

# Memo of Transmittal

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832-762-6518 | kimberlyvoltaire@hotmail.com

## Memorandum

Professor Megan Olsen, Interdisciplinary Humanities and Communication Instructor  
From: Kimberly Voltaire, Technical Editor  
Date: 9 November 2018  
Re: Comprehensive Editing Assignment

### Professor Megan Olsen:

I found the document for Utah Alcohol, Tobacco, and Other Drugs Laws to be disorganized, dull, and not very exciting to look at. The layout is not engaging for any type of audience and it is easy for the eyes to skim over the material without realizing the important information it contains. It had some slight grammatical and spelling errors, and the visual and stylistic elements needed a lot of attention.

I decided to make the document geared towards high school students because I felt that the information within the document was comprehensive enough to be understood and taught to young adults who are most susceptible to alcohol, drug, and substance abuse. I turned it into a multiple page handout with color, graphics, and pictures to hold the interest of a teenager. I added some extra text to make it more complete and to allow for a 'read aloud' type of document. By 'read aloud' I suggest that this document could be handed out in a classroom setting and the material could be read aloud by teachers and students as a learning tool.

I organized the information into a few separate sections: Alcohol, Intoxication, DUI, DUI Conviction, and Drug and Tobacco. I felt that the laws pertaining to alcohol covered more information than the drug and tobacco, so I divided it into sections that are logically easier to follow. At the end of the document I added a small review of the terms 'misdemeanor' and 'felony' and which types were covered in the handout. I thought this would clarify the severity of the violations and the accompanying punishments.

I was attentive to how I organized the content in terms of icons, photos, graphics, and text on the page. I avoided large blocks of text and changed the font color to be easier on the eyes and help direct attention to the most important parts of the text (like highlighting, except without the highlighter). I chose relevant icons, graphics, and photos for the handout as well as for each page and section of the handout.

I gave every page except the last interesting and relevant graphics, icons, and/or pictures to keep the mind engaged in the content. I excluded the final page because I wanted the focus to be on the section that reviews misdemeanors and felonies.

Sincerely,

Kimberly Voltaire



# High School Student Guide to Utah Law

ALCOHOL, DRUG, AND TOBACCO

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What You Should Know



# ALCOHOL

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The state of Utah takes the sale, distribution, and use and abuse of alcohol very seriously. It is important for young adults to understand the laws and regulations of purchasing and consuming alcohol, as well as the consequences of violations.

Alcohol purchase and consumption as an adult is permissible, however, **if you are under 21 years of age you are considered a "minor"**. Even as an adult, you must also be aware of what is and is not within the bounds of the law.

As a minor it is illegal to purchase, distribute, solicit another person to purchase or distribute, be in direct possession of, or consume alcohol.

Infringement on this law is considered a Class B misdemeanor and the maximum penalty includes one or all of the following:

- 6 months imprisonment,
- \$1,000 fine,
- Suspension of driver's license up to 1 year.

The **not-a-drop-law** states that it is illegal for a minor to operate a motor vehicle while under the influence of alcohol in any measurable amount. The penalty for the first offense is the suspension of the driver's license for 90 days, and upon the second offense (within 3 years), the driver's license is suspended for 1 year.

As an individual above the age of 21 years it is a Class A misdemeanor to sell or supply alcohol to a minor. The maximum penalty is 1 year imprisonment and/or a \$2,500 fine.



# INTOXICATION

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IT IS NOT AGAINST THE LAW IN UTAH TO BE INTOXICATED, HOWEVER, THERE ARE CERTAIN RESTRICTIONS IMPOSED ON INTOXICATED INDIVIDUALS AS WELL AS HOW YOU INTERACT WITH SOMEONE WHO IS INTOXICATED.

To purchase an alcoholic beverage, you need to show your driver's license or other legitimate identification as proof that you are of legal age (21) to purchase. It is illegal to transfer or use an identification card to:

- Procure alcoholic beverages,
- Gain admittance where alcohol is sold or consumed,
- Obtain employment that requires employees to handle alcoholic products.

The maximum penalty for violating this law is up to 6 months imprisonment and a fine of \$1,000. It is considered a Class B misdemeanor.

It is illegal to purchase alcohol while intoxicated, and it is illegal to sell or supply alcohol to intoxicated persons. The penalty is up to 6 months imprisonment and a fine of \$1,000.

It is illegal to drink in a public building, park, or stadium, or to be so intoxicated that you disturb or injure yourself or others. The penalty is considered a Class C misdemeanor, and you may be imprisoned for up to 90 days with a fine of \$750.

**Dram Shop liability** refers to any person who:

- Provides alcoholic beverages illegally to underage persons,
- Provides alcohol to someone who is intoxicated,
- Provides alcohol to someone who is under the influence of another substance or drugs.

# DRIVING UNDER THE INFLUENCE (DUI)

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It is illegal to drink and drive, but did you know that it is also illegal to consume any alcoholic beverage as a passenger in a motorized vehicle?

Whether the vehicle is moving, stopped, or parked, once an alcoholic beverage is open within the vehicle then the driver and any passengers within the vehicle can be arrested for possession. Violation of the open container law results in a Class B misdemeanor (6 months imprisonment and/or \$1,000 fine).

It is illegal to drive or be in physical control of a vehicle or motorboat, even when parked, while under the influence of alcohol, any illegal substance, the combined influence of alcohol and any illegal substance, or any drug or substance if impaired.

Law enforcement may stop any driver if they have reasonable cause to suspect that they are driving under the influence of alcohol or drugs. When you operate any vehicle in Utah you are also consenting to a blood alcohol content (BAC) test. If your BAC level is .08 or higher, or if law enforcement decides you are impaired, then your driver's license will be confiscated and a DUI charge will be issued.

You have the right to refuse a BAC test, but the consequence for doing so is the revoking of your driver's license for 1 year, a \$50 - \$200 reinstatement fee upon assessment, and if you are convicted of a DUI then you will have an alcohol restricted driver's license issued to you.



# DUI CONVICTION

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## First DUI conviction in which no one is injured:

- Up to 6 months imprisonment, and/or \$1,000 fine,
- Mandatory 48 - 240 hours in jail held in the drunk tank or 24 - 50 hours of community service,
- Mandatory assessment and participation in educational programs at a licensed alcohol rehabilitation facility,
- Suspension of driver's license for 90 days or more,
- Payment of \$100 to the victim restitution fund.

If the driver is 21 or older with passengers 18 or younger, or if the driver is under 21 with passengers under 16, the charge is raised to a Class A misdemeanor and the suspension of the driver's license is extended for up to 2 years. An alcohol restricted driver's license is then issued for 5 - 10 years.

You can expect the first DUI conviction to cost up to \$10,000.

## If the DUI results in an injury:

- Up to 1 year imprisonment and a \$2,500 fine,
- Lawsuit filed by the injured party.

## A court-ordered, supervised, offender-paid probation is imposed if:

- The driver is convicted of a DUI with a BAC of .16 or higher,
- Has a prior DUI conviction within the past 6 years,
- And/or the DUI involves another substance such as a drug.



# DUI CONVICTION

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Upon the second and third DUI conviction, within 6 years of the first, the penalties increase in severity, with further alcohol and drug treatment and driver's license suspension for longer periods.

Once an offender becomes convicted of a felony DUI offense, any subsequent DUI offense is also a felony; the window counting prior DUI offenses is 10 years.

It is illegal to operate or control a vehicle with any measurable amount of alcohol in the body for an alcohol restricted driver.

What would cause you to be considered an alcohol restricted driver?

Anyone that is convicted of a DUI, any other alcohol or drug related driving incidents, or refusal to submit a BAC test will be issued an alcohol restricted driver's license for 5 - 10 years. This is considered a Class B misdemeanor.

If death occurs, the DUI is now a third degree felony and the driver will be charged with automobile homicide.

This carries a sentence of up to 6 years in the state prison and a fine of up to \$5,000. The driver's license is automatically revoked for 1 year.

**All penalties  
enhance one degree  
if the incident  
occurs within 1,000  
feet of a school,  
church, stadium,  
theater, or sports  
complex.**



# DRUG AND TOBACCO

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Tobacco use and certain substances are permitted in the state of Utah. Just like with alcohol, though, certain restrictions and laws still apply to the purchase and use of drugs and tobacco.



# DRUG AND TOBACCO LAW

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You must be 19 to buy, use, or possess any tobacco product in the state of Utah. It is illegal to sell or furnish any tobacco product to any person under 19. The penalty for violating this law is a fine of up to \$750.

It is a criminal offense for a person to surreptitiously or by means of fraud, deception, or misrepresentation to cause another person to unknowingly consume or receive the administration of any poisonous, deleterious, or controlled substance or any alcoholic beverage. Penalties for the violation of this law are:

- Charged with a second-degree felony if the substance is a poisonous substance, regardless of whether it is a controlled substance or a prescription drug,

- Charged with a third-degree felony if the substance is not within the scope of (1) and is a controlled substance or a prescription drug,

- Charged with a Class A misdemeanor if the substance is a deleterious substance or an alcoholic beverage.

You may not obtain or distribute drugs or tobacco under false pretenses, with the penalty being considered a third degree felony, with up to 5 years imprisonment and/or a \$5,000 fine.

It is within the scope of the law that law enforcement may confiscate property used in connection to controlled substances.

# DRUG AND TOBACCO LAW

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Prohibited acts occurring in public or private school-related sites or with minors carry a punishment of one degree greater than regular maximum penalty.

It is against the law to obtain or distribute tobacco or drugs under false pretenses. Violation is considered a third degree felony and has a maximum penalty of 5 years imprisonment and/or a \$5,000 fine.

The possession or use of imitation controlled substances is illegal and is a misdemeanor. The penalty is 90 days imprisonment and/or a \$750 fine.

The manufacture or sale of imitation controlled substances is illegal and considered a Class C misdemeanor. The maximum penalty is 1 year imprisonment and/or a \$2,500 fine.

You may not possess or sell drug-related paraphernalia. It is a third degree felony to do so and carries a maximum penalty of 5 years imprisonment and/or a \$5,000 fine.

The sale or use of inhalants to get high is prohibited in Utah. It is a misdemeanor with a maximum penalty of up to 6 months imprisonment and/or a \$1,000 fine.

## Review of terms and penalties

A **misdemeanor** is a minor wrongdoing, and there are 3 types covered in this handout:

- Class A; up to 1 year imprisonment and \$2,500 fine,
- Class B; up to 6 months imprisonment and \$1,000 fine,
- Class C; up to 9 days imprisonment and \$750 fine.

A **felony** is more serious than a misdemeanor and is considered a major crime. There are two types covered in this handout:

- Second degree felony; 1 - 15 years imprisonment and \$10,000 fine
- Third degree felony; 0 - 5 years imprisonment and \$5,000 fine.