

Laws Regarding Alcohol, Tobacco, & Other Drugs

Note: This document in no way constitutes legal advice. It is posted in compliance with the Drug Free Schools & Communities Act Amendments of 1989, and is for information purposes only. The contents are not intended to be comprehensive. Juvenile offenses are not referenced because those offenses are adjudicated in Juvenile Court. You are encouraged to consult the Utah Code Annotated and/or seek legal advice from a professional as you may deem appropriate.

Utah Code Annotated <http://le.utah.gov/xcode/code.html>

TOBACCO	
Utah Law Violation	Penalty
Under age 19 years of age to buying, using, or possessing any tobacco product.	Class C misdemeanor
Selling or furnishing any tobacco product to anyone under the age of 19.	Class C misdemeanor
Clean Air Act violation.	Civil penalties with fines up to \$500

PENALTIES	
<i>The penalties listed are the maximum penalty for a first offense by an adult with no corresponding convictions. Many of the offenses listed herein are enhanceable, which can result in greater penalties based on the location where the offense occurred, prior convictions, and other circumstances. Both the possible penalty and sentencing can be impacted by these factors.</i>	
Classification	Maximum Penalty
Class C misdemeanor	Up to 90 days in jail; up to \$750 fine
Class B misdemeanor	Up to 6 months in jail; up to \$1,000 fine
Class A misdemeanor	Up to one year in jail; up to \$2,500 fine
3 rd degree felony	0-5 years in prison; up to \$5,000 fine
2 nd degree felony	0-15 years in prison; up to \$10,000 fine
1 st degree felony	5 years – life in prison; up to \$10,000 fine

ALCOHOL	
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Utah Law Violation	Penalty

Selling or supplying alcohol to a minor.	Class A misdemeanor
Minor (under age 21) purchasing, attempting to purchase or soliciting another person to purchase, possessing, or consuming any alcoholic beverage or product.	Class A misdemeanor
Unlawfully transferring or using an identification card to procure alcoholic beverages, gain admittance where alcohol is sold or consumed, or obtain employments that required handling alcoholic products.	Class B misdemeanor
Drinking in a public park, building, or stadium, or disturbing or injuring one's self or others through intoxication.	Class C misdemeanor
Drinking any alcoholic beverage or possessing an open container of an alcoholic beverage while operating or riding as a passenger in a motorized vehicle whether vehicle is moving, stopped, or parked on any highway, street, or other area of traffic.	Class B misdemeanor
Driving or being in a physical control of a vehicle while under the influence of alcohol or other drugs as evidenced by blood alcohol content .08 or higher or impaired behavior. Informed Consent Law requires submission to a BAC test.	Class B misdemeanor, mandatory assessment and education program, suspension of license, and payment to victim restitution fund, with penalties increased for passenger under 18, accident, injury, death, BAC .16 or higher, and subsequent offenses.
Purchasing alcohol while intoxicated.	Class B misdemeanor
Selling or supplying alcohol to a minor (under age 21) or to someone who actually or apparently intoxicated or under the influence of alcohol or other drugs.	Class B misdemeanor, and potential liability for injuries or property damage.
Causing another person to unknowingly consume any alcoholic beverage.	Class A misdemeanor

OTHER DRUGS

The penalties listed are the maximum penalty for a first offense by an adult with no corresponding convictions. Many of the offenses listed herein are enhanceable, which can result in greater penalties based on the location where the offense occurred, prior convictions, and other circumstances. Both the possible penalty and sentencing can be impacted by these factors.

Utah Law Violation	Penalty
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<i>Property connected to illegal use of controlled substances is subject to seizure and forfeiture.</i>	
Possession of marijuana (under 1 oz.).	Class B
Possession of marijuana (1 – 16 oz.).	Class A
Possession of marijuana (16oz. – 100lbs.)	3 rd degree felony
Possess with an intent to produce, manufacture, or distribute, or distribution of marijuana (1oz. – 100lbs).	3 rd degree felony
Possession of marijuana (over 100 lbs.)	2 nd degree felony
Obtaining or distributing a controlled substance under false pretenses.	3 rd degree felony
Possession, possession with intent to distribute, or distribution of drug-related paraphernalia.	3 rd degree felony
Knowingly or intentionally exposing a child to controlled substance or drug paraphernalia.	Varies, up to 1 st degree felony.
Obtaining a controlled substance under false pretenses.	3 rd degree felony
Possess with an intent to produce, manufacture, or distribute, or distribution of an imitation controlled substance.	Class C misdemeanor
Causing another person to unknowingly consume controlled substance, including prescription drugs.	3 rd degree felony
Possession of Schedule I or II Narcotics.	3 rd degree felony
Possession with an intent to produce, manufacture, or distribute, or distribution of Schedule I or II Narcotics.	2 nd degree felony
Possession of Schedule III, IV, or V Drugs.	Class B misdemeanor
Possession with an intent to produce, manufacture, or distribute, or distribution of Schedule III, IV, or V Drugs.	3 rd degree felony

FEDERAL DRUG TRAFFICKING LAWS	
https://justice.gov/dea/druginfo/ftp3.shtml	
<i>Property connected to illegal use of controlled substances subject to seizure and forfeiture. Second and subsequent offenses incur higher mandatory minimum penalties or other circumstances.</i>	
Law Violation	Penalty
Marijuana, under 50 kg.	Up to 5 years imprisonment and \$250,000 fine.
Marijuana, 50 – 99 kg.	Up to 20 years imprisonment and \$1,000,000 fine.
Marijuana, 100 – 999 kg.	5 to 40 years imprisonment and \$5,000,000 fine.
Marijuana, over 1,000 kg.	10 years to life imprisonment and \$10,000,000 fine.
Schedule I & II Narcotics.	Up to 20 years imprisonment and \$1,000,000 fine.

Schedule III Drugs.	Up to 10 years imprisonment and \$500,000 fine.
Schedule III & IV Drugs.	Up to 5 years imprisonment and \$250,000 fine.
Schedule V Drugs.	Up to 1 year imprisonment and \$100,000 fine.

Approved 3/21/2014