

**OPINION**  
**42-67**

September 19, 1942            (OPINION)

LIQUORS

RE: Powers of Municipalities to Prohibit giving to minors by parents.

I have your letter of September 17th, requesting my opinion on several matters.

You first inquire whether the village trustees have the authority to prohibit the giving away or treating of beer to minor children by their parents or guardian.

Under the so-called Beer Act, the governing board of a village has the authority to regulate the sale of beer at retail within the village. No provision is found prohibiting the giving away of beer by parent or guardian to minors. Under our general law the treating or giving of intoxicating liquor to minors "by any person other than the father, mother, or guardian of such minor or any physician for medical purposes. shall be unlawful." This would indicate that there is no statutory prohibition against the giving of beer to minors by parent or guardian. I believe, however, that the people of any community do not have to stand by and watch parents make drunkards of their children. If you have a situation where parents are openly and frequently giving beer or other intoxicating liquor to their minor children, I would suggest that intoxicating liquor to their minor children, I would suggest that this situation be reported to the Juvenile Commissioner in your district and the matter brought to the attention of the District Court. So far as I know, that is the only way that this matter can be handled.

Your second question is, "Has the village the authority to adopt an ordinance prohibiting minors entering upon premises where liquor is sold, for the purpose of purchasing candy, pop, or other confection?"

Under the state Beer Law and under the so-called Liquor Control Act, the village has authority to regulate the business of retail sale of beer and liquor. If an ordinance is duly passed, it is my opinion that the village can in that way prohibit minors from entering on the premises where liquor or beer is sold. We have a statute making it unlawful for any owner of a pool or billiard hall or a saloon or any place where pool, billiards, or cards are played, to allow any person under the age of eighteen or any person attending a local high school to either play any of the games mentioned or to be employed in such place, or to be allowed to visit such place unless accompanied by parent or guardian. That statute, in itself, would appear to be broad enough to prohibit minors from entering a place where liquor is sold. Aside from that, however, there is no question but what the village board has the authority to adopt an ordinance prohibiting minors from entering upon premises where beer or liquor is sold.

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