religious services; or
 - (iii) For medicinal purposes if the alcoholic liquor, malt beverage or ethyl alcohol is furnished:
 - (A) By the person's parent, spouse or legal guardian who is twenty-one (21) years of age or older; or
 - (B) Pursuant to a lawful prescription.
- (e) The prohibitions against possession of alcoholic liquor or malt beverages by a person under the age of twenty-one (21) years specified in this section shall not apply:
 - (i) When the person is making a delivery of alcoholic liquor or malt beverages pursuant to his employment;
 - (ii) When the person is serving alcoholic liquor or malt beverages pursuant to his employment in a restaurant which holds a license to serve alcoholic liquor or malt beverages, if the person is at least eighteen (18) years of age. The term "serving" in this paragraph does not include the mixing or dispensing of alcoholic beverages; or
 - (iii) To a person who is a licensee under this title.
- (f) Any person under the age of twenty-one (21) years who attempts in any manner to purchase alcoholic or malt beverages or who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor.
- (g) Any person who violates this section, or aids, abets or incites any violation hereof, is guilty of a misdemeanor;
- (h) A motor vehicle driver's license or valid picture identification card issued by any state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, a permanent resident card issued by the United States citizenship

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- (j) For purposes of this section, "ethyl alcohol" means any substance which is or contains ethyl alcohol.

§12-6-102. Transporting or possessing in motor vehicle with intent to furnish to person under 21; penalties.

- (a) No person who is at least twenty-one (21) years of age shall transport, or have in his possession or control, any alcoholic liquor or malt beverage, with the intent of furnishing the same to any person under the age of twenty-one (21) years, while operating or occupying a motor vehicle.
- (b) Any person who violates subsection (a) of this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), imprisonment in the county jail for not more than one (1) year, or both. Upon a second or any subsequent conviction under this subsection the person is guilty of a felony and shall be punished by imprisonment in the state penitentiary for a term not exceeding five (5) years.
- (c) In addition to the penalty provided in subsection (b) of this section the division of motor vehicles shall suspend, for a period of one (1) year, the driver's license and automobile registration of any person convicted of operating a motor vehicle in violation of this section. The license suspension shall not run concurrent with any term of imprisonment, if imposed, but shall commence on the last day of incarceration.

§12-6-103. Compliance.

- (a) The department of health, working with local law enforcement agencies and other local individuals and organizations shall be the lead agency in the administration of this article. Nothing contained in this section shall be construed to limit or otherwise alter the authority granted to the department of revenue under any other provision of title 12.
- (b) The department of health shall develop strategies to coordinate and support local law enforcement efforts in the enforcement of all state statutes relating to the prohibition of the sale of alcohol products to minors.
- (c) The department of health shall have discretion to work with local agencies and individuals in the coordination of local education, prevention and enforcement efforts that appropriately reflect the needs of the community.
- (d) For purposes of this section, the term "compliance check" shall mean an inspection conducted pursuant to the provisions of this section for purposes of education or enforcement of laws prohibiting the sale of alcohol to minors. The use of persons age eighteen (18) to twenty-one (21) during compliance checks is authorized subject to the following:
 - (i) A person participating in a compliance check shall, if questioned, state his true age and that he is less than twenty-one (21) years of age;
 - (ii) The person's appearance shall not be altered to make him appear to be twenty-one (21) years of age or older;
 - (iii) Neither a person age eighteen (18) to twenty-one (21) nor his parents or guardians shall be coerced into participating in such inspections;
 - (iv) In the event that a citation may result the person conducting the compliance check shall photograph the participant immediately before the compliance check and any photographs taken of the participant shall be retained by the person conducting the compliance check;
 - (v) Any participant or adult aiding a participant in a compliance check under this section shall be granted immunity from prosecution under W.S. 12-6-101.
- (e) The person conducting a compliance check under this section shall:
 - (i) Remain within sight or sound of the participant attempting to make the purchase;
 - (ii) Immediately inform in writing a representative or agent of the business establishment that a compliance check has been performed and the results of the compliance check;

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- (iii) If the compliance check may result in a citation, within two (2) days, prepare a report of the compliance check containing:
 - (A) The name of the person who supervised the compliance check;
 - (B) The age and date of birth of the participant who assisted in the compliance check;
 - (C) The name and position of the person from whom the participant attempted to purchase alcoholic beverages;
 - (D) The name and address of the establishment checked;
 - (E) The date and time of the compliance check; and
 - (F) The results of the compliance check, including whether the compliance check resulted in the sale or distribution of, or offering for sale, alcoholic beverages to the minor.
- (iv) Immediately upon completion of the report required under this subsection, provide a copy of the report to a representative or agent of the business establishment that was checked;
- (v) Request a law enforcement officer to issue a citation for any illegal acts relating to providing alcoholic beverages minors during the compliance check.

§6-4-406. Permitting house parties where minors are present; exceptions; penalties.

- (a) No person who owns, rents, leases, subleases or has control of any residence or premises shall allow a house party to take place at the residence or premises if any alcoholic liquor, malt beverage or drug prohibited by law to be possessed by a minor is possessed or consumed at the residence or premises by any minor and the person knowingly permitted the residence or premises to be used for that purpose.
- (b) The provision of this section shall not apply to:
 - (i) The furnishing or giving of any alcoholic liquor or malt beverage by an adult to any person under the age of twenty-one (21) years, if the recipient is the legal ward, medical patient or member of the immediate family of the adult furnishing or giving the alcoholic liquor or malt beverage;
 - (ii) The consumption, use or possession of a drug pursuant to a lawful prescription issued for the drug;
 - (iii) Religious observance or prescribed medical treatment;
 - (iv) The possession of alcoholic liquor, malt beverage or lawfully prescribed drugs incidental to lawful employment.
- (c) Any person violating any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.
- (d) For purposes of this section:
 - (i) "Minor" means as defined in W.S. 8-1-102(a)(iii)(B);
 - (ii) "Premises" includes, but is not limited to, a rented, leased or donated hotel or motel room, a manufactured home or any other public or private facility that is not licensed under chapter 4, title 12 of the Wyoming statutes.