

**OPINION  
45-161**

August 9, 1945 (OPINION)

INTOXICATING LIQUOR

RE: Sales to Minors - Hours of Sale

This will acknowledge your letter of August 2, 1945, in which you ask for the law concerning beer parlors and liquor establishments, particularly as to hours and whom they serve. You also want to be advised whether minors may be permitted in a liquor establishment if accompanied by parents.

Chapter 52 of the 1945 Session Laws prohibits the sale of beer or alcohol and alcoholic beverages to any person under the age of twenty-one years, incompetent person, Indian as defined by federal law, or a person who is an inebriate, or habitual drunkard.

Chapter 49 of the 1945 Session Laws makes it unlawful for any place licensed to sell beer or alcohol and alcoholic beverages to sell, give away, or permit to be consumed in such place, any beer or alcohol and alcoholic beverages between the hours of one o'clock a.m., and eight o'clock a.m.

Chapter 50 of the 1945 Session Laws states that no person under the age of twenty-one years shall be permitted in a room wherein is operated or maintained a bar on or over which beer or alcohol and alcoholic beverages are sold, furnished, or distributed.

You will thus notice that under the present statutes, no one under the age of twenty-one years is allowed or permitted in a room wherein is operated and maintained a bar on or over which beer or alcohol and alcoholic beverages are sold. This does include all persons under twenty-one years of age whether they be in the uniform of our country or not. The law further prohibits anyone under the age of twenty-one years to be in any of these places, although accompanied by parents. The parents cannot give their children the right to break the law nor can they, by their consent, give immunity to any licensee for a breach of the law if he allows minors under twenty-one years of age, although accompanied by their parents, to remain in his place of business.

A strict interpretation of section 4 of chapter 50 of the 1945 Session Laws would perhaps eliminate youngsters under twenty-one years of age from even going into a liquor establishment in which is maintained a bar to buy candy bars or ice cream, but in view of the fact that in many of the smaller towns it is perhaps difficult to get these things without buying them in a liquor place, we feel that the law must be interpreted to mean that they shall not be permitted to loaf or loiter in a room wherein is sold beer or alcohol and alcoholic beverages over a bar, and that if a youngster merely steps into such a place and buys a candy bar or ice cream and departs immediately, or buys a soft drink and departs, that would not constitute a violation of the statutes. We think the intent of the legislative assembly was to eliminate youngsters under twenty-one

years of age from remaining in such a place, loafing or loitering therein.

I trust that this answers your inquiry.

NELS G. JOHNSON

Attorney General