

§ 6308. Purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

(a) Offense defined.--A person commits a summary offense if he, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages, as defined in section 6310.6 (relating to definitions). For the purposes of this section, it shall not be a defense that the liquor or malt or brewed beverage was consumed in a jurisdiction other than the jurisdiction where the citation for underage drinking was issued.

(b) Penalty.--In addition to the penalty imposed pursuant to section 6310.4 (relating to restriction of operating privileges), a person convicted of violating subsection (a) may be sentenced to pay a fine of not more than \$500 for the first violation and not more than \$1,000 for the second and each subsequent violation.

(c) Preadjudication disposition.--

(1) When a person is charged with violating subsection (a), the magisterial district judge may admit the offender to the adjudication alternative as authorized in 42 Pa.C.S. § 1520 (relating to adjudication alternative program) or any other preadjudication disposition if the offender has not previously received a preadjudication disposition for violating subsection (a).

(2) The use of a preadjudication disposition shall be considered a first or subsequent offense, whichever is applicable, for the purpose of further adjudication under this section or under section 6310.4.

(d) Notification.--The police department making an arrest for a suspected violation of subsection (a) shall so notify the parents or guardian of the minor charged.

(e) Exception for compliance checks.--

(1) An individual who is under 21 years of age may purchase, attempt to purchase, possess or transport liquor or malt or brewed beverages if all of the following apply:

(i) The individual is at least 18 years of age.

(ii) The individual is an officer, employee or intern of the Bureau of Liquor Control Enforcement of the Pennsylvania State Police.

(iii) The individual has completed training specified by the bureau.

(iv) The individual is acting within the scope of prescribed duties.

(v) The individual is acting under the direct control or supervision of a bureau officer who is an adult.

(2) Under no circumstances may individuals under 21 years of age consume liquor or malt or brewed beverages.

(3) The Pennsylvania State Police shall promulgate regulations prescribing the manner in which compliance checks are to be performed. Compliance checks under this subsection shall be conducted in a manner consistent with the regulations. Regulations shall require, at a minimum, all of the following:

(i) Prior to participation in the compliance check, the officer, employee or intern shall undergo training approved by the Bureau of Liquor Control Enforcement.

(ii) A person licensed to sell liquor or malt or brewed beverages that is found to be in compliance with this section during a compliance check shall be notified in writing of the compliance check and the determination of compliance.

(iii) A person licensed to sell liquor or malt or brewed beverages that is found to be noncompliant with this section during a compliance check shall be immediately verbally advised by the supervising bureau officer and shall be notified in writing of the failure to comply within ten working days of the date of the compliance check.

(f) Exception for person seeking medical attention for another.--A person shall be immune from prosecution for consumption or possession under subsection (a) if he can establish the following:

(1) The only way law enforcement officers became aware of the person's violation of subsection (a) is because the person placed a 911 call, or a call to campus safety, police or emergency services, in good faith, based on a reasonable belief and reported that another person was in need of immediate medical attention to prevent death or serious injury.

(2) The person reasonably believed he was the first person to make a 911 call or a call to campus safety, police or emergency services, and report that a person needed immediate medical attention to prevent death or serious injury.

(3) The person provided his own name to the 911 operator or equivalent campus safety, police or emergency officer.

(4) The person remained with the person needing medical assistance until emergency health care providers arrived and the need for his presence had ended.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Mar. 25, 1988, P.L.262, No.31, eff. 60 days; Mar. 17, 2000, P.L.11, No.4, eff. 60 days; Dec. 3, 2002, P.L.1144, No.141, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days; July 7, 2011, P.L.288, No.66, eff. 60 days; Oct. 25, 2012, P.L.1663, No.205, eff. 60 days)

2012 Amendment. Act 205 amended subsec. (b). Section 2 of Act 205 provided that the amendment shall apply to offenses committed on or after the effective date of section 2.

2011 Amendment. Act 66 added subsec. (f).

2004 Amendment. Act 207 amended subsec. (c)(1). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

2002 Amendment. Act 141 added subsec. (e). Section 2 of Act 141 provided that subsec. (e) shall expire December 31, 2007, unless sooner reauthorized by the General Assembly. Section 2 of Act 141 was amended by Act 75 of 2007, amending the expiration date of subsec. (e) to December 31, 2017.

2000 Amendment. Act 4 amended subsec. (a).

Cross References. Section 6308 is referred to in sections 6310.4, 6310.5, 6310.6, 6313, 9122, 9123 of this title; section 1518 of Title 4 (Amusements); sections 3573, 8902 of Title 42 (Judiciary and Judicial Procedure); sections 1532, 1553 of Title 75 (Vehicles).