

ICCPUD Community Engagement Webinar

“The Current Legal Landscape of Underage Drinking”



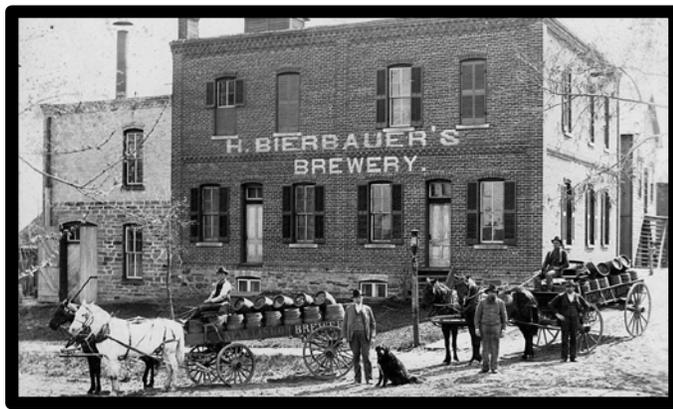
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Pre-Prohibition

- Alcohol consumption in the U.S. was on the rise.
- As a result, drinkers and their families suffered many alcohol-related harms.
- Saloons increased in number and in importance.





Brewers



Distributors



Saloons

Vertical Integration of the Alcohol Industry



Prohibition & Repeal

➤ 1919 – 18th Amendment: Prohibition

- “... Sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.”

➤ 1933 – 21st Amendment: Repeal of Prohibition

- “Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Three-Tier System

Manufacturers



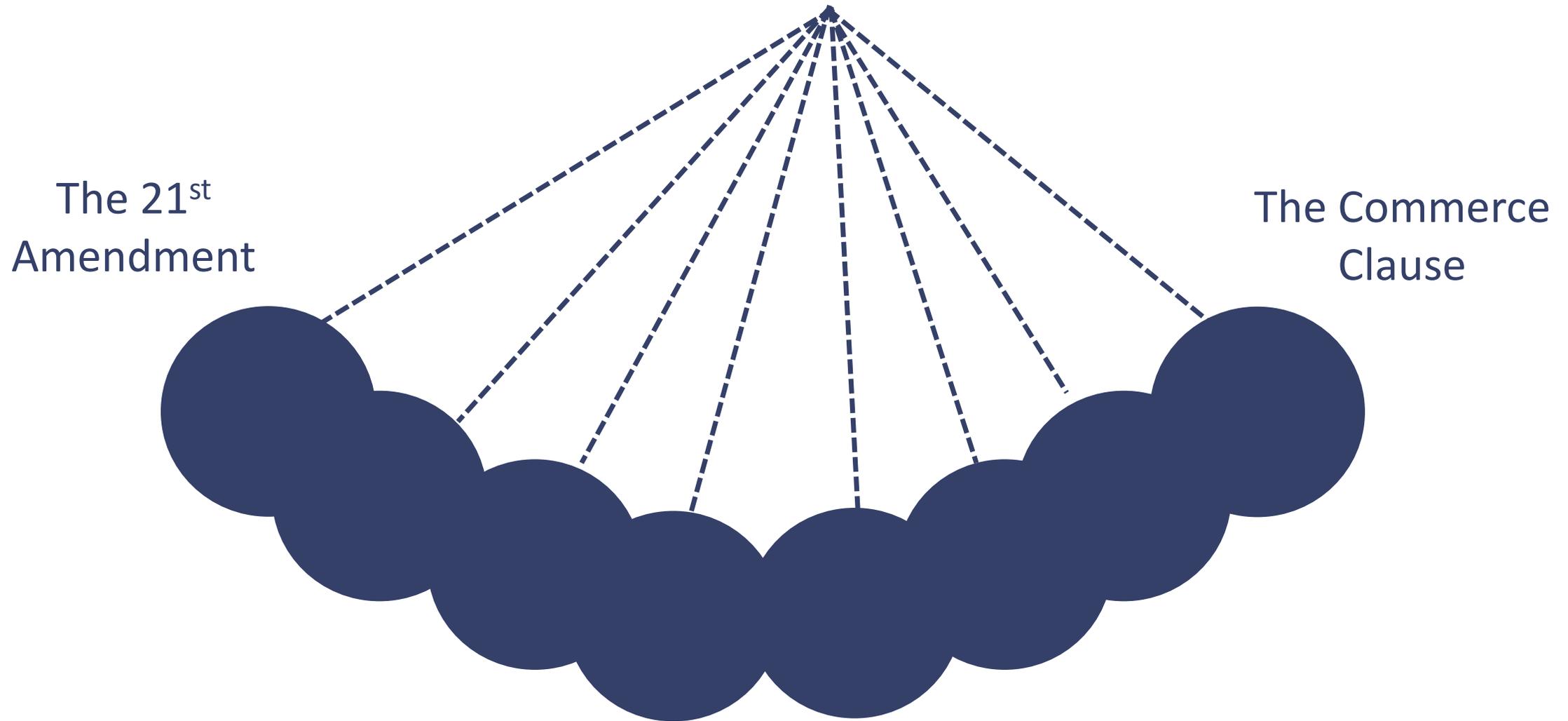
Wholesalers



Retailers



The U.S. Supreme Court & State Alcohol Regulation



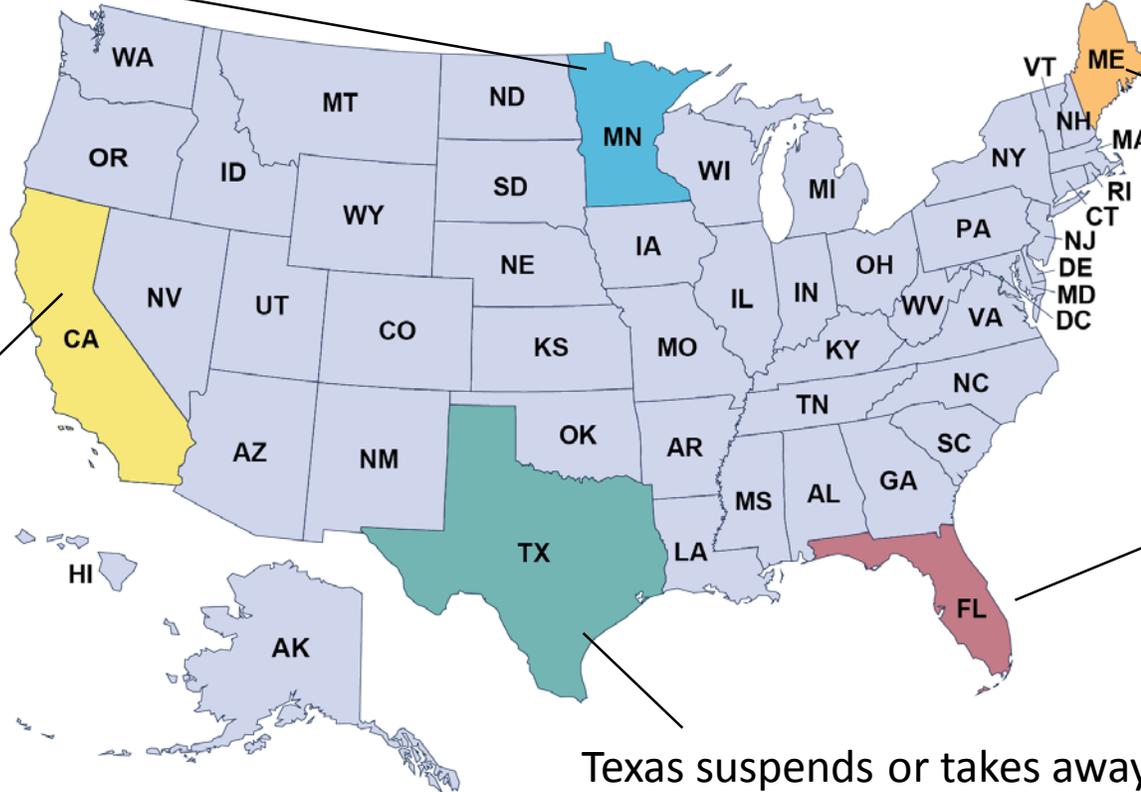
Granholm v. Heald

- Supreme Court decided *Granholm v. Heald* in 2005
- Overturned state laws that permit in-state, but prohibit out-of-state wineries from directly shipping to consumers



Sample Underage Drinking Policies Across the U.S.

Minnesota limits alcohol outlets (such as bars and liquor stores) near schools.



Maine prohibits people under age 21 from drinking alcoholic beverages except at home with their parent or guardian.

California bans the sale of high-proof grain alcohol and similar beverages.

Florida imposes criminal liability on people over age 18 who host underage drinking parties.

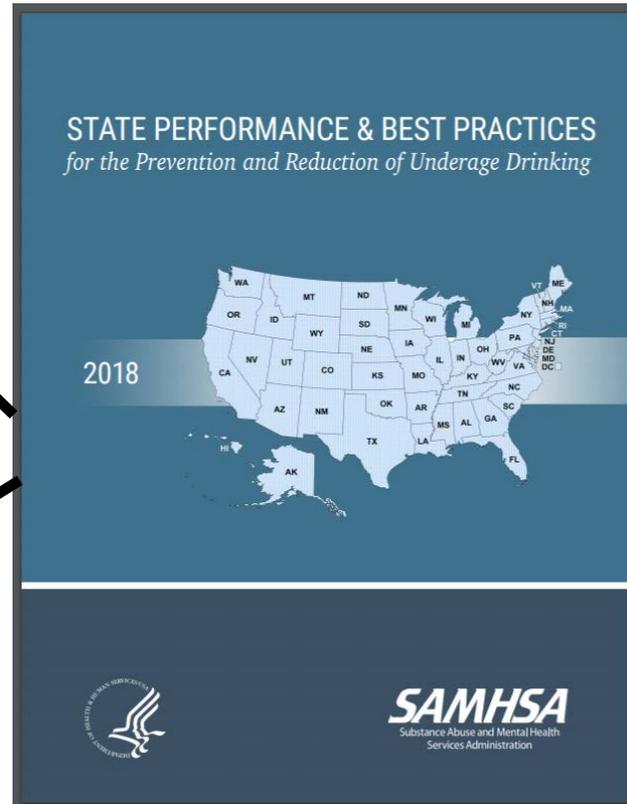
Texas suspends or takes away the driver's license of a person under the age of 21 who is caught drinking, possessing, or purchasing alcohol.

State Performance & Best Practices (SPBP) Report

Laws Addressing
Minors in Possession
of Alcohol (5)

Laws Targeting
Alcohol
Suppliers (15)

Laws Targeting
Underage Drinking
& Driving (3)



Laws Affecting
Alcohol Pricing (3)

26 Evidence-Based Legal Policies

Tennessee Wine & Spirits Retailers Assn. (TWSRA) v. Thomas

- Supreme Court decided TWSRA v. Thomas in 2019
- Overturned Tennessee's durational residency requirement b/c while states have the power to regulate alcohol, they may not discriminate against out-of-state interests in doing so



Potential Consequences

1. In the immediate future, states will abandon durational residence requirements leading to an increase in out-of-state alcohol retailers offering alcohol at lower prices.
2. State courts will have to decide how to interpret this decision and apply it to current alcohol shipping cases.
3. Members of the alcohol industry will likely use this decision as the basis for challenging other alcohol-related public health laws.
 - This may lead to an erosion of the three-tier system.

Direct-to-Consumer Sales & Shipping of Alcohol

➤ Increased direct-to-consumer sales & shipping of alcohol

1.



New legislation as tracked in the STOP Act State Performance and Best Practices Report



2.



Uniform Law Commission
Better Laws. Stronger States.

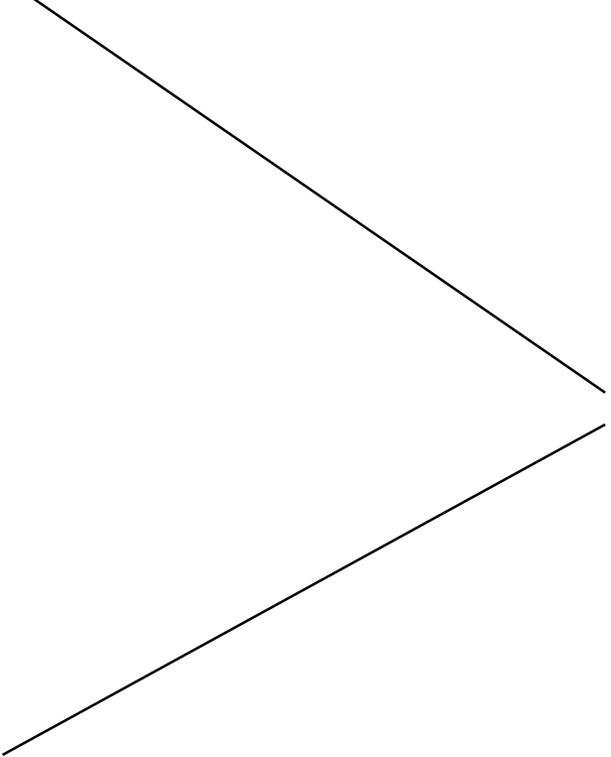


Efforts by the Uniform Law Commission (ULC)

3. Job posting by major online retailer

Moving Forward: What Can Be Done?

1. Train
2. Track
3. Test
4. Translate



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4 T's

Any Questions?



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