State Report

Arkansas

This state report 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
Arkansas
State Profile and Underage Drinking Facts*

State Population: 2,937,979
Population Ages 12–20: 351,000

<table>
<thead>
<tr>
<th>Ages</th>
<th>Percentage</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ages 12–20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Past-Month Alcohol Use</td>
<td>22.7</td>
<td>8,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>15.0</td>
<td>52,000</td>
</tr>
<tr>
<td>Ages 12–14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Past-Month Alcohol Use</td>
<td>7.7</td>
<td>9,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>3.7</td>
<td>4,000</td>
</tr>
<tr>
<td>Ages 15–17</td>
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<td></td>
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<tr>
<td>Past-Month Alcohol Use</td>
<td>21.3</td>
<td>26,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>14.9</td>
<td>18,000</td>
</tr>
<tr>
<td>Ages 18–20</td>
<td></td>
<td></td>
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<tr>
<td>Past-Month Alcohol Use</td>
<td>38.2</td>
<td>45,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>25.6</td>
<td>30,000</td>
</tr>
<tr>
<td>Alcohol-Attributable Deaths (under 21)</td>
<td></td>
<td>60</td>
</tr>
<tr>
<td>Years of Potential Life Lost (under 21)</td>
<td></td>
<td>3,613</td>
</tr>
</tbody>
</table>

Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01 | Percentage of All Traffic Fatalities | Number |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>20.0</td>
<td>13</td>
</tr>
</tbody>
</table>

* See Appendix C for data sources.
Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol
Possession is prohibited—no explicit exceptions noted in the law.

Underage Consumption of Alcohol
Consumption is not explicitly prohibited.

Internal Possession by Minors
Internal possession is not explicitly prohibited.

*Note:* Arkansas provides that “intoxicating liquor, wine, or beer in the body of a minor is deemed to be in his or her possession” (Ark. Code Ann. § 3-3-203(a)(2)). Laws that prohibit minors from having alcohol in their bodies, but which do so without reference to a blood, breath, or urine test, are not considered as prohibiting Internal Possession, for purposes of this report.

Underage Purchase of Alcohol
Purchase is prohibited and there is NO ALLOWANCE for youth purchase for law enforcement purposes.

False Identification for Obtaining Alcohol

**Provision(s) Targeting Minors**
- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure for those under 18 years old and through an administrative process for those 18 to 21 years old.

**Provision(s) Targeting Suppliers**
- It is a criminal offense to lend, transfer, or sell a false ID.
- It is a criminal offense to manufacture or distribute a false ID.

**Provisions Targeting Retailers**
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- No statutory affirmative defense—statutes do not provide an affirmative defense related to retailer’s belief that the minor was age 21 or older.
- Retailer has the authority to detain a minor suspected of using a false ID in connection with the purchase of alcohol.

*Note:* Under Ark. Code Ann. § 5-27-503(b), a seller’s detention of a person under 21 for use of false identification “shall not include a physical detention.”

Laws Targeting Underage Drinking and Driving

**BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)**
- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21
Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

Provisions Applicable to Minors Under Age 18

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial
- Underage purchase
- Underage possession

Authority To Impose Driver’s License Sanction
- Discretionary

Length of Suspension/Revocation
- Minimum: 0 days
- Maximum: Not specified

Provisions Applicable to Minors Ages 18 to 21

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial
- Underage purchase
- Underage possession

Authority To Impose Driver’s License Sanction
- Mandatory

Length of Suspension/Revocation
- 60 days

Graduated Driver’s License

Learner Stage
- Minimum entry age: 14
- Minimum learner-stage period: 6 months
- No minimum supervised driving requirement

Intermediate Stage
- Minimum age: 16
- Unsupervised night driving
  - Prohibited after: 11 p.m.
  - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one unrelated minor passenger under 21, unless accompanied by driver in front seat who is 21 or older.
- Primary enforcement of the passenger-restriction rule

License Stage
- Minimum age to lift restrictions: 18
Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors
Furnishing is prohibited with the following exception(s): EITHER
- Parent/guardian OR
- Spouse

Note: Arkansas’s statute regarding furnishing alcohol to any person under 21 includes an exception for “family” members, but does not specify which family members. For the purposes of this report, the phrase “family” is interpreted as including a spouse.

Compliance Check Protocols

Age of Decoy
- Minimum: 16
- Maximum: 19

Appearance Requirements
- Males: No facial hair.
- Females: No excessive jewelry or makeup

ID Possession
- Required

Verbal Exaggeration of Age
- Prohibited

Decoy Training
- Not specified—watch video

Penalty Guidelines for Sales to Minors
No data

Responsible Beverage Service

Voluntary Beverage Service Training
- Applies to both on-sale and off-sale establishments
- Applies to both new and existing outlets

Incentive for Training
- Mitigation of fines or other administrative penalties for sales to minors

Minimum Ages for Off-Premises Sellers
- Beer: 18
- Wine: 18
- Spirits: 21

Minimum Ages for On-Premises Sellers
- Beer: 19 for servers and 21 for bartenders
- Wine: 19 for servers and 21 for bartenders
- Spirits: 19 for servers and 21 for bartenders
Distance Limitations for New Alcohol Outlets Near Universities and Schools

**Colleges and Universities**
- No distance limitation

**Primary and Secondary Schools**
Prohibitions against outlet siting:
- Off-premises outlets: Yes—within 1,000 feet
- On-premises outlets: No
- Alcohol products: Beer, wine, spirits

**Dram Shop Liability**
Statutory liability exists.

**Social Host Liability Laws**
There is no statutory liability.

**Host Party Laws**
Social host law is not specifically limited to underage drinking parties
- Action by underage guest that triggers violation: Consumption
- Property type(s) covered by liability law: Residence, outdoor, other
- Standard for hosts’ knowledge or action regarding the party: Knowledge—host must have actual knowledge of the occurrence
- Exception(s): Family

*Note: Arkansas’s social host provision applies only to a person who is present and in control of the private property at the time the consumption occurs.*

**Retailer Interstate Shipments of Alcohol**
Retailer interstate shipments are prohibited for all types of beverages.

**Direct Sales/Shipments of Alcohol by Producers**
Direct sales/shipments from producers to consumers are not permitted.

**Keg Registration**
- Keg definition: Liquid capacity of more than 5 gallons
- Prohibited:
  - Possessing an unregistered, unlabeled keg—maximum fine/jail: $1,000/90 days
  - Destroying the label on a keg—maximum fine/jail: $1,000/90 days
- Purchaser information collected:
  - Purchaser’s name and address
  - Verified by a government-issued ID
- Warning information to purchaser: Active—purchaser action required (e.g., signature)
- Deposit required: $75
- Provisions do not specifically address disposable kegs.
Alcohol Pricing Policies

Home Delivery
- Beer: Prohibited
- Wine: Prohibited
- Spirits: Prohibited

Alcohol Tax

**Beer (5 percent alcohol)**
- Specific excise tax: $0.24 per gallon
- Ad valorem excise tax (off-premises sales): 1 percent

$0.20 per gallon for alcohol content of more than 6.25 percent, with 3 percent off-premises ad valorem retail rate. Ad valorem tax applied at retail level.

**Wine (12 percent alcohol)**
- Specific excise tax: $0.75 per gallon
- Ad valorem excise tax (off-premises sales): 3 percent

Ad valorem tax applied at retail level.

**Spirits (40 percent alcohol)**
- Specific excise tax: $2.50 per gallon
- Ad valorem excise tax (off-premises sales): 14 percent
- Ad valorem excise tax (on-premises sales): 3 percent

$1.00 per gallon for alcohol content of less than 26.25 percent but more than 6.25 percent. Ad valorem tax applied at retail level.

Drink Specials
- Free beverages: Not prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Prohibited
- Reduced price at specified day or time: Not prohibited
- Unlimited beverages: Prohibited
- Increased volume: Not prohibited

Wholesale Pricing
Pricing restrictions exist.

**Beer (5 percent alcohol)**
- Retailer credit not permitted

**Wine (12 percent alcohol)**
- Retailer credit not permitted

**Spirits (40 percent alcohol)**
- Retailer credit not permitted
# Arkansas State Survey Responses

## State Agency Information

**Agency with primary responsibility for enforcing underage drinking laws:**

This is a duty that is shared between all law enforcement agencies in the state.

**Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:**

We work together with other local and state agencies doing compliance checks. The other agencies inform us with any problems they are having in their areas.

## Enforcement Strategies

**State law enforcement agencies use:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cops in Shops</td>
<td>Yes</td>
</tr>
<tr>
<td>Shoulder Tap Operations</td>
<td>Yes</td>
</tr>
<tr>
<td>Party Patrol Operations or Programs</td>
<td>Yes</td>
</tr>
<tr>
<td>Underage Alcohol-Related Fatality Investigations</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Local law enforcement agencies use:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cops in Shops</td>
<td>Yes</td>
</tr>
<tr>
<td>Shoulder Tap Operations</td>
<td>Yes</td>
</tr>
<tr>
<td>Party Patrol Operations or Programs</td>
<td>Yes</td>
</tr>
<tr>
<td>Underage Alcohol-Related Fatality Investigations</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**State has a program to investigate and enforce direct sales/shipment laws**

No

Primary State agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors

Not applicable

Such laws are also enforced by local law enforcement agencies

Not applicable

## Enforcement Statistics

**State collects data on the number of minors found in possession**

- Yes
- Number of minors found in possession by state law enforcement agencies: 640
- Number pertains to the 12 months ending: 12/31/2011
- Data include arrests/citations issued by local law enforcement agencies: Yes

**State conducts underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors**

- Yes
- Data are collected on these activities: Yes
- Number of licensees checked for compliance by state agencies: 2,608
- Number of licensees that failed state compliance checks: 274
- Numbers pertain to the 12 months ending: 12/31/2011

**Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors**

- Yes
- Data are collected on these activities: No

## Sanctions

**State collects data on fines imposed on retail establishments that furnish minors**

- Yes
- Number of fines imposed by the state: No data
- Total amount in fines across all licensees: $188,000
- Numbers pertain to the 12 months ending: 12/31/2011

**State collects data on license suspensions imposed on retail establishments specifically for furnishing minors**

- Yes
- Number of suspensions imposed by the state: 9
- Total days of suspensions across all licensees: 16
- Numbers pertain to the 12 months ending: 12/31/2011

**State collects data on license revocations imposed on retail establishments specifically for furnishing minors**

- Yes
- Number of license revocations imposed: 0
- Numbers pertain to the 12 months ending: 12/31/2011
Out of 18,263 minors found in possession by state law enforcement agencies, the number of those driving while intoxicated (DWI) under 21 was 16,950, the number of those driving under the influence (DUI) was 673, and the number of minors in possession (MIP) was 640 total (minors in possession or intoxicated)

1 Or having consumed or purchased per state statutes.
2 Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.
3 Does not include fines imposed by local agencies.
4 Does not include suspensions imposed by local agencies.
5 Does not include revocations imposed by local agencies.

**Underage Drinking Prevention Programs Operated or Funded by the State:**

**Programs SPECIFIC TO Underage Drinking**

<table>
<thead>
<tr>
<th>Special Prevention Unit (SPU)</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Number of youth served</td>
<td>725</td>
</tr>
<tr>
<td>Number of parents served</td>
<td>No data</td>
</tr>
<tr>
<td>Number of caregivers served</td>
<td>No data</td>
</tr>
<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>12/31/2011</td>
</tr>
<tr>
<td>Program has been evaluated</td>
<td>No</td>
</tr>
<tr>
<td>Evaluation report is available</td>
<td>Not applicable</td>
</tr>
<tr>
<td>URL for evaluation report:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>URL for more program information:</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Program description: This program is funded by a subgrant issued by the Arkansas Department of Finance and Administration under the Enforcing Underage Drinking Laws (EUDL) grant. SPU is a collaborative prevention-based initiative focusing on the reduction of the onset and current use of alcohol among youth in Hempstead, Pike, and Little River Counties as well as the Dequeen, Hope, Fouke, and Texarkana Arkansas Police Departments. The primary goal is to provide an opportunity for youth leaders to be formally trained in prevention, advocacy, substance education, and leadership to serve as peer leaders and role models for the youth population in their perspective areas. The secondary goal is to improve access and training for adult volunteers. The SPU program offers opportunities to train youth to give back to the community and to work in conjunction with law enforcement and Substance Abuse Prevention (SAP) Committee to present community education programs, peer monitoring, and prevention programs for upperclassmen within the school.

**Strategies To Reduce Underage Drinking in Madison County**

<table>
<thead>
<tr>
<th>Number of youth served</th>
<th>660 (200 at Red Ribbon, 260 at Teen Summit, 200 at Camp Harvest)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of parents served</td>
<td>No data</td>
</tr>
<tr>
<td>Number of caregivers served</td>
<td>No data</td>
</tr>
<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>No data</td>
</tr>
<tr>
<td>Program has been evaluated</td>
<td>No data</td>
</tr>
<tr>
<td>Evaluation report is available</td>
<td>No data</td>
</tr>
<tr>
<td>URL for report:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>URL for more program information:</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Program description: Through collaboration, the Madison County Sheriff's Office, Huntsville School District, Huntsville Police Department, and Madison County Community Coalition have implemented the following strategies:

- Compliance checks (environmental enforcement strategy)
- Evidence-based program: Life Skills (Camp Harvest, an educational strategy)
- Education through Red Ribbon Week (educational strategy)
- Education through 8th-grade Teen Summit (educational strategy)
- Social norm advertising campaign (environmental strategy)
### Underage Drinking Prevention Programs Operated or Funded by the State:

#### Programs RELATED TO Underage Drinking

**Arkansas Collegiate Drug Education Committee (ACDEC)**
- **URL for more program information:** [http://www.acdec.org](http://www.acdec.org)

**Program description:** Funded in part by a subgrant from Arkansas Department of Finance and Administration under the Enforcing Underage Drinking Laws grant, ACDEC is a collaboration of colleges and universities across the state. ACDEC provides support to member colleges in the form of mini grants for underage drinking prevention and education initiatives. ACDEC is a unique program in the state of Arkansas in that it focuses on the college-age population. ACDEC provides an array of innovative and impactful education and prevention programming, such as Mock-tail parties, Spring Break programs, and leadership training.

### Additional Information Related to Underage Drinking Prevention Programs

<table>
<thead>
<tr>
<th>Program Description</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</td>
<td>No recognized Tribes Not applicable</td>
</tr>
<tr>
<td>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</td>
<td>No</td>
</tr>
<tr>
<td>State has adopted or developed best practice standards for underage drinking prevention programs</td>
<td>No</td>
</tr>
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</table>

### Additional Clarification

None given

### State Interagency Collaboration

<table>
<thead>
<tr>
<th>Program Description</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</td>
<td>No</td>
</tr>
</tbody>
</table>

**Committee contact information:**
- No data

**Agencies/organizations represented on the committee:**
- Because the Strategic Prevention Framework State Incentive Grant (SPF SIG) funds ended in September 2011, the Underage Drinking Task Force Committee has been inactive, but efforts are being made to revitalize the committee.
- Mothers Against Drunk Drivers
- University of Arkansas for Medical Sciences—College of Medicine
- Arkansas Department of Education
- Arkansas Collegiate Drug Education Committee
- Arkansas Beverage Control Enforcement
- Arkansas State Police Highway Safety Office
- Arkansas State Drug Director
- Director of Prevention Services
- Arkansas Department of Health & Human Services
- Arkansas Division of Youth Services

**A website or other public source exists to describe committee activities**
- Yes

**URL or other means of access:** [http://www.arunderagedrinking.com/task_force.asp](http://www.arunderagedrinking.com/task_force.asp)

### Underage Drinking Reports

<table>
<thead>
<tr>
<th>Program Description</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>State has prepared a plan for preventing underage drinking in the last 3 years</td>
<td>Yes</td>
</tr>
<tr>
<td>Prepared by</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Plan can be accessed via</td>
<td>Not applicable</td>
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</tbody>
</table>
State has prepared a report on preventing underage drinking in the last 3 years
Prepared by: Office of Alcohol and Drug Abuse Prevention
Plan can be accessed via: http://www.arunderagedrinking.com/statistics.asp

<table>
<thead>
<tr>
<th>State Expenditures for the Prevention of Underage Drinking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Compliance checks/decoy operations in retail outlets:</strong></td>
</tr>
<tr>
<td>Estimate of state funds expended: Data unavailable</td>
</tr>
<tr>
<td>Estimate based on the 12 months ending: Data unavailable</td>
</tr>
<tr>
<td><strong>Checkpoints and saturation patrols:</strong></td>
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<tr>
<td>Estimate of state funds expended: Data unavailable</td>
</tr>
<tr>
<td>Estimate based on the 12 months ending: Data unavailable</td>
</tr>
<tr>
<td><strong>Community-based programs to prevent underage drinking:</strong></td>
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<tr>
<td>Estimate of state funds expended: Data unavailable</td>
</tr>
<tr>
<td>based on the 12 months ending: Data unavailable</td>
</tr>
<tr>
<td><strong>K–12 school-based programs to prevent underage drinking:</strong></td>
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<tr>
<td>Estimate of state funds expended: Data unavailable</td>
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<tr>
<td>Estimate based on the 12 months ending: Data unavailable</td>
</tr>
<tr>
<td><strong>Programs targeted to institutes of higher learning:</strong></td>
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<tr>
<td>Estimate of state funds expended: Data unavailable</td>
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<tr>
<td>Estimate based on the 12 months ending: Data unavailable</td>
</tr>
<tr>
<td><strong>Programs that target youth in the juvenile justice system:</strong></td>
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<tr>
<td>Estimate of state funds expended: Data unavailable</td>
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<tr>
<td>Estimate based on the 12 months ending: Data unavailable</td>
</tr>
<tr>
<td><strong>Programs that target youth in the child welfare system:</strong></td>
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<tr>
<td>Estimate of state funds expended: Data unavailable</td>
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<tr>
<td>Estimate based on the 12 months ending: Data unavailable</td>
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<tr>
<td><strong>Other programs:</strong></td>
</tr>
<tr>
<td>Programs or strategies included: No data</td>
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<tr>
<td>Estimate of state funds expended: Not applicable</td>
</tr>
<tr>
<td>Estimate based on the 12 months ending: Not applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funds Dedicated to Underage Drinking</th>
</tr>
</thead>
<tbody>
<tr>
<td>State derives funds dedicated to underage drinking from the following revenue streams:</td>
</tr>
<tr>
<td>Taxes: No</td>
</tr>
<tr>
<td>Fines: No</td>
</tr>
<tr>
<td>Fees: No</td>
</tr>
<tr>
<td>Other: No data</td>
</tr>
<tr>
<td>Description of funding streams and how they are used:</td>
</tr>
<tr>
<td>No data</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional Clarification</th>
</tr>
</thead>
<tbody>
<tr>
<td>None given</td>
</tr>
</tbody>
</table>