

CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under the Age of Eighteen

45.02 Persons Age Eighteen, Nineteen and Twenty

45.03 Public Consumption or Intoxication

45.04 Open Containers on Streets and Highways

45.01 PERSONS UNDER THE AGE OF EIGHTEEN. Persons under the age of eighteen (18) – A person shall not sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that person to be under the age of eighteen (18), and a person or persons under the age of eighteen (18) shall not purchase or attempt to purchase or individually or jointly have alcoholic liquor, wine or beer in their possession or control except for medicinal purposes as administered to the person by either a physician or dentist and except to the extent that a person under the age of eighteen (18) may handle alcoholic beverages, wine and beer during the regular course of the persons employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47)

45.02 PERSONS AGE EIGHTEEN, NINETEEN AND TWENTY. A person shall not sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that the person is age eighteen (18), nineteen (19) or twenty (20). A person age eighteen, nineteen or twenty shall not purchase or possess alcoholic liquor, wine or beer. However, a person age eighteen, nineteen or twenty may possess alcoholic liquor, wine or beer given to the person within a private home with the knowledge, presence and consent of a person's parent or guardian, or with the signed, written consent of the person's parent or guardian specifying the date and place for the consumption and displayed by the person upon demand, and a person age eighteen, nineteen or twenty may handle alcoholic liquor, wine or beer during the course of the person's employment by a liquor licensee or wine or beer permittee. A person violating this subsection is guilty of a simple misdemeanor, punishable as a scheduled violation.

(Code of Iowa, Sec. 123.47A)

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45.03 PUBLIC CONSUMPTION OR INTOXICATION.

1. As used in this section unless the context otherwise requires:
 - A. "Arrest" means the same as defined in Section 804.5 of the Code of Iowa and includes taking into custody pursuant to Section 232.19 of the Code of Iowa.
 - B. "Chemical test" means a test of a person's blood, breath or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.
 - C. "Peace Officer" means the same as defined in Section 801.4 of the Code of Iowa.
 - D. "School" means a public or private school or that portion of a public or private school which provides teaching for any grade from kindergarten through grade twelve.
2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.
3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the Commissioner of Public Safety for testing a sample of the person's breath to determine that person's blood alcohol concentration is available, that is the only test that need be

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offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

45.04 OPEN CONTAINER ON STREETS AND HIGHWAYS. A person driving a motor vehicle shall not knowingly possess in a motor vehicle upon a public street or highway an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage, wine, or beer with the intent to consume the alcoholic beverage, wine, or beer while the motor vehicle is upon a public street or highway. Evidence that an open or unsealed receptacle containing an alcoholic beverage or beer was found during an authorized search in the glove compartment, utility compartment, console, front passenger seat, or any unlocked portable device and within the immediate reach of the driver while the motor vehicle is upon a public street or highway is evidence from which the court or jury may infer that the driver intended to consume the alcoholic beverage or beer while upon the public street or highway if the inference is supported by corroborative evidence. However, an open or unsealed receptacle containing an alcoholic beverage or beer may be transported at any time in the trunk of the motor vehicle or in some other area of the interior of the motor vehicle not designed or intended to be occupied by the driver and not readily accessible to the driver while the motor vehicle is in motion. A person convicted of a violation of this paragraph is guilty of a simple misdemeanor.

(Code of Iowa, Sec. 123.28)
