

Under Age Alcohol Use - TEN Frequently Asked Questions

1. At what age can a person legally drink alcoholic beverages, including beer, wine and liquor in Ohio?

ANSWER: 21 years of age and older, except under the circumstances noted below.

2. Under what circumstances can a person under 21 years old drink alcoholic beverages in Ohio?

ANSWER: (1) If the person consumes the alcohol 'in the presence' of their parent, legal guardian, or a spouse who is over 21 years old, (2) If the alcohol consumption is part of a recognized religious service, or (3) The alcohol is prescribed for medical treatment by a doctor.

3. I have a son/daughter who is having a high school graduation party at our house. They and all of their friends are under 21 years old. Can they drink alcoholic beverages if they bring their own (BYOB) and it is not provided by me?

ANSWER: NO, unless those attending the party bring a parent or legal guardian with them. Even if the underage guests BYOB you as the property owner, renter, and occupier CANNOT allow them to consume alcohol on your premises.

4. Regarding Question #3 above, What if the parents of the under age guests sign a letter giving them permission to drink alcohol at the party. Is this OK?

ANSWER: NO; the only way the under age guests can drink alcohol at your house is if they have a parent, guardian or spouse 21 years old or over PHYSICALLY PRESENT with them at the party.

5. I am over 21 years old and have some friends who are under 21. Can I legally purchase or provide beer or other alcoholic beverages for them?

ANSWER: NO, unless you are the parent, guardian or spouse of those you are buying the alcohol for. Even under those circumstances the friends cannot drink the alcohol unless they are "in the presence of" a parent, legal guardian or spouse who is 21 or older.

6. I own/work at a beverage convenience store. Am I responsible/liable for the sale of alcohol to an under age person?

ANSWER: YES; the law requires you to take reasonable steps to verify the purchaser is 21 years of age or older. This will generally involve asking for and CAREFULLY checking a photo ID of the purchaser. If the ID happens to be forged or false you MAY escape legal liability for the sale, but it would depend upon the circumstances.

7. What are the legal processes and penalties for violating the law concerning under age use of alcohol?

ANSWER: If the under age user is under 18 years old they can be charged and prosecuted in Juvenile Court. If they are 18 but less than 21 years old they could be charged and prosecuted in Municipal Court. The same is true for those who purchase, provide, OR allow under age consumption on their property. Most violations of under age alcohol laws are Misdemeanors of the 1st degree carrying possible jail confinement of 6 months and/or a \$1,000 fine.

8. In addition to being charged with a crime could I also be sued if I violate an under age alcohol law?

ANSWER: YES, for example if you host or allow a party at your house where alcohol is consumed by under age guests (REGARDLESS of who supplies the alcohol), you could be sued if any harm, injury, or death results from the alcohol consumption. Such a lawsuit could seek substantial monetary damages from you and any others who were involved in violating the law.

9. If I am out at a restaurant with my son/daughter who is under 21 years old, can I legally order alcohol for them to drink?

ANSWER: Legally, yes if you are physically present with them when they are drinking BUT most restaurants will not allow underage patrons to have/drink alcohol on their premises as a matter of policy.

10. Where can I get more information about Ohio laws that pertain to underage alcohol purchase, possession, use, or consumption?

ANSWER: The Ohio Revised Code (ORC) contains these laws. Particularly, Ohio Revised Code Section 4301.69 contains most of the information concerning underage alcohol possession and use. Penalties are in Ohio Revised Code Section 4301.99. These and other related laws can be found on the Internet: <http://codes.ohio.gov/orc>
Also, by typing "Parents Who Host, Lose the Most" into your Internet search engine you will find numerous websites, news releases and other information concerning underage alcohol consumption.