

The Law and You: What are the statutes relating to alcohol and how does it affect me?

By: Robert Sabattis, Director of Public Safety & Thea Schoenberg, Assistant Director for Greek Life and Wellness

Like many states, New Jersey has adopted a number of laws concerning the underage possession, consumption and distribution of alcohol. As we approach "National Collegiate Alcohol Awareness Week," it would be helpful to review the state's laws concerning alcohol and underage persons, especially since there have been some recent revisions to one of the statutes.

The first relevant law concerning underage drinking is N.J.S.A. 2C:33-17 "Offering Alcohol to an Underage Person." As the title suggests, this statute penalizes anyone who offers, serves, or makes available an alcoholic beverage to an underage person or who entices or encourages an underage person to drink an alcoholic beverage. This law includes narrow exceptions for the consumption of alcohol by an underage person as part of a religious ceremony and for parents providing an alcoholic beverage to their child. Anyone convicted of this statute is exposed to a fine of up to \$500 and up to six months in prison.

The second relevant law concerning this topic is N.J.S.A. 2C:33-15 "Possession or Consumption of Alcoholic Beverages by Persons under Legal Age." This statute prohibits the consumption or possession of an alcoholic beverage in a school, public place, public conveyance or motor vehicle by a person under the age of 21. Like the above referenced law, this offense is a "Disorderly Persons' offense," however, it carries a minimum fine of \$500. Conviction also requires a six-month suspension of driving privileges when the offense occurs in a motor vehicle.

There has been a recent revision to this statute designed to encourage underage persons to call for assistance where intoxication results in illness to an underage person. Under the recent amendment, immunity is granted to underage individuals who consume alcoholic beverages and are in need of medical assistance and also provides immunity to those who call 9-1-1 to obtain assistance for the ill underage person.

#### Conditions necessary for immunity to apply

- an underage person called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption
- the underage person who called 9-1-1 and, up to two other persons assisting the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator
- the underage person was the first person to make the 9-1-1 report; and

- the underage person and, up to two other persons assisting the underage person who made the 9-1-1 call ***remained on the scene*** with the person under the legal age in need of medical assistance ***until assistance arrived and cooperated with medical assistance and law enforcement*** personnel
- The underage person who received medical assistance is also immune from prosecution

Aside from these laws and statues, we hope to encourage safe and responsible drinking for those of legal drinking age. In order to do this many different offices on campus provide resources and programming to educate students about the effects of alcohol on a person and how to consume responsibly. In addition, the NJIT AOD committee has recently revised the AOD policy in hopes of providing our students with the proper guidelines to provide a safe environment for those engaging in events that have alcohol present. Overall we hope to promote healthy and safe lifestyle decisions to allow for a positive experience at NJIT.

Printed 10/2009