

## § 12 Definitions

- (1) The protection of minors supports the parents and other legal guardians in the exercise of their responsibilities. Legal guardians and attendants are responsible for imposing restrictions on young people within the limits of this act, which are required by the level of development of young people on a case-by-case basis.
- (2) Guardians and accompanying persons shall use the means at their disposal to ensure that the young people they supervise comply with the youth protection provisions.

## § 14 Responsibility of the legal guardians and attendants

- (1) The protection of minors supports the parents and other legal guardians in the exercise of their responsibilities. Legal guardians and attendants are responsible for imposing restrictions on young people within the limits of this act, which are required by the level of development of young people on a case-by-case basis.
- (2) Guardians and accompanying persons shall use the means at their disposal to ensure that the young people they supervise comply with the youth protection provisions.

## § 15 Stay in generally accessible places

- (1) For young people until the age of 14 years, the stay in generally accessible places and the attendance of public events is only allowed in the period from 5.00 am to 11.00 pm and until the age of 16 years only in the time of 5.00 am until 1.00 am.
- (2) Further than that, young people under the age of 16 are only allowed to be in generally accessible places or to attend public events when accompanied by legal guardians or attendants or if there is a justifiable cause.
- (3) In particular, such public places are public roads and squares, public transport, schools, businesses, restaurants and other places such as club pubs or taverns, as far as not determined differently in the following provisions of this act.

## § 16 Access restrictions

- (1) Young people are not allowed to enter and stay in premises where prostitution is initiated or practiced, or where pornographic performances are performed, such as in peepshows, video clubs, swinger clubs and night clubs, as well as in wine taverns and betting shops.
- (2) Young people up to the age of 14 years may not stay in gaming halls.
- (3) In addition, if it appears necessary to implement the objectives under § 11, the provincial government may

determine by regulation in which other premises and venues which, because of their nature, location, equipment or mode of operation, may endanger young people in their development, the access and stay of young people is prohibited

## § 18 Alcohol, tobacco and other smoke products, intoxicants and addictive substances

- (1) Young people under the age of 16 may not purchase, possess or consume alcoholic beverages (including mixed drinks) in generally accessible places and at public events.
- (2) Young people up to the age of 18 years may not acquire nor possess nor consume alcoholic beverages, if they are containing distilled alcohol (including mixed drinks), tobacco products and related products under the Tobacco and Nonsmoker Protection Act in generally accessible places and at public events. This regulation also covers the acquisition, possession and use of water pipes.
- (3) Alcoholic beverages as defined in paragraph 1 may not be offered nor made available (left over, donated, sold, given, passed on) to young people under the age of 16 years in generally accessible locations and at public events. The same applies to people under the age of 18 years regarding alcoholic beverages, tobacco products, related products and water pipes as defined in paragraph 2.
- (4) Young people may not possess, use or consume drugs and other substances which are capable of causing intoxication-like states, addiction, anesthesia or physical or mental states of excitement and which do not already come under the Narcotic Substances Act. This does not apply if their application is made by medical order for medical purposes.

## § 20 Obligations of entrepreneurs and organizers

- (1) Entrepreneurs and organizers, as well as their representatives, shall ensure, within the scope of their business or event, that the provisions of this act applicable to their activity or regulations issued under this act are observed by young people. For this purpose they have to take influence on young people in a reasonable way. This can be done in particular by information, determination of age, refusal of access, as well as expulsion from venues or premises.
- (2) Entrepreneurs and organizers, as well as their representatives, must in any case clearly indicate the restrictions under this act or under regulations pursuant to this act that apply to the business or the event in question.
- (3) In addition, the Provincial Government may, by regula-

tion, determine which indications of necessary restrictions in businesses, venues and premises or at events are to be affixed. It is also necessary to lay down in this regulation how the entrepreneurs and organizers, as well as their representatives, must affix such indications or otherwise announce them in a suitable manner.

## § 21 General duties

Without prejudice to the obligations under this part of the act, anyone is prohibited from committing acts or omissions which may cause the risk of neglect or developmental disability in young people or which allow young people transgressing the provisions of this part of the act or which cause such transgressions.

## § 22 Proof of age

Young people encountered in behavior that is not allowed under this act to young people of any age have to proof their age with, for example, a photo ID or the Lower Austrian Youth Card with the identification sign 1424 to

- a) the regulatory bodies entrusted with the enforcement of this act; and to
- b) the adults who could otherwise be guilty of a violation under this act.

## § 23 Legal consequences for young people

- (1) Young people who fail to comply with a requirement or prohibition of §§ 15 (1) or (2), 16 (1) or (2), 17, 18 (1) or (2) or (4), 19 (2), 21 or 22 or acting contrary to an regulation issued on the basis of § 16 (3), commit an administrative offense if the law does not constitute the behaviour as a criminal offense elsewhere.
- (2) Young persons who commit a transgression within the meaning of subparagraph (1) shall, if the fault is negligible and the consequences of the transgression are insignificant, be made aware of the unlawfulness of conduct by the public oversight bodies or be reported to the authority.
- (3) The authority may as a legal consequence
  - a) if it appears necessary for the implementation of the objectives according to § 11, but in any case of serious transgressions or in case of recurrence, impose the participation in an educational discussion up to a total duration of 3 hours with the responsible youth welfare organization or
  - b) if it is pedagogically appropriate, order the provision of social services, in particular assistance in the care of the disabled, elderly and sick, or in environmental protection measures, up to a total

duration of 24 hours. These have to be provided by the young people in their free time and may not last more than 6 hours daily.

- (4) In the event that the order according to subparagraph 3 lit. a is not complied with or if the ordered service according to subparagraph 3 lit.b is not or not fully performed, a penalty of up to € 200,- will be imposed.
- (5) A substitute-prison sentence shall not be imposed on young people.
- (6) The fines accrue to the federal state and are to be used for the purposes of youth promotion within the meaning of the first part of this act.

## § 24 Penalprovisions for adults

- (1) Persons who have reached the age of 18 years and who violate a bid or prohibition of §§ 14 (2), 18 (3), 19 (1) or (3) or 21 or contrary to a regulation on the basis of § 16 (3) or § 20 (3), commit an administrative offense, if the behaviour is not a criminal offense according to the law elsewhere, and shall be punished with a fine of up to € 700.-
- (2) Administrative offenses according to paragraph 1 committed with a view to profit, shall be punished with a fine of up to € 15.000,- and in the case of uncollectibility by a substitute imprisonment of up to 6 weeks.
- (3) Entrepreneurs, organizers, tradespeople or their representatives who, in the course of their work, violate the requirements of §§ 18 (3), 19 (1) or (3) or 20 (1) or (2) or who act contrary to a regulation on the basis of § 16 (3) or 20 (3), commit an administrative offense, if the behaviour is not a criminal offense according to the law elsewhere, and shall be punished with a fine of up to € 15.000,- and in the case of uncollectibility with a substitute imprisonment of up to 6 weeks.
- (4) Repeated administrative offenses committed by entrepreneurs, organizers, traders or their representatives shall be reported to the authority responsible for the withdrawal of the business license or for the withdrawal of the event license.
- (5) The attempt is punishable.
- (6) The fines accrue to the federal state and are to be used for the purposes of youth promotion within the meaning of the first part of this act.