

ACT NO. 7393

BILL NO. 29-0327

TWENTY-NINTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2012

An Act amending title 14 Virgin Islands Code, chapter 23, section 485 relating to selling or serving alcoholic beverages to minors, employing minors to make or dispense alcoholic beverages and other related matters

---0---

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 14 Virgin Islands Code, chapter 23, section 485 is amended in the following instances:

- (a) subsections (a), (b) and (c) are stricken in their entirety;
- (b) Subsection (e) is amended by striking “pursuant to title 27, section 302 Virgin Islands Code”;
- (c) Subsection (e) is re-designated as subsection (c),
- (d) Subsection (d) is re-designated as subsection (g); and
- (e) New subsections (a), (b), (d), (e) and (f) are inserted and read as follows:

“(a) As used in this section, the term,

(1) “Alcoholic beverage” means any beverage for human consumption containing at least one-half of one percent alcohol by volume, including malt beverages, beer, unfortified wine, fortified wine, spirituous liquor, and mixed beverages, distilled alcohol, spirits, liquor, beer, wine and every liquid or solid containing alcohol, spirits, beer, wine, and which contains one-half of one per centum or more of alcohol by volume, and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

(2) “Controlled substance” means a drug or other substances as the term is defined in 19 V.I.C. §593 (6).

(3) "License to sell or dispense alcoholic beverages" means licensed to sell or dispense alcoholic beverages under a liquor license issued pursuant to 8 V.I.C., chapter 1 and pursuant to a night club, Tavern A, Tavern B business license issued pursuant to 27 V.I.C. §302.

(4) "Minor" means an individual under the age of 18 years.

(5) "Person" means an individual, corporation, business, trust, partnership, limited liability company, association, joint venture, or any other legal or commercial entity.

(6) "Knowingly" means a person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly with respect to that conduct or circumstance.

(b) It is unlawful for any person:

(1) to sell, give, serve, or permit to be served an alcoholic beverage to a minor;

(2) to permit a minor to consume an alcoholic beverage; or

(3) permit a minor to enter any nightclub, dancehall or bar after 9 p.m., where alcohol is sold or served except when:

(A) the minor is accompanied by an adult legally responsible for the minor; or

(B) the minor is attending a school function at the establishment and alcohol beverages are not being served or offered for sale; or

(C) the minor is in a life threatening situation and is in need of emergency assistance.

(d) No person may employ, or permit to be employed, or suffer to work on any premises licensed to sell or dispense alcoholic beverages, any minor as a bartender, hostess, server, or in any other capacity in which the duties of the minor require or permit minor to sell, dispense or handle alcoholic beverages; but:

(A) A minor employed by any person holding a retail liquor license may handle and deliver alcoholic beverage products for such licensee;

(B) A minor employed as a cashier by a person holding a retail liquor license may record and receive payment for alcoholic beverage sales when in the presence of and under the direct supervision of a person eighteen years of age or over; and

(C) A minor employed as a dishwasher, busboy, or other such position as to which handling of containers that may have held alcoholic beverages is necessary may do so under the direct supervision of a person 18 years of age or older.

(e)(1) [*Liability of parent or legal guardian for underage consumption of alcohol or use of controlled substance at home.*] A parent or legal guardian who permits his or her minor child to consume an alcoholic beverage or use a controlled substance at the home of the parent or legal guardian is guilty of a misdemeanor if all of the following occur:

(A) As the result of the consumption of an alcoholic beverage or use of a controlled substance at the home of the parent or legal guardian, the minor child or other underage individual has a blood-alcohol concentration of 0.05 percent or greater, as measured by a chemical test, or is under the influence of a controlled substance;

(B) The parent knowingly permits that minor child or other underage individual, after leaving the parent's or legal guardian's home, to operate a vehicle; and

(C) That minor child or other underage individual is found to have caused a traffic collision while operating the vehicle.

(2) A parent or legal guardian who violates this subsection is guilty of a misdemeanor punishable by imprisonment for a term not exceeding one year, by a fine not exceeding \$1,000, or by both such imprisonment and fine.

(f) [*Penalties.*] Any person, including, the owner, operator or employee of any establishment holding a license to sell or dispense alcoholic beverages

(1) found in violation of subsection (b) or (d) is guilty of a misdemeanor, and upon conviction may be imprisoned for not more than thirty days and shall be fined not less than \$100 nor more than \$1,000 for each minor involved;

(2) found in violation of subsection (c) is guilty of a misdemeanor, and upon conviction shall be fined not less than \$100 or more than \$1,000.

(3) who is convicted of a second or subsequent offense under subsection (b), or under subsection (c) in addition to the criminal penalty established in subparagraphs (1) and (2), respectively, is subject to revocation, suspension or denial of a liquor and business license to sell or dispense alcoholic beverages.

Thus passed by the Legislature of the Virgin Islands on August 22, 2012.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 28th Day of August, A.D., 2012.



Ronald E. Russell

Ronald E. Russell
President

Sammuel Sanes

Sammuel Sanes
Legislative Secretary



Bill No.29-0327 is hereby approved.

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, this 11th day of September A.D., 2012.

John P. deJongh, Jr.
John P. deJongh, Jr.
Governor