

Utah Alcohol, Tobacco, and Other Drug Laws

If you're a college student in Utah, it's important to understand the laws that apply to alcohol, tobacco, and other drugs. This guide presents those laws in a clear, organized format to help you know what behaviors are prohibited, what the consequences are, and how some penalties can be increased in certain situations. Use this as a reference to stay informed and make responsible choices.

Driving and Vehicle-Related Offenses

Utah has strict laws for alcohol consumption in vehicles and driving under the influence. Penalties escalate with repeat offenses or when others are endangered.

Offense	Definition	Penalty
Driving Under the Influence (DUI)	Driving while impaired by alcohol or drugs is illegal.	Forty-eight to 240 hours in jail or 24–50 hours community service; up to \$1,000 fine; license suspension 90+ days; mandatory education; and \$100 restitution (Class B misdemeanor)
Open-Container Law	It is illegal to drink from or possess an open alcohol container in a vehicle, even when the vehicle is parked.	Up to 6 months' imprisonment; and/or \$1,000 fine (Class B misdemeanor)

Repeat DUI Offenses	A second or third DUI within 6 years of the first offense results in more severe penalties, longer license suspension, and mandated treatment.	Increased penalties; extended license suspension; and required alcohol and drug treatment
DUI Resulting in Injury or Death	Driving under the influence that causes injury or death is treated more severely.	<p>Injury: up to 1 year imprisonment and \$2,500 fine</p> <p>Death: up to 6 years' imprisonment and \$5,000 fine (Third-degree felony)</p>

Offenses Involving Minors

These laws are designed to protect youth by restricting access to substances and penalizing adults who contribute to underage use.

Offense	Definition	Penalty
DUI with Minor in Vehicle	If a person commits a DUI with a passenger under 16 (or under 18 if driver is 21+), the offense becomes more serious.	Offense raised to Class A misdemeanor
DUI with High BAC / Drug Use / Prior DUI	If BAC is 0.16 or higher, if the driver has a prior DUI within 6 years, or if a drug is involved, the court imposes supervised, offender-paid probation.	Mandatory supervised probation

Tobacco Possession or Use (Under 19)	It is illegal to buy, use, or possess tobacco under the age of 19, or to sell or furnish tobacco to someone under 19.	Fine up to \$750
Alcohol Possession or Consumption (Under 21)	Individuals under 21 may not buy, possess, or consume alcohol.	Up to 6 months' imprisonment; up to \$1,000 fine; and/or license suspension up to 1 year (Class B misdemeanor)
Providing Alcohol to Minors	It is illegal to sell or provide alcohol to anyone under 21.	Up to 1 year imprisonment; and/or up to \$2,500 fine (Class A misdemeanor)
Not-a-Drop Law (Under-21 Driving)	Drivers under the age of 21 may not operate a vehicle with any measurable alcohol in their system.	First offense: 90-day license suspension Second offense (within 3 years): 1-year license suspension

Possession and Sale Offenses

These laws prohibit the manufacture, possession, or sale of substances and paraphernalia associated with drug use, even if the substances are imitations.

Offense	Definition	Penalty
Possession/Sale of Drug Paraphernalia	Possessing or selling items meant for drug use is prohibited.	Up to 5 years' imprisonment; and/or \$5,000 fine (third-degree felony)
Use or Sale of Inhalants to Get High	Using or selling inhalants to produce intoxication is illegal.	Up to 6 months' imprisonment; and/or \$1,000 fine (misdemeanor)
Manufacture/Sale of Imitation Controlled Substances	It is illegal to sell or manufacture fake illegal drugs.	Up to 1 year imprisonment; and/or \$2,500 fine (Class C misdemeanor)
Possession or Use of Imitation Controlled Substances	Possessing or using imitation illegal drugs is prohibited.	Up to 90 days' imprisonment; and/or \$750 fine (misdemeanor)

False Pretenses in Obtaining/Distributing Substances	It is illegal to obtain or distribute substances using deception or fraud.	Up to 5 years' imprisonment; and/or \$5,000 fine (third-degree felony)
Use of Fraud/Deception to Dose Another Person	It is illegal to give someone a drug, alcohol, or poison without their knowledge.	Poisonous substance: second-degree felony Prescription drug: third-degree felony Alcohol: Class A misdemeanor

Public Conduct and Identification Laws

These laws help maintain public safety by regulating alcohol consumption in public and the misuse of identification.

Offense	Definition	Penalty
Drinking in Public Spaces	Drinking alcohol in public spaces such as parks, buildings, or while being disruptive is illegal.	Up to 90 days' imprisonment; and/or \$750 fine (Class C misdemeanor)
Supplying Alcohol to an Intoxicated Person	Providing alcohol to someone who is already intoxicated is prohibited.	Up to 6 months' imprisonment; and/or \$1,000 fine (Class B misdemeanor)
Unlawful Use or Transfer of ID for Alcohol Access	Using or giving away an ID to get alcohol or enter a drinking establishment is illegal.	Up to 6 months' imprisonment; and/or \$1,000 fine (Class B misdemeanor)

Dram-Shop Liability	Businesses or individuals who illegally serve alcohol can be held liable for harm caused by the person who was served.	Civil liability
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Enhancements and Additional Notes

These provisions affect how penalties are applied or enhanced based on context and cooperation with law enforcement.

- **Proximity Enhancement:** Penalties increase by one degree if the offense occurs within 1,000 feet of a school, church, stadium, or similar site.
- **Alcohol-Restricted Driver (ARD):** Individuals convicted of DUI-related offenses may receive an ARD license. Driving with any alcohol in your system while holding this license is a Class B misdemeanor.
- **Refusal to Submit to BAC Test:** Results in 1-year license revocation, a \$50–\$200 reinstatement fee, and issuance of an ARD license.