

# UNDERAGE DRINKING: WHAT DOES THE LAW SAY?

## **Do you know what the underage drinking laws are in Montana? Here's a quick look:**

Montana law allows an individual under the age of 21 to possess or consume a non-intoxicating quantity of alcohol when it is:

- Provided by the minor's parent or guardian in a private location (e.g., home or a private party) and not in a public place where alcohol is sold
- Used by a physician or dentist for medicinal purposes
- Distributed by a licensed pharmacist upon the prescription of a physician
- Used by an ordained minister or priest in connection with a religious service

A "non-intoxicating quantity" means there is no visible mental or physical sign of impairment or intoxication, and the blood alcohol content is less than 0.05, which is equivalent to less than half a beer.

## **What is illegal for those under the age of 21?**

- Possess or consume alcohol in a public place (even with parent consent)
- Possess or consume alcohol without parental consent – when not for a medical reason or religious practice
- Use a false ID to purchase alcohol
- Operate a motor vehicle with a blood alcohol content greater than 0.02

## **What is illegal for adults?**

- Provide or buy alcohol for anyone under the age of 21 (unless you are the parent or legal guardian)
- If you are the parent or guardian – to provide your minor with an intoxicating amount of alcohol

**Most Montana parents (74%) agree that parents should not let their high school age children drink alcohol at home.**



## **There are legal consequences!**

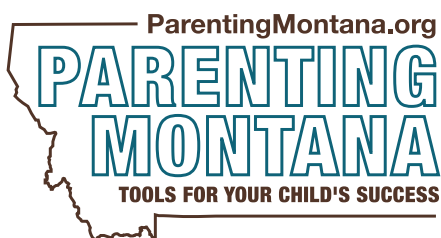
### **For those Under 21:**

- Knowingly possessing or consuming alcohol to an intoxicating level when under the age of 21 can result in a minor in possession charge
- The consequences of possessing alcohol under the age of 21 depend on whether the person is under 18 or between 18 and 21. For penalties associated with minor in possession charges, see Montana code 45-5-624 on Montana.gov.
- It is a misdemeanor for someone under the age of 21 to operate a motor vehicle with a blood alcohol content greater than 0.02

### **For adults:**

- It is a misdemeanor to supply someone under the age of 21 with alcohol or to provide your child under the age of 21 with an intoxicating level of alcohol
- Cities have their own ordinances and penalties for violating social hosting laws (social hosting is providing alcohol to someone under the age of 21 at a party you are hosting) as current criminal statutes for the state of Montana do not address social hosting.
  - For example, in Helena, municipal criminal law (ordinances) holds hosts accountable for providing alcohol to minors who are not their own children.

**Most Montana parents (91%) DISAPPROVE of high school students drinking alcohol.**



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