

COMMONWEALTH OF VIRGINIA AND LOCAL ALCOHOL & DRUG LAWS 2019 - 2020

The minimum legal age for the **PURCHASE, POSSESSION, and CONSUMPTION** of alcoholic beverages is 21 years of age.

LAW	PENALTIES
NEW IN 2019 – No one under the age of 21 may purchase, use, possess any tobacco, nicotine vapor, or alternative tobacco product (including Juuls).	Civil penalty – Fine not to exceed \$100 for the first violation and may require up to 20 hours of community service; not to exceed \$250 for a second and subsequent violations and may also require up to 40 hours of community service.
NEW in 2019 – Sale or distribution of tobacco, nicotine vapor, alternative tobacco products to those under 21.	First violation – Up to \$100 fine; 2 nd violation – Up to \$200 fine; 3 rd and subsequent violations – Up to \$500 fine.
MIP - Minor in Possession Underage Consumption or Possession	Misdemeanor - Mandatory loss of license for six months (up to 1 year) AND mandatory minimum \$500 fine or 50 hours community service.
Drinking while Driving	Misdemeanor - Fine not to exceed \$250.
Underage Drinking and Driving Persons under 21 with a BAC of .02 or more; requires no signs of impaired driving.	Misdemeanor - Suspension of driver’s license for one year AND either a mandatory minimum fine of \$500 or performance of a mandatory minimum of 50 hours of community service. Attend VASAP educational program.
Driving while Intoxicated .08 presumes intoxication, but can be convicted on a lower BAC. Also includes specified levels of certain drugs, including marijuana.	Misdemeanor - Fine not to exceed \$2,500 (mandatory minimum of \$250) and/or jail for 12 months, plus loss of driver’s license for 1 year. Immediate impounding of car and 7-day license suspension upon arrest. Ignition interlock system may be required for restricted license after the first offense, and is mandatory after the second offense.
Drinking and Driving: BAC is .15 - .20	Mandatory jail time of 5 days plus above fines and penalties. Ignition interlock system required for restricted license.
Drinking and Driving: BAC is over .20	Mandatory jail time of 10 days plus above fines and penalties. Ignition interlock system required for restricted license.
Driving on a restricted license with BAC of .02 or more	Misdemeanor - Fine not to exceed \$2,500 and/or jail time for 12 months, plus loss of driver’s license for 1-3 years.
Drinking and Driving with a passenger 17 years or younger	Misdemeanor - Fines of \$500-\$1,000. Mandatory minimum 5 days in jail, beyond penalties for DUI.
Implied Consent for BAC Breath Test ---Unreasonable refusal to take a BAC breath test	Loss of driver’s license for 12 months.
Use of Fake ID to purchase alcoholic beverages*	Misdemeanor - Mandatory loss of license for 6 months (up to 1 year) AND \$500 mandatory minimum fine or 50 hours community service.
DIP – Drunk/Drinking in Public (Note: A public place includes any sidewalk adjoining a public street)	Misdemeanor - Fine not to exceed \$250.
Purchase of alcoholic beverages for intoxicated individuals OR Purchasing, giving, providing or assisting in providing alcohol to person under age 21	Misdemeanor - Fine not to exceed \$2,500 and/or jail up to 12 months AND mandatory license suspension for up to 1 year. Guilty if you have “reason to know.”
Purchase, possession, use, selling, or offering for sale or use powdered or crystalline alcohol	Misdemeanor - Mandatory loss of license for 1 year AND mandatory minimum \$500 fine (up to \$2,500) or 50 hours community service; possible jail for up to 12 months.
Affirmative defense to prosecution for simple possession of illegal drugs or paraphernalia, public intoxication, or unlawful possession, purchase, or consumption of alcohol for reporting of overdose	Affirmative defense to prosecution only applies if, in good faith, an individual seeks emergency medical attention for self or another person for a life-threatening condition resulting from the consumption or use of alcohol, a controlled substance, or combination of substances by reporting the overdose to 911, law enforcement or firefighter, or emergency services medical personnel. Individual must remain at the scene until law-enforcement responds and identify himself/herself.
City of Lexington Noise Ordinance (11pm-7am) If heard from 50 ft. of premise	1 st visit by police - written warning 2 nd visit by police - citation & court appearance - Fine + Court costs
Possession of Marijuana Sale of Marijuana Manufacture of Marijuana Paraphernalia	Misdemeanor - jail up to 30 days and/or \$500 fine for a 1 st offense. For a 2 nd offense, 12 months in jail and/or \$2,500 fine. You are at risk of having your license suspended if you are found guilty. Sale of ½ oz. or less – 12 months jail and/or \$2,500 fine. Intent to distribute more than ½ oz. = Felony. 1-10 years in prison OR 12 months jail and/or \$2,500 fine. Manufacture/Distribution/ Possession with intent to manufacture: Felony. 5-40 years in prison and/or \$500,000 fine.
Possession of “cannabimimetic agents”	Possession: 12 months jail and/or \$2,500 fine.
Texting while Driving	\$125 for a first offense and \$250 for each subsequent offense.
GHB (Date Rape Drug)	Felony – 5-20 years prison and \$100,000 fine.

* The Executive Committee has found the use of a fake ID constitutes a violation of the Honor System.