

## 1 SENATE BILL NO. 242

2 INTRODUCED BY R. WEBB

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE PROVISION OF ALCOHOL  
5 TO A PERSON UNDER 21 YEARS OF AGE; PROVIDING THAT A PERSON IN CONTROL OF PROPERTY  
6 WHO KNOWINGLY OR PURPOSELY ALLOWS A PERSON UNDER 21 YEARS OF AGE TO CONSUME  
7 ALCOHOL ON THE PROPERTY IS GUILTY OF A MISDEMEANOR; AND AMENDING SECTION 16-6-305,  
8 MCA."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 16-6-305, MCA, is amended to read:13 **"16-6-305. Age limit for sale or provision of alcoholic beverages -- liability of provider.** (1) (a)

14 Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years  
15 of age by the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist  
16 upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance,  
17 a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.

18 (b) A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic  
19 beverage in an intoxicating quantity to a person under 21 years of age.

20 (c) For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic beverage  
21 that is sufficient to produce:

22 (i) a blood, breath, or urine alcohol concentration in excess of 0.05; or

23 (ii) substantial or visible mental or physical impairment.

24 (2) A person is guilty of a misdemeanor who:

25 (a) invites a person under the age of 21 years into a public place where an alcoholic beverage is sold  
26 and treats, gives, or purchases an alcoholic beverage for the person;

27 (b) permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase  
28 alcoholic beverages for the person; ~~or~~

29 (c) holds out the person to be 21 years of age or older to the owner of the establishment or to the owner's  
30 employee; or

