

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 201

**Representatives Dever, Stinziano
Cosponsors: Representatives Antani, Bishoff, Ramos**

A BILL

To amend sections 4301.631, 4301.69, and 4301.691 1
and to enact section 4301.79 of the Revised Code 2
to provide persons under 21 years of age with a 3
qualified immunity from prosecution for offenses 4
involving underage alcohol possession or 5
consumption if law enforcement personnel become 6
aware of the offense solely because the person 7
sought or obtained medical assistance, solely 8
because another individual sought or obtained 9
medical assistance for the person, or because 10
the person requested law enforcement assistance 11
to report a criminal offense, prevent a possible 12
criminal offense, or request the investigation 13
of a criminal offense. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4301.631, 4301.69, and 4301.691 15
be amended and section 4301.79 of the Revised Code be enacted to 16
read as follows: 17

Sec. 4301.631. (A) As used in this section, "underage 18
person" means a person under eighteen years of age. 19

(B) No underage person shall purchase any low-alcohol beverage. 20
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(C) No underage person shall order, pay for, share the cost of, or attempt to purchase any low-alcohol beverage. 22
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(D) No person shall knowingly furnish any false information as to the name, age, or other identification of any underage person for the purpose of obtaining or with the intent to obtain any low-alcohol beverage for an underage person, by purchase or as a gift. 24
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(E) No underage person shall knowingly show or give false information concerning the person's name, age, or other identification for the purpose of purchasing or otherwise obtaining any low-alcohol beverage in any place in this state. 29
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(F) No person shall sell or furnish any low-alcohol beverage to, or buy any low-alcohol beverage for, an underage person, unless given by a physician in the regular line of ~~his~~ the physician's practice or given for established religious purposes, or unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian. 33
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No permit issued by the division of liquor control shall be suspended, revoked, or canceled because of a violation of this division or division (G) of this section. 39
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(G) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming any low-alcohol beverage, unless the low-alcohol beverage is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian, and the parent, spouse who is not an underage person, or legal guardian 42
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is present when the person possesses or consumes the low-alcohol beverage. 49
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An owner of a public or private place is not liable for 51
acts or omissions in violation of this division that are 52
committed by a lessee of that place, unless the owner authorizes 53
or acquiesces in the lessee's acts or omissions. 54

(H) No underage person shall knowingly possess or consume 55
any low-alcohol beverage in any public or private place, unless 56
accompanied by a parent, spouse who is not an underage person, 57
or legal guardian, or unless the low-alcohol beverage is given 58
by a physician in the regular line of the physician's practice 59
or given for established religious purposes. 60

(I) No parent, spouse who is not an underage person, or 61
legal guardian of an underage person shall knowingly permit the 62
underage person to violate this section. 63

(J) Section 4301.79 of the Revised Code applies with 64
respect to the prosecution, unruly child adjudication, or 65
delinquent child adjudication of an underage person who violates 66
division (H) of this section by possessing or consuming any low- 67
alcohol beverage. 68

Sec. 4301.69. (A) Except as otherwise provided in this 69
chapter, no person shall sell beer or intoxicating liquor to an 70
underage person, shall buy beer or intoxicating liquor for an 71
underage person, or shall furnish it to an underage person, 72
unless given by a physician in the regular line of the 73
physician's practice or given for established religious purposes 74
or unless the underage person is supervised by a parent, spouse 75
who is not an underage person, or legal guardian. 76

In proceedings before the liquor control commission, no 77

permit holder, or no employee or agent of a permit holder, 78
charged with a violation of this division shall be charged, for 79
the same offense, with a violation of division (A) (1) of section 80
4301.22 of the Revised Code. 81

(B) No person who is the owner or occupant of any public 82
or private place shall knowingly allow any underage person to 83
remain in or on the place while possessing or consuming beer or 84
intoxicating liquor, unless the intoxicating liquor or beer is 85
given to the person possessing or consuming it by that person's 86
parent, spouse who is not an underage person, or legal guardian 87
and the parent, spouse who is not an underage person, or legal 88
guardian is present at the time of the person's possession or 89
consumption of the beer or intoxicating liquor. 90

An owner of a public or private place is not liable for 91
acts or omissions in violation of this division that are 92
committed by a lessee of that place, unless the owner authorizes 93
or acquiesces in the lessee's acts or omissions. 94

(C) No person shall engage or use accommodations at a 95
hotel, inn, cabin, campground, or restaurant when the person 96
knows or has reason to know either of the following: 97

(1) That beer or intoxicating liquor will be consumed by 98
an underage person on the premises of the accommodations that 99
the person engages or uses, unless the person engaging or using 100
the accommodations is the spouse of the underage person and is 101
not an underage person, or is the parent or legal guardian of 102
all of the underage persons, who consume beer or intoxicating 103
liquor on the premises and that person is on the premises at all 104
times when beer or intoxicating liquor is being consumed by an 105
underage person; 106

(2) That a drug of abuse will be consumed on the premises 107
of the accommodations by any person, except a person who 108
obtained the drug of abuse pursuant to a prescription issued by 109
a licensed health professional authorized to prescribe drugs and 110
has the drug of abuse in the original container in which it was 111
dispensed to the person. 112

(D) (1) No person is required to permit the engagement of 113
accommodations at any hotel, inn, cabin, or campground by an 114
underage person or for an underage person, if the person 115
engaging the accommodations knows or has reason to know that the 116
underage person is intoxicated, or that the underage person 117
possesses any beer or intoxicating liquor and is not supervised 118
by a parent, spouse who is not an underage person, or legal 119
guardian who is or will be present at all times when the beer or 120
intoxicating liquor is being consumed by the underage person. 121

(2) No underage person shall knowingly engage or attempt 122
to engage accommodations at any hotel, inn, cabin, or campground 123
by presenting identification that falsely indicates that the 124
underage person is twenty-one years of age or older for the 125
purpose of violating this section. 126

(E) (1) No underage person shall knowingly order, pay for, 127
share the cost of, attempt to purchase, possess, or consume any 128
beer or intoxicating liquor in any public or private place. No 129
underage person shall knowingly be under the influence of any 130
beer or intoxicating liquor in any public place. The 131
prohibitions set forth in division (E) (1) of this section 132
against an underage person knowingly possessing, consuming, or 133
being under the influence of any beer or intoxicating liquor 134
shall not apply if the underage person is supervised by a 135
parent, spouse who is not an underage person, or legal guardian, 136

or the beer or intoxicating liquor is given by a physician in 137
the regular line of the physician's practice or given for 138
established religious purposes. 139

(2) (a) If a person is charged with violating division (E) 140
(1) of this section in a complaint filed under section 2151.27 141
of the Revised Code, the court may order the child into a 142
diversion program specified by the court and hold the complaint 143
in abeyance pending successful completion of the diversion 144
program. A child is ineligible to enter into a diversion program 145
under division (E) (2) (a) of this section if the child previously 146
has been diverted pursuant to division (E) (2) (a) of this 147
section. If the child completes the diversion program to the 148
satisfaction of the court, the court shall dismiss the complaint 149
and order the child's record in the case sealed under sections 150
2151.356 to 2151.358 of the Revised Code. If the child fails to 151
satisfactorily complete the diversion program, the court shall 152
proceed with the complaint. 153

(b) If a person is charged in a criminal complaint with 154
violating division (E) (1) of this section, section 2935.36 of 155
the Revised Code shall apply to the offense, except that a 156
person is ineligible for diversion under that section if the 157
person previously has been diverted pursuant to division (E) (2) 158
(a) or (b) of this section. If the person completes the 159
diversion program to the satisfaction of the court, the court 160
shall dismiss the complaint and order the record in the case 161
sealed under section 2953.52 of the Revised Code. If the person 162
fails to satisfactorily complete the diversion program, the 163
court shall proceed with the complaint. 164

(c) Section 4301.79 of the Revised Code applies with 165
respect to the prosecution, unruly child adjudication, or 166

delinquent child adjudication of an underage person who violates 167
division (E) of this section by possessing, consuming, or being 168
under the influence of any beer or intoxicating liquor. 169

(F) No parent, spouse who is not an underage person, or 170
legal guardian of a minor shall knowingly permit the minor to 171
violate this section or section 4301.63, 4301.633, or 4301.634 172
of the Revised Code. 173

(G) The operator of any hotel, inn, cabin, or campground 174
shall make the provisions of this section available in writing 175
to any person engaging or using accommodations at the hotel, 176
inn, cabin, or campground. 177

(H) As used in this section: 178

(1) "Drug of abuse" has the same meaning as in section 179
3719.011 of the Revised Code. 180

(2) "Hotel" has the same meaning as in section 3731.01 of 181
the Revised Code. 182

(3) "Licensed health professional authorized to prescribe 183
drugs" and "prescription" have the same meanings as in section 184
4729.01 of the Revised Code. 185

(4) "Minor" means a person under the age of eighteen 186
years. 187

(5) "Underage person" means a person under the age of 188
twenty-one years. 189

Sec. 4301.691. If the United States congress repeals the 190
mandate established by the "Surface Transportation Assistance 191
Act of 1982" relating to a national uniform drinking age of 192
twenty-one or if a court of competent jurisdiction declares the 193
mandate to be unconstitutional or otherwise invalid, then upon 194

the certification by the secretary of state that this mandate 195
has been repealed or invalidated, the following shall apply: 196

(A) Beer or intoxicating liquor may be served to a person 197
not seated at a table unless there is reason to believe that the 198
beer will be consumed by a person under nineteen years of age or 199
that the intoxicating liquor will be consumed by a person under 200
twenty-one years of age. 201

(B) No person under the age of twenty-one years shall 202
purchase intoxicating liquor, nor shall a person under the age 203
of nineteen years purchase beer. 204

(C) No person under the age of nineteen years shall order, 205
pay for, share the cost of, or attempt to purchase any beer or 206
intoxicating liquor, or consume any beer or intoxicating liquor, 207
either from a sealed or unsealed container or by the glass or by 208
the drink, in any public or private place, except as provided in 209
section 4301.69 of the Revised Code. 210

(D) No person under the age of twenty-one years shall 211
order, pay for, share the cost of, or attempt to purchase any 212
intoxicating liquor, or consume any intoxicating liquor, either 213
from a sealed or unsealed container or by the glass or by the 214
drink, except as provided in section 4301.69 of the Revised 215
Code. 216

(E) No person shall knowingly furnish any false 217
information as to the name, age, or other identification of any 218
person under twenty-one years of age for the purpose of 219
obtaining or with the intent to obtain, beer or intoxicating 220
liquor for a person under nineteen years of age, or intoxicating 221
liquor for a person under twenty-one years of age, by purchase, 222
or as a gift. 223

(F) No person under the age of nineteen years shall 224
knowingly show or give false information concerning the person's 225
name, age, or other identification for the purpose of purchasing 226
or otherwise obtaining beer or intoxicating liquor in any place 227
in this state where beer or intoxicating liquor is sold under a 228
permit issued by the division of liquor control or sold by the 229
division. 230

(G) No person under the age of twenty-one years shall 231
knowingly show or give false information concerning the person's 232
name, age, or other identification for the purpose of purchasing 233
or otherwise obtaining intoxicating liquor in any place in this 234
state where intoxicating liquor is sold under a permit issued by 235
the division or sold by the division. 236

(H) No person shall sell intoxicating liquor to a person 237
under the age of twenty-one years or sell beer to a person under 238
the age of nineteen, or buy intoxicating liquor for, or furnish 239
it to, a person under the age of twenty-one years, or buy beer 240
for or furnish it to a person under the age of nineteen, unless 241
given by a physician in the regular line of his the physician's 242
practice, or by a parent or legal guardian. 243

In proceedings before the liquor control commission, no 244
permit holder or the permit holder's employee or agent charged 245
with a violation of this section shall, for the same offense, be 246
charged with a violation of division (A) (1) of section 4301.22 247
of the Revised Code. 248

(I) No person who is the owner or occupant of any public 249
or private place shall knowingly allow any person under the age 250
of twenty-one to remain in or on the place while possessing or 251
consuming intoxicating liquor, or knowingly allow any person 252
under the age of nineteen to remain in or on the place while 253

possessing or consuming beer, unless the intoxicating liquor or 254
beer is given to the person possessing or consuming it by that 255
person's parent or legal guardian and the parent or legal 256
guardian is present at the time of the person's possession or 257
consumption of the intoxicating liquor or beer. 258

(J) The division shall revise the warning sign required by 259
section 4301.637 of the Revised Code so that the sign conforms 260
to this section. 261

(K) Section 4301.79 of the Revised Code applies with 262
respect to the prosecution, unruly child adjudication, or 263
delinquent child adjudication of a person who violates division 264
(C) or (D) of this section by consuming any beer or intoxicating 265
liquor. 266

Sec. 4301.79. (A) As used in this section: 267

(1) "Law enforcement personnel" means peace officers, 268
prosecutors, and members of a campus police department appointed 269
under section 1713.50 of the Revised Code. 270

(2) "Peace officer" and "prosecutor" have the same 271
meanings as in section 2935.01 of the Revised Code. 272

(3) "Underage alcohol possession or consumption violation" 273
means any of the following: 274

(a) A person's violation of division (H) of section 275
4301.631 of the Revised Code by possessing or consuming any low- 276
alcohol beverage, a person's violation of division (E) of 277
section 4301.69 of the Revised Code by possessing, consuming, or 278
being under the influence of any beer or intoxicating liquor, or 279
a person's violation of division (C) or (D) of section 4301.691 280
of the Revised Code by consuming any beer or intoxicating 281
liquor; 282

(b) A person's violation of any ordinance of a municipal corporation that is substantially equivalent to any violation listed in division (A) (3) (a) of this section. 283
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(B) Notwithstanding any provision of Title XXI or XXIX of the Revised Code or any other provision of law, a person under twenty-one years of age shall not be prosecuted, subjected to adjudication as an unruly child, or subjected to adjudication as a delinquent child for an underage alcohol possession or consumption violation if all of the following apply: 286
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(1) Law enforcement personnel became aware of the person's possession or consumption of the low-alcohol beverage or the person's possession, consumption, or being under the influence of the beer or intoxicating liquor that is the basis of the violation solely because the person sought or obtained medical assistance for another individual, solely because the person sought or obtained medical assistance for self, or solely because another individual sought or obtained medical assistance for the person. 292
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(2) If the person sought or obtained the medical assistance for another individual, when seeking or obtaining the assistance, the person acted in good faith upon a reasonable belief that the person was the first to call for assistance and the person remained with the individual needing the medical assistance until help arrived. 301
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(3) If the person sought or obtained the medical assistance for another individual or for self, when seeking or obtaining the assistance, the person used the person's own name. 307
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(C) Notwithstanding any provision of Title XXI or XXIX of the Revised Code or any other provision of law, a person under 310
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twenty-one years of age shall not be prosecuted, subjected to 312
adjudication as an unruly child, or subjected to adjudication as 313
a delinquent child for an underage alcohol possession or 314
consumption violation if law enforcement personnel became aware 315
of the person's possession or consumption of the low-alcohol 316
beverage or the person's possession, consumption, or being under 317
the influence of the beer or intoxicating liquor that is the 318
basis of the violation solely because the person, acting in good 319
faith, requested law enforcement assistance by dialing the 320
telephone number "9-1-1" or by other means, to report a criminal 321
offense, prevent a possible criminal offense, or request the 322
investigation of a criminal offense. 323

Section 2. That existing sections 4301.631, 4301.69, and 324
4301.691 of the Revised Code are hereby repealed. 325

Section 3. Section 4301.69 of the Revised Code is 326
presented in this act as a composite of the section as amended 327
by both Am. Sub. H.B. 137 and Sub. S.B. 131 of the 126th General 328
Assembly. The General Assembly, applying the principle stated in 329
division (B) of section 1.52 of the Revised Code that amendments 330
are to be harmonized if reasonably capable of simultaneous 331
operation, finds that the composite is the resulting version of 332
the section in effect prior to the effective date of the section 333
as presented in this act. 334