

State Report

Arkansas

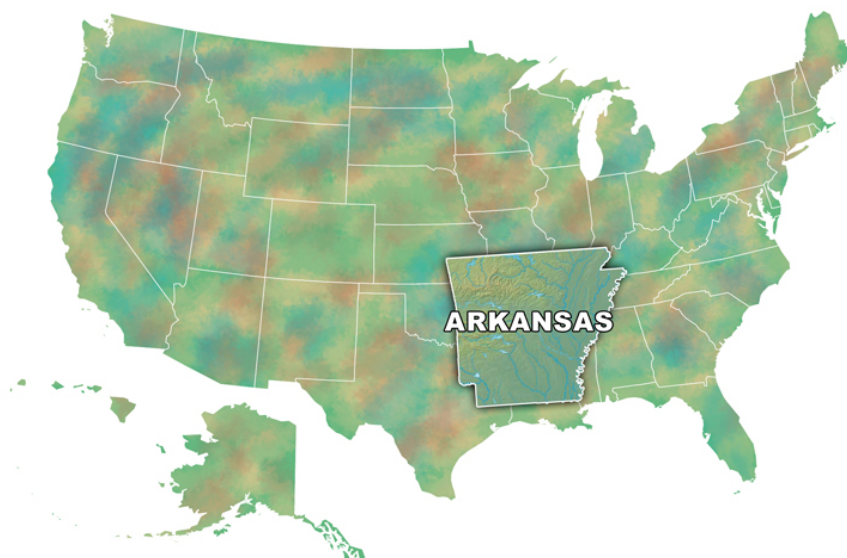
This state report is excerpted from:

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

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	22.7	8,000
Past-Month Binge Alcohol Use	15.0	52,000
Ages 12–14		
Past-Month Alcohol Use	7.7	9,000
Past-Month Binge Alcohol Use	3.7	4,000
Ages 15–17		
Past-Month Alcohol Use	21.3	26,000
Past-Month Binge Alcohol Use	14.9	18,000
Ages 18–20		
Past-Month Alcohol Use	38.2	45,000
Past-Month Binge Alcohol Use	25.6	30,000
Alcohol-Attributable Deaths (under 21)		60
Years of Potential Life Lost (under 21)		3,613
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	20.0	13

* 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 (on-premises sales): 14 percent
- Ad valorem excise tax (off-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	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
This is a duty that is shared between all law enforcement agencies in the state.	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i>	
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	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
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	
<i>State collects data on the number of minors found in possession</i>	
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
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
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
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	No
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ³	No data
Total amount in fines across all licensees	\$188,000
Numbers pertain to the 12 months ending	12/31/2011
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the state ⁴	9
Total days of suspensions across all licensees	16
Numbers pertain to the 12 months ending	12/31/2011
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	
Number of license revocations imposed ⁵	0
Numbers pertain to the 12 months ending	12/31/2011

Additional Clarification

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**

Special Prevention Unit (SPU)

Number of youth served	725
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	12/31/2011
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable

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 educationa programs, peer monitoring, and prevention programs for upperclassmen within the school.

Strategies To Reduce Underage Drinking in Madison County

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

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	
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	
State collaborates with federally recognized Tribal governments in the prevention of underage drinking Program description:	No recognized Tribes Not applicable
State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing Program description:	No Not applicable
State has adopted or developed best practice standards for underage drinking prevention programs	No
Additional Clarification	
None given	

State Interagency Collaboration	
A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities Committee contact information:	No 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 URL or other means of access: http://www.arunderagedrinking.com/task_force.asp	Yes

Underage Drinking Reports	
State has prepared a plan for preventing underage drinking in the last 3 years	Yes
Prepared by	Not applicable
Plan can be accessed via	Not applicable

State has prepared a report on preventing underage drinking in the last 3 years	No
Prepared by: Office of Alcohol and Drug Abuse Prevention	
Plan can be accessed via:	http://www.arunderagedrinking.com/statistics.asp
Additional Clarification	
None given	

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

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other	No data
<i>Description of funding streams and how they are used:</i>	
No data	
Additional Clarification	
None given	