

Policy Summary

Underage Purchase and Attempted Purchase

This policy summary is excerpted from:

The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking

submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:

<https://www.stopalcoholabuse.gov>

Underage Purchase and Attempted Purchase

Policy Description

Most states, but not all, prohibit minors from purchasing or attempting to purchase alcoholic beverages. A minor purchasing alcoholic beverages can be prosecuted for possession because, arguably, a sale cannot be completed until there is possession on the part of the purchaser. Purchase and possession are nevertheless separate offenses. A minor who purchases alcoholic beverages is potentially liable for two offenses in states that have both prohibitions. See the “Underage Possession/Internal Possession/Consumption” section of this report for further discussion.³⁵ A significant minority of youths purchase or attempt to purchase alcohol for themselves, sometimes using falsified identification (see the “False Identification” section of this report).

Such purchases increase the availability of alcohol to underage persons, which, in turn, increases underage consumption. Prohibitions and associated sanctions on alcohol purchases by underage persons can be expected to depress rates of purchase and attempted purchase by raising the monetary and social costs of this behavior. Such laws provide a primary deterrent (preventing attempted purchases) and a secondary deterrent (reducing the probability that persons sanctioned under these laws will attempt to purchase in the future).

In some states, a person under age 21 is allowed to purchase alcoholic beverages as part of a law enforcement action. Most commonly, these actions are checks on merchant compliance or stings to identify merchants who illegally sell alcoholic beverages to minors. This allowance for purchase in the law enforcement context may exist even though a state does not have a law specifically prohibiting underage purchase.

Status of Underage Purchasing Policies

As of January 1, 2012, 46 states and the District of Columbia prohibit underage purchase or attempted purchase of alcohol; the remaining 4 states (Delaware, Indiana, New York, and Vermont) do not (see Exhibit 4.3.7). Underage persons are allowed to purchase alcohol for law enforcement purposes in 23 states including Indiana, even though Indiana does not have an underage purchase statute. The three other states without underage purchase statutes have no allowances for such purchases made for law enforcement purposes.

Trends in Underage Purchasing Policies

Since 1998, the number of jurisdictions prohibiting underage purchase of alcohol has remained the same (47). During that period, the number of states with allowances for underage purchase for enforcement purposes has steadily increased, from 9 in 1998 to 22 in 2012 (Exhibit 4.3.8).

³⁵ Some states have laws that specifically prohibit both underage purchase and attempted purchase of alcohol. An attempted purchase occurs when a minor takes concrete steps toward committing the offense of purchasing whether or not the purchase is consummated. It is likely that courts in states that only include the purchase prohibition in their statutes would treat attempted purchase as a lesser included offense. It can, therefore, be assumed that all states that prohibit purchase also prohibit attempted purchases. The two offenses are therefore not treated separately in this report.

**Exhibit 4.3.7: Underage Purchase of Alcohol for Law Enforcement Purposes
as of January 1, 2012**

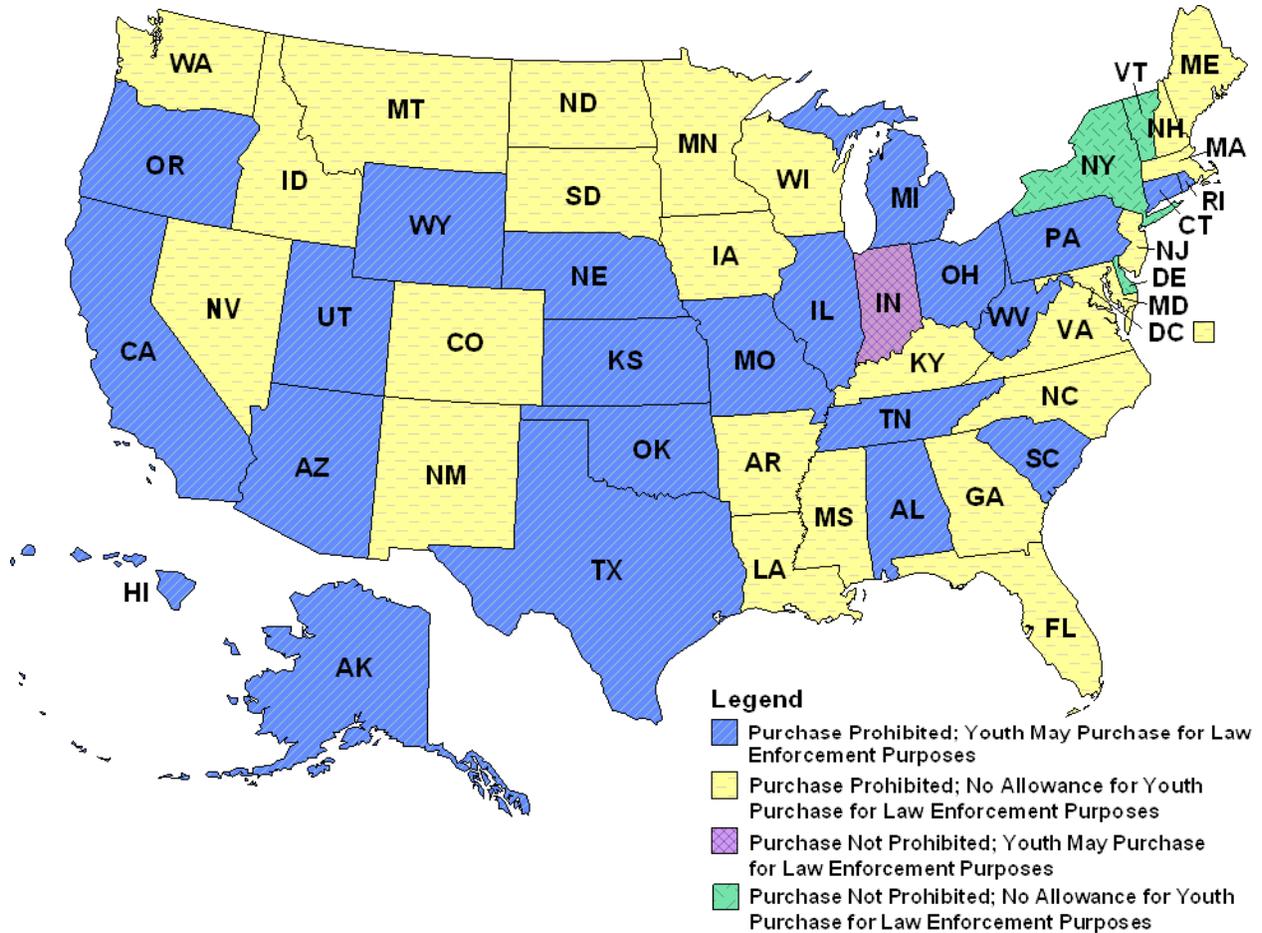
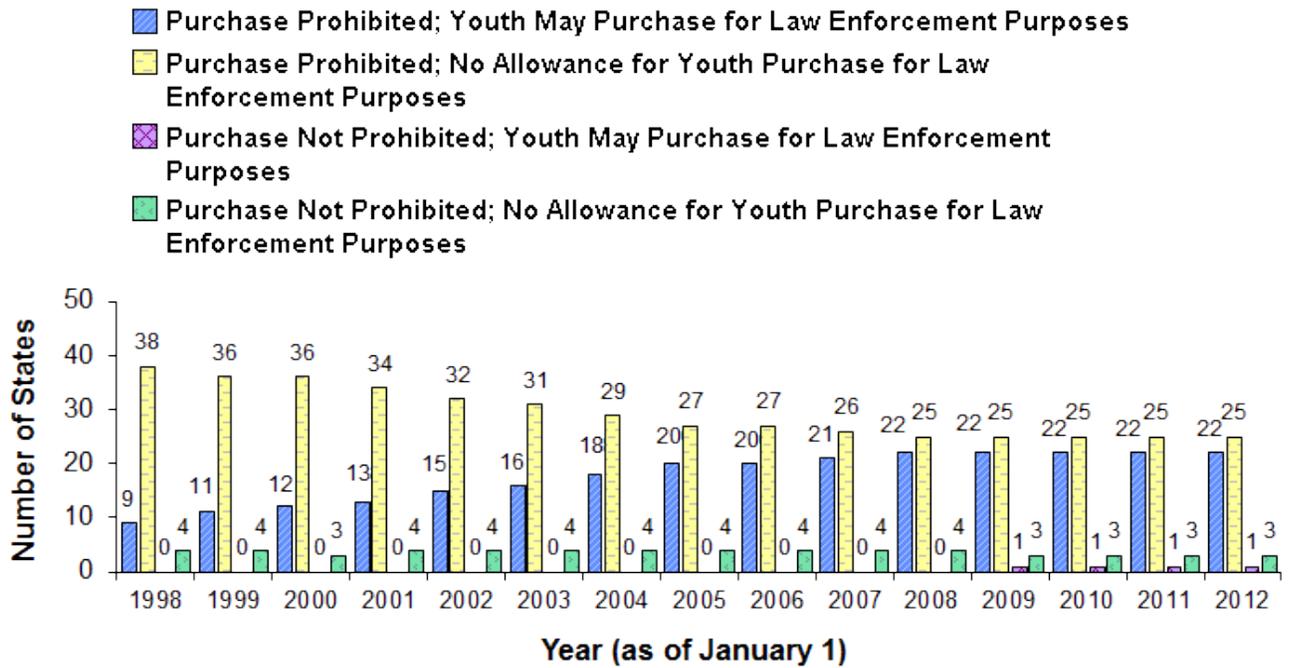


Exhibit 4.3.8: Underage Purchase of Alcohol for Law Enforcement Purposes, January 1, 1998, through January 1, 2012



References and Further Information

All data for this policy were obtained from APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “Underage Purchase of Alcohol.” APIS provides further descriptions of this policy and its variables, details regarding state policies, and a review of the limitations associated with the reported data. For definitions for the variables in this policy, go to Appendix B.