

# Virginia Laws Concerning Alcohol

Students should be aware of the following Virginia laws regarding alcohol:

## Safe Reporting of Overdoses

This law provides an affirmative defense to prosecution of an individual for unlawful alcohol possession or use when in good faith, a person seeks emergency medical attention by reporting an alcohol, marijuana, or other drug overdose to 911, law enforcement, or medical personnel.

## Age of the Alcohol Consumer

Persons who are 21 years of age may buy, drink, and possess beer, wine, and distilled spirits (hard liquor). The minimum penalty if caught with possession of alcohol under the age of 21 is a fine of at least \$500 and/or performance of a minimum of 50 hours of community service and suspension of an individual's driver's license for at least six months. Breaking this law constitutes a Class 1 Misdemeanor.\*

## Serving Alcohol to Anyone under 21

The penalty for providing, giving, or assisting in providing alcohol to persons under age 21 is mandatory suspension of an individual's driver's license for one year. Penalties also may include a fine of up to \$2,500 and up to one year in jail.

A person in her or his own home may provide alcoholic beverages to her or his family members under 21, but guests provided alcohol must be of legal age unless they are accompanied by their parent, guardian, or spouse age 21 or older. Constitutes a Class 1 Misdemeanor.\*

## False IDs to Purchase Alcohol

Persons under the age of 21 years who possess, use, or attempt to use any altered, fictitious, facsimile, or simulated license or identification card (including identification documents of another person) to establish false identification or false age to consume, purchase, or attempt to consume or purchase an alcoholic beverage shall be guilty of a Class 1 Misdemeanor.\* The penalty is a mandatory minimum fine of \$500 or mandatory minimum of 50 hours of community service and license suspension for at least six months. Creating or selling false IDs can result in fines up to \$2,500 and up to a one-year jail sentence. Knowingly providing an underage person with the use of your own ID also constitutes a Class 1 Misdemeanor.\*

## Drinking in Public

It is illegal for any individual to drink or offer a drink of alcohol to another individual in a public place (excluding areas licensed for on-premise alcohol consumption). Under Virginia State Law, a person can be fined up to \$250 if caught drinking alcoholic beverages in public. Constitutes a Class 4 Misdemeanor.

## Publicly Intoxicated

Public intoxication is appearing in public under the influence of alcohol. Violators may be arrested and confined to jail until sober or transported to a detoxification center. Individuals also can receive a fine of not more than \$250. Constitutes a Class 4 Misdemeanor.

## **Underage Drinking and Driving**

This “zero tolerance” law provides that underage drinking and driving (0.02% or higher BAC) is punishable as a Class 1 Misdemeanor.\* The minimum penalty for those found guilty includes forfeiture of the license to operate a motor vehicle for a period of one year from the date of conviction and either a mandatory minimum fine of \$500 or 50 hours of community service. Those convicted of DUI (regardless of age) must have an ignition interlock system installed on their vehicles as a condition of a restricted driver’s license.

*\*A Class 1 Misdemeanor is punishable by up to 12 months in jail and/or a \$2,500 fine and is the most serious misdemeanor that can be committed before becoming a felony.*