



# Alcohol and the Law: Making Informed Choices

The content of this flier is from our brochure, “**Alcohol and the Law**”. If you would like a brochure or would like to order brochures for a class or presentation, please contact our office.

This handout is designed to provide you with information about the legal consequences of drinking alcohol and to assist you in making informed choices. **You** have the responsibility to follow the laws of your city, state, and nation. Below is a list of common alcohol related offenses.

## **Underage Consumption, Purchasing or Possession of Alcohol**

The legal drinking age in Ohio for consumption of an alcoholic beverage is 21 years old. Anyone purchasing, possessing or consuming alcohol prior to their 21st birthday may be guilty of a first degree misdemeanor. The maximum penalties associated with this offense are 6 months imprisonment or a \$1,000.00 fine or both. A 20 year old student, therefore, risks being jailed and fined when he decides to drink alcohol at a party or elsewhere. First time offenders may be offered the option of a diversion program requiring community service and costing about \$250.00.

## **Underage “Being under the Influence” of Alcohol**

Ohio makes it illegal for a person under 21 years of age to be “under the influence of alcohol” in a **public place**. This charge requires that the effect of the alcohol be noticeable. No breath test is required. A public place includes a bar, a public street or sidewalk. This is punishable in the same way as underage possession or consumption of alcohol.

## **Providing Alcohol to an Underage Person**

Similarly, a person who furnishes alcohol to an underage person is guilty of a first degree misdemeanor. The maximum penalties associated with this offense are 6 months imprisonment or \$1,000.00 fine or both -- \$500 of this fine is mandatory. A social host, therefore, risks being fined and imprisoned when he furnishes alcohol to a person he knows **or should know** is not 21 years of age. A parent or spouse of an underage person may provide alcohol to them **but must be present at the time**.

## **Misrepresentation of Age or Identity**

A person under the age of 21 who knowingly misrepresents their name or age for purposes of purchasing beer or liquor has committed a misdemeanor in the first degree. The offense carries a maximum of \$1000.00 fine, 6 months in jail or both. Having a “fake ID” or using someone else’s valid ID is illegal.

## **Operating a Motor Vehicle While Intoxicated by Alcohol or Drugs (OMVI)**

In Ohio, a person may not operate a motor vehicle if he is impaired by alcohol and/or drugs. The following penalties are associated with OMVI.

OMVI	Minimum Fine	Maximum Fine	Other Punishment
1st offense & refusal <u>or</u> 1st offense and under .17%	\$250	\$1000	3 days jail <u>or</u> 3 day program; 6 month license suspension
1st offense and over .17% <u>or</u> refusal with prior OMVI within 20 years	Above penalties doubled	Above penalties doubled	3 days jail <u>and</u> 3 day program; 6 month license suspension and restricted plates
underage OMVI – testing over .02 (you may be cited for underage drinking also)	n/a	\$250	30 days jail <u>or</u> alcohol/drug program; 90 days minimum license suspension, maximum 2 years; 4 points on driving record; remedial driving course

### Open Container

It is illegal to possess in any public place an open container of alcohol. Such an offense is a minor misdemeanor. If convicted of this offense, the maximum penalty is a \$150.00 fine.

Having an open container of alcohol in a motor vehicle, whether in operation or stationary, is prohibited. Such an offense is a minor misdemeanor. If convicted of this offense the maximum penalty is a \$150.00 fine.

### Disorderly Conduct

Likewise, disorderly conduct while intoxicated is a minor misdemeanor and carries a maximum penalty of a \$150.00 fine. Disorderly conduct can occur in two ways:

- when one recklessly causes inconvenience, annoyance or alarm to another due to offensive conduct.
- when one engages in conduct or creates a condition that presents a physical risk of harm to oneself, another, or property.

Students are often cited with a Disorderly Conduct when they are observed stumbling or suffer an injury while intoxicated.

### Persistent Disorderly Conduct

A person who persists in disorderly conduct after a reasonable warning or request to desist may be charged with Persistent Disorderly Conduct, a misdemeanor in the fourth degree. If convicted of this offense, the maximum penalty is a \$250 fine and/or 30 days in jail.

### Alcohol Diversion Program

Please see our Diversion page at [www.studentlegalrights.org](http://www.studentlegalrights.org) for more information.

THE CENTER FOR STUDENT LEGAL SERVICES DOES NOT ENCOURAGE ANYONE TO VIOLATE THE LAW. WE DO NOT CONDONE OR ENCOURAGE UNDERAGE OR HIGH RISK DRINKING OR DRUG USE. WE DO BELIEVE THAT YOU SHOULD KNOW YOUR LEGAL RIGHTS AND BE FREE FROM UNDUE HARASSMENT. THIS INFORMATION DOES NOT CONSTITUTE LEGAL ADVICE, NOR IS IT INTENDED AS A SUBSTITUTE FOR LEGAL ADVICE.

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