

## **CHAPTER 4**

# **Report on State Programs and Policies** **Addressing Underage Drinking**

## **CHAPTER 4.1**

### **Introduction**

This document 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>

The Sober Truth on Preventing Underage Drinking (STOP) Act recognizes the critical role that states play in the national effort to reduce underage drinking, particularly in their role as regulators of the alcohol market. Its preamble includes this statement of the sense of Congress:

Alcohol is a unique product and should be regulated differently than other products by the States and Federal Government. States have primary authority to regulate alcohol distribution and sale, and the Federal Government should support and supplement these State efforts. States also have a responsibility to fight youth access to alcohol and reduce underage drinking. Continued State regulation and licensing of the manufacture, importation, sale, distribution, transportation, and storage of alcoholic beverages are ... critical to ... preventing illegal access to alcohol by persons under 21 years of age.

To this end, the Act directs the Secretary of the Department of Health and Human Services (HHS), working with the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), to provide an annual report on state activities pertaining to underage drinking prevention programs, policies, related enforcement efforts, and state expenditures.

This year's report provides the following information for the 50 states and the District of Columbia (henceforth referred to as "states"):

1. Information on 25 underage drinking prevention policies focused on reducing youth access to alcohol and youth involvement in drinking and driving. Consistent with the STOP Act requirement to report on "evidence-based best practices to prevent and reduce underage drinking and provide treatment services to those youth who need them," most policies have been identified as best practices by a variety of relevant federal agencies (see below).
2. Data from a survey addressing underage-drinking-enforcement programs; programs targeted to youth, parents, and caregivers; collaborations, planning, and reports; and state expenditures on the prevention of underage drinking.

## Underage Drinking Prevention Policies

This section presents summaries of the 25 policies that describe each policy's key components, the status of the policy across states, and trends over time. Summaries are followed by a state-by-state analysis of each policy. The policy variables for each state are linked electronically to both the relevant policy summaries and the definitions of each variable. New for this year's report are analyses of Outlet Siting Near Schools and Retailer Interstate Shipment.

Seventeen of these policies were included in original STOP Act legislation or were recommended by Congress during the 2009–2010 appropriations process. The remaining six policies were added at the request of SAMHSA following input from various stakeholders. The report obtained data for 13 of the policies, including the 6 added by SAMHSA, from the National Institute on Alcohol Abuse and Alcoholism (NIAAA) Alcohol Policy Information System (APIS).

It is important to note that not all of these state policies will apply on Tribal lands. Some will vary by Tribe and land type. Such variations are beyond the scope of this report.

The following policies are included (underlined policies are available on APIS):

## Laws Addressing Minors in Possession of Alcohol

1. Underage possession
2. Underage consumption
3. Internal possession by minors
4. Underage purchase and attempted purchase
5. False identification

## Laws Targeting Underage Drinking and Driving

6. Youth blood alcohol concentration limits
7. Loss of driving privileges for alcohol violations by minors
8. Graduated driver's licenses

## Laws Targeting Alcohol Suppliers

9. Furnishing of alcohol to minors
10. Compliance check protocols
11. Penalty guidelines for sales to minors
12. Responsible beverage service
13. Minimum ages for off-premises sellers
14. Minimum ages for on-premises servers and bartenders
15. Outlet siting near schools
16. Dram shop liability
17. Social host liability
18. Hosting underage drinking parties
19. Retailer interstate shipment
20. Direct sales/shipments
21. Keg registration
22. Home delivery

## Laws Affecting Alcohol Pricing

23. Alcohol taxes
24. Drink specials
25. Wholesale pricing

## State Survey

This section provides both the complete responses of the states to the survey (included in the state-by-state analysis described above) and a cross-state report. The cross-state report summarizes the findings across states and presents data on variables amenable to quantitative analysis.

The survey content was derived directly from the STOP Act, covering topics and using terminology from the Act. The survey questions were structured to allow states maximum flexibility in deciding which initiatives to describe and how to describe them. Open-ended questions were used whenever possible to allow states to “speak with their own voices.” The survey addressed four main areas:

1. Enforcement programs
2. Programs targeted to youth, parents, and caregivers
3. Collaborations, planning, and reports
4. State expenditures on prevention of underage drinking

## Best Practices

The majority of the underage drinking prevention policies analyzed in this chapter have been identified as best practices by one or more of the following four sources:

- Community Preventive Services Task Force (*Guide to Community Preventive Services. Preventing excessive alcohol consumption*, <http://www.thecommunityguide.org/alcohol/index.html>. Last updated: 05/16/2011).
- The Surgeon General (*The Surgeon General’s Call to Action To Prevent and Reduce Underage Drinking*, 2007).
- Institute of Medicine (IOM) (*Reducing Underage Drinking: A Collective Responsibility*, 2004).
- National Institute on Alcohol Abuse and Alcoholism (*A Call to Action: Changing the Culture of Drinking at U.S. Colleges*, 2002).

Exhibit 4.1.1 lists the 25 policies analyzed in Chapter 4. An X indicates that a given policy is endorsed as a best practice by one or more of the four federal sources.

As can be seen in Exhibit 4.1.1, 18 of the policies are endorsed as best practices by at least one source document, and more than half of the policies are endorsed as best practices by two or more source documents. Seven policies were not endorsed by any of the sources. Four of these (Direct Sales, Minimum Age for On-Premises Servers, Minimum Age for Off-Premises Servers, and Internal Possession) are included on NIAAA’s APIS website. As relatively recent concerns, these policies likely had not been thoroughly studied at the time the federal source documents were prepared. One policy (Outlet Siting Near Schools) not specifically endorsed by any of the sources examined was addressed at a more general level by two sources—the Community Services Prevention Task Force and the NIAAA *Call to Action*. These sources included restrictions on alcohol outlet density as a best practice without specifically endorsing the reduction of alcohol outlet density near schools. Retailer Interstate Shipment, the final policy not endorsed by the four sources, is closely linked to the Home Delivery policy (which is endorsed).

It is important to note that, although all 25 of the policies can be described as evidence based, the data that support each of them are different. Some policies find greater or lesser support in the research literature and in the source documents.

**Exhibit 4.1.1: Underage Drinking Prevention Policies – Best Practices**

<b>Underage drinking prevention policies</b>	<b>Recommended by the Community Preventive Services Task Force</b>	<b>Addressed in the Surgeon General's Call to Action</b>	<b>IOM Report, Reducing Underage Drinking: A Collective Responsibility</b>	<b>A Call to Action: Changing the Culture of Drinking at U.S. Colleges (NIAAA)</b>
<b>Policies included in original STOP Act legislation or added in 2009–2010 appropriations</b>				
Purchase or attempt to purchase alcohol by minor		x	x	
Consumption by minor		x	x	
Possession by minor		x	x	
False identification/Incentives for retailers to use ID scanners or other technology		x	x	
Penalty guidelines for violations of furnishing laws by retailers				x
Furnishing or sale to a minor		x	x	
Hosting underage drinking parties		x	x	
Dram-shop liability	x		x	
Social-host liability			x	
Compliance checks	x	x	x	
Mandatory-voluntary server-seller training (Responsible Beverage Service programs)		x	x	x
Direct sales (internet/mail order)				
Home delivery			x	
Graduated drivers' licenses		x	x	x
Increasing alcohol tax rates	x		x	x
Restrictions on drink specials		x	x	x
Wholesaler pricing provisions				
<b>Policies added at the request of SAMHSA</b>				
Keg registration		x	x	
Minimum age for on-sale server				
Minimum age for off-sale server				
Internal possession				
Youth BAC limits (“Zero Tolerance Law”)		x	x	x
Loss of privileges for alcohol violations				x
Outlet siting near schools				
Retailer interstate shipment				