
Alcohol and the Law

Introduction

We all know underage drinking has been linked to health and social problems, but teenagers from across Alberta are curious to know what are some of the more common legal consequences teens might face?

In this activity, we're going to explore what we already know about alcohol, what the law says about it, and find out what we need to know. Let's begin with a discussion.

Group Discussion

As a class or in small groups, discuss the following questions.

- 1) We all know someone who has been affected by the consequences of alcohol consumption. Without giving names or other identifying information, talk about a situation where alcohol was involved. What happened to the people involved? What were the legal consequences?
- 2) On a separate sheet of paper or on the back of this sheet, make a list of the possible consequences of misuse of alcohol.
- 3) Why do you think we have so many laws that regulate how we use alcohol?

Research Project: Legal History of Alcohol in Canada

Alcohol has not always been legal. The United States and Canada have both had periods where alcohol was banned or tightly controlled.

Do some research in your library or online, and find out the answers to the following questions. Record your findings in a separate document and share it with the rest of the class. Ask your teacher or librarian if you need help with your research.

- 1) One of the major forces behind most early alcohol legislation in Canada was the Temperance movement. What was it and why did they want alcohol banned or controlled?
- 2) Many of us are familiar with Prohibition in the United States, mainly from movies. Canada had its own period of Prohibition. When was it? Why did it start? Why did it end in some places? In what parts of Canada is it still in effect?
- 3) How is alcohol regulated in Alberta and Canada today?

4) Is it illegal if my parents give me a glass of wine with Christmas dinner?

5) What would happen if I were stopped for being drunk in public?

6) I know impaired driving is a serious offence, but what's the worst that could happen?

Once you've given your answers to all the questions, turn to the next section to see what the law says!

Q & A: The Answers

Here are the answers to the questions from the previous section, including excerpts from the actual legislation. See how close you came to the actual answers.

1) If I'm under 18 and caught in possession of alcohol, what are the consequences?

Naturally, your liquor will be confiscated. You could also be issued a \$115 ticket (sometimes commonly called a "liquor ticket") under section 87(1) of the Alberta Gaming and Liquor Act:

Minors

87(1) Subject to subsection (3) and section 88, no minor may

- (a) purchase or attempt to purchase liquor;
- (b) obtain or attempt to obtain liquor;
- (c) possess or consume liquor.

2) What could happen if I tried to buy liquor with a fake ID?

A person attempting to purchase alcohol with a fake ID could be charged under Section 403 of the Criminal Code, Identity Fraud.

Identity fraud

403. (1) Everyone commits an offence who fraudulently personates another person, living or dead,

- (a) with intent to gain advantage for themselves or another person;
- (b) with intent to obtain any property or an interest in any property;
- (c) with intent to cause disadvantage to the person being personated or another person; or
- (d) with intent to avoid arrest or prosecution or to obstruct, pervert or defeat the course of justice.

Clarification

(2) For the purposes of subsection (1), personating a person includes pretending to be the person or using the person's identity information – whether by itself or in combination with identity information pertaining to any person – as if it pertains to the person using it.

Punishment

(3) Everyone who commits an offence under subsection (1)

- (a) is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years; or
- (b) is guilty of an offence punishable on summary conviction.

Minors (between the ages of 12 and 17) who are charged with criminal offences are mainly dealt with under the Youth Criminal Justice Act, which aims to rehabilitate youth before they enter the adult legal

system. As a result, the penalties can include probation, community service work, or a fine. In very narrow and specific circumstances, a convicted youth could receive an adult sentence.

Other provinces, such as British Columbia, have recently introduced fines for minors attempting to purchase alcohol under false pretences. The fine is currently \$115.

3) What are the consequences for the bar or liquor store if they are caught selling alcohol to minors?

The business would be guilty of an offence Under Section 74(5) of the Alberta Gaming and Liquor Act. The consequences of this action vary, but can result in thousands of dollars in fines for the business, a prison term for the convicted person, or both.

74(5) If a person makes a request for identification under subsection (1) or (4) and the person who appears to be a minor fails to produce identification that is satisfactory to the person making the request, the liquor licensee must

- (a) not serve liquor to that person, and
- (b) refuse the person entry or ask the person to leave if the licence prohibits a minor from entering and being in those licensed premises.

4) Is it illegal if my parents give me a glass of wine with Christmas dinner?

No, as long the alcohol was given to you by a parent or guardian according to Section 87(3) of Alberta Gaming and Liquor Act.

Minors

87(3) An adult who is the parent, guardian or spouse or adult interdependent partner of a minor and who is in lawful possession of liquor may give the liquor to a minor in a residence or a temporary residence.

5) What would happen if I were stopped for being drunk in public?

A: It depends. In some cases, the police may decide to send you home, or take you home themselves, or you may be detained overnight and released in the morning. However, if you were intoxicated and unruly, additional charges may be brought against you, such as Section 175 of the Criminal Code, Disorderly Conduct (Causing Disturbance).

Causing disturbance, indecent exhibition, loitering, etc.

175. (1) Every one who

(a) not being in a dwelling-house, causes a disturbance in or near a public place,

(i) by fighting, screaming, shouting, swearing, singing or using insulting or obscene language,

(ii) by being drunk, or

(iii) by impeding or molesting other persons,

(b) openly exposes or exhibits an indecent exhibition in a public place,

(c) loiters in a public place and in any way obstructs persons who are in that place, or

(d) disturbs the peace and quiet of the occupants of a dwelling-house by discharging firearms or by other disorderly conduct in a public place or who, not being an occupant of a dwelling-house comprised in a particular building or structure, disturbs the peace and quiet of the occupants of a dwelling-house comprised in the building or structure by discharging firearms or by other disorderly conduct in any part of a building or structure to which, at the time of such conduct, the occupants of two or more dwelling-houses comprised in the building or structure have access as of right or by invitation, express or implied,

is guilty of an offence punishable on summary conviction.

Again, sentencing varies, and may be considered in relation to other charges.

6) *I know impaired driving is a serious offence, but what's the worst that could happen?*

Unfortunately there is no simple answer to this question. Every situation is different. Under the Youth Criminal Justice Act (YCJA), which covers anyone aged 12-17, you'll be treated differently than an adult. Penalties can include probation, community service work, or a fine.

In Alberta, a youth convicted of impaired driving is also subject to a mandatory licence suspension, the length of which is determined by the number of previous convictions.

However, you should know what the consequences for an adult can be, if for no other reason than someday, you will be subject to adult law.

First, adults could be sentenced under sections 253 and 254 of the Criminal Code.

Operation while impaired

253. (1) Every one commits an offence who operates a motor vehicle or vessel or operates or assists in the operation of an aircraft or of railway equipment or has the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not,

(a) while the person's ability to operate the vehicle, vessel, aircraft or railway equipment is impaired by alcohol or a drug; or

(b) having consumed alcohol in such a quantity that the concentration in the person's blood exceeds

eighty milligrams of alcohol in one hundred millilitres of blood.

Additional charges may be laid on failure to provide a breath or blood sample, or if someone is injured by the impaired driver.

Failure or refusal to provide sample – bodily harm

255.(2.2) Everyone who commits an offence under subsection 254(5) and, at the time of committing the offence, knows or ought to know that their operation of the motor vehicle, vessel, aircraft or railway equipment, their assistance in the operation of the aircraft or railway equipment or their care or control of the motor vehicle, vessel, aircraft or railway equipment caused an accident resulting in bodily harm to another person is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years.

If convicted of impaired driving as an adult, you may face a fine of up to \$1,000 and up to five years in prison. In the case of subsequent convictions, the punishment escalates.

Punishment

255. (1) Every one who commits an offence under section 253 or 254 is guilty of an indictable offence or an offence punishable on summary conviction and is liable,

- (a) whether the offence is prosecuted by indictment or punishable on summary conviction, to the following minimum punishment, namely,
 - (i) for a first offence, to a fine of not less than \$1,000,
 - (ii) for a second offence, to imprisonment for not less than 30 days, and
 - (iii) for each subsequent offence, to imprisonment for not less than 120 days;
- (b) where the offence is prosecuted by indictment, to imprisonment for a term not exceeding five years; and
- (c) if the offence is punishable on summary conviction, to imprisonment for a term of not more than 18 months.

All drivers in Alberta – youths and adults – are subject to Section 83(1) of the Alberta Traffic Safety Act. For a first offence, your licence will automatically be suspended for a year. For a second conviction, the suspension is three years, and for a third, five years.

Disqualification for impaired driving

83(1) When a person is found guilty under section 253 or 254 of the Criminal Code (Canada) anywhere in Canada, that person on being found guilty becomes disqualified from driving a motor vehicle for a period of one year from the day of the finding of guilt.

In more serious cases of impaired driving causing injury or impaired driving causing death, in accordance with Section 255(3) of the Criminal Code, an adult can be sentenced to life in prison. There is also a mandatory five-year licence suspension under Section 83(3) of the Alberta Safety Act.

Impaired driving causing death

(3) Everyone who commits an offence under paragraph 253(1)(a) and causes the death of another person as a result is guilty of an indictable offence and liable to imprisonment for life.

Traffic Safety Act (Alberta)

(3) Notwithstanding anything in this section, when a person

(a) is found guilty under section 253 or 254 of the Criminal Code (Canada) anywhere in Canada, and

(b) has, in the preceding 10 years, been found guilty of

(i) 2 offences under section 253 or 254 of the Criminal Code (Canada), or

(ii) one offence under section 253 of the Criminal Code (Canada) and one offence under section 254 of the Criminal Code (Canada)

anywhere in Canada, unless those 2 offences arose out of the same incident, that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

There are equally serious charges under the same section for failing or refusing to provide a breath or blood sample in cases of impaired driving causing death.

Failure or refusal to provide sample – death

(3.2) Everyone who commits an offence under subsection 254(5) and, at the time of committing the offence, knows or ought to know that their operation of the motor vehicle, vessel, aircraft or railway equipment, their assistance in the operation of the aircraft or railway equipment or their care or control of the motor vehicle, vessel, aircraft or railway equipment caused an accident resulting in the death of another person, or in bodily harm to another person whose death ensues, is guilty of an indictable offence and liable to imprisonment for life.

There are no legal consequences for passengers in the vehicle of an impaired driver, regardless of age. They are at risk of injury or death however, which in a sense are worse consequences, since they occur in spite of having committed no offence.

Pop Quiz

It's time to see what you've learned. Here's a quick quiz.

- 1) What is the fine for Albertans under the age of 18 found in possession of alcohol?
 - A. \$50
 - B. \$85
 - C. \$115
 - D. There is no fine

- 2) In Alberta, what could happen if you try to purchase liquor with a fake ID?
 - A. A \$115 fine
 - B. A criminal charge of Personation with Intent
 - C. Neither
 - D. Both

- 3) Can bars and liquor stores be charged for serving alcohol to minors?
 - A. Yes, with a charge under the Criminal Code of Canada
 - B. Yes, under the Alberta Liquor and Gaming Act
 - C. Yes, under the Criminal Code of Canada and the Alberta Liquor and Gaming Act
 - D. No, the responsibility is with the minor

- 4) If you're stopped for public intoxication by the police, what is most likely to happen to you?
 - A. Possibly detained overnight and released in the morning
 - B. A fine under the Alberta Liquor and Gaming Act
 - C. A Criminal Code charge
 - D. Nothing

- 5) What is the punishment for a first conviction for impaired driving?
- A. Suspension of licence for one year
 - B. Jail time not exceeding 18 months or five years
 - C. A fine up to \$1,000
 - D. All of the above
- 6) What can happen to me if I'm a passenger in the car of an impaired driver?
- A. Nothing
 - B. No legal consequences
 - C. No legal consequences, but you are at risk for injury or death
 - D. You can be charged for not stopping the impaired driver
- 7) What can happen to me if I'm a passenger in a car driven by an impaired driver?
- A. Nothing
 - B. No legal consequences
 - C. No legal consequences, but you are at risk for injury or death
 - D. You can be charged for not stopping the impaired driver
- 8) Under Alberta's Traffic Safety Act, how long is your driver's licence suspended for a second conviction of impaired driving?
- A. 1 year
 - B. 2 years
 - C. 5 years
 - D. None, youth are exempt from licence suspensions under law

How did you do? Answers to the quiz are on the last page.

Conclusion

Laws are made to protect us. It's important to be familiar with them, so we can avoid getting in trouble with them unnecessarily. But it's also important to look at the reasons behind the laws, and what they are meant to protect. If we all understand the intent behind laws, we can work towards making our city, our province and our country a better place to live.

Resources

Here are some useful sources of information.

Glossary

Youth Criminal Justice Act (YCJA): Enacted in 2003, the Youth Criminal Justice Act covers the prosecution of youth (ages 12-17) for criminal offences.

Criminal Code of Canada (CCC): First enacted in 1892, the Criminal Code of Canada is the codification of most of the criminal offences and procedure in Canada.

Alberta Gaming and Liquor Act: An Act enacted by the Government of Alberta that contains laws concerning liquor and gaming in Alberta. Administered by the Alberta Gaming and Liquor Commission (AGLC), created in 1996.

Alberta Traffic Safety Act: An Act enacted in 2001 by the Government of Alberta that contains laws and regulations concerning traffic safety in Alberta.

Summary Conviction Offence: An offence considered less serious under the law, because it is punishable by a short prison sentence or a small fine. Trials for these types of offences are usually conducted by a judge alone.

Indictable Conviction Offence: An offence considered more serious than a summary conviction offence. Most indictable conviction offences are punishable by large fines and long prison sentences. A person charged with some indictable conviction offences has the option to be tried by judge and jury.

Crime & Punishment – Quick Reference

The Crime	Possible Consequences
Possession of alcohol	<ul style="list-style-type: none">\$115 fine

The Crime	Possible Consequences
Attempting to purchase alcohol with a fake ID	<ul style="list-style-type: none"> • Section 403 criminal charge of Personation with Intent
Public intoxication	<ul style="list-style-type: none"> • Overnight detainment and/or • Section 175 criminal charge of disorderly conduct (causing disturbance)
Impaired driving	<ul style="list-style-type: none"> • Criminal charges under Section 253 or 254 • Prosecution under Section 83(1) of the Alberta Traffic Safety Act • Loss of licence for a year for first-time offenders, a 3-year ban for second-time offenders, and a 5-year ban for third-time offenders
Impaired driving causing bodily harm	<ul style="list-style-type: none"> • Criminal charges under Section 253(1), punishable by up to 10 years in prison • Prosecution under Section 83(3) of the Alberta Traffic Safety Act which carries a mandatory five-year loss of licence
Failure to provide sample – impaired driving causing bodily harm	<ul style="list-style-type: none"> • Criminal charges under Section 253(1), punishable by up to 10 years in prison • Prosecution under Section 83 of the Alberta Traffic Safety Act
Impaired driving causing death	<ul style="list-style-type: none"> • Criminal charges under Section 253(1), punishable by up to life in prison • Prosecution under Section 83(3) of the Alberta Traffic Safety Act which carries a mandatory five-year loss of licence
Failure to provide sample – impaired driving causing death	<ul style="list-style-type: none"> • Criminal charges under Section 253(1), punishable by up to life in prison • Prosecution under Section 83(3) of the Alberta Traffic Safety Act •

Internet Links

Youth Criminal Justice Act

<http://laws.justice.gc.ca/en/Y-1.5/index.html>

Alberta Traffic Safety Act

<http://www.qp.alberta.ca/> (Search for: Traffic Safety Act)

Alberta Liquor and Gaming Act

<http://www.qp.alberta.ca/> (Search for: Liquor and Gaming Act)

The Criminal Code of Canada

<http://laws.justice.gc.ca/en/C-46>

[P.A.R.T.Y. Program](#) (Prevent Alcohol and Risk-Related Trauma in Youth)

“The PARTY Program encourages grade nine youth to look at risk-taking and the use of alcohol, and examine the realities and impact of drinking and driving. Partners include RCMP, Victim Services, local schools, a variety of community volunteers, Healthcare Centre staff and Health Promotion Services staff.” The site has plenty of useful information. For local activities, Alberta Health Services maintains [a list](#) of Alberta-based programs and contact information.

[Change the Conversation – Alberta offender programs and penalties](#)

[Change the Conversation – Penalties for young impaired drivers](#)

[The Canadian Encyclopedia: Prohibition](#)



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POP QUIZ ANSWERS: 1-C, 2-B, 3-B, 4-A, 5-D, 6-C, 7-C, 8-B