

State Report

California

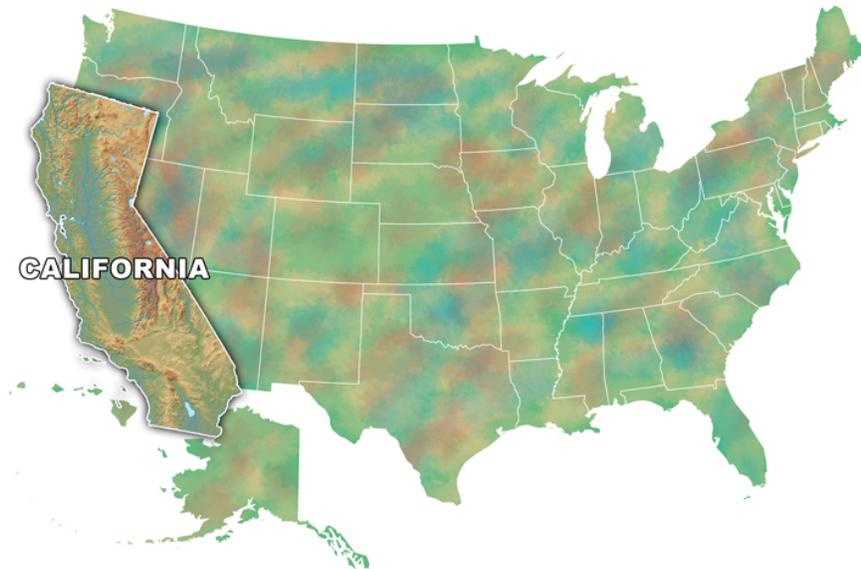
This state report is excerpted from:

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>



California

State Profile and Underage Drinking Facts*

State Population: 37,691,912
Population Ages 12–20: 4,881,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	25.3	1,235,000
Past-Month Binge Alcohol Use	16.7	816,000
Ages 12–14		
Past-Month Alcohol Use	5.3	80,000
Past-Month Binge Alcohol Use	2.8	43,000
Ages 15–17		
Past-Month Alcohol Use	22.1	360,000
Past-Month Binge Alcohol Use	13.5	220,000
Ages 18–20		
Past-Month Alcohol Use	45.6	795,000
Past-Month Binge Alcohol Use	31.8	553,000
Alcohol-Attributable Deaths (under 21)		545
Years of Potential Life Lost (under 21)		32,442
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	27.0	99

* See Appendix C for data sources.

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited with the following exception(s):

- Private location OR EITHER
- Parent/guardian OR
- Spouse

Note: California’s “Any Private Location” exception excludes possession in motor vehicles. California’s statute regarding possession of alcohol by a person under 21 includes an exception for “responsible adult relative” but does not specify which relatives are included. For purposes of this report, the phrase “responsible adult relative” is interpreted as including a spouse.

Underage Consumption of Alcohol

Consumption is not explicitly prohibited.

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Underage Purchase of Alcohol

Purchase is prohibited, but youth may 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.

Provision(s) Targeting Suppliers

- It is a criminal offense to lend, transfer, or sell a false ID.

Provisions Targeting Retailers

- Licenses for drivers under 21 are easily distinguishable from those for drivers 21 and older.
- Retailers are permitted to seize apparently false IDs.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.01
- 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”)

Use/lose penalties apply to minors under age 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

- 365 days

Graduated Driver’s License

Learner Stage

- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

Intermediate Stage

- Minimum age: 16
- Unsupervised night driving
 - Prohibited after: 11 p.m.
 - No primary enforcement of the night-driving rule
- Passenger restrictions exist: No passengers under 20, unless accompanied by a parent, guardian, instructor, or licensed driver over 25
 - No primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 17

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors

Furnishing is prohibited—no explicit exceptions noted in the law.

Compliance Check Protocols

Age of Decoy

- Minimum: Not specified
- Maximum: 19

Appearance Requirements

- No hats, sunglasses, tattoos, visible body piercing, clothing with college or alcohol verbiage/logos
- Minimal jewelry
- Not large in stature
- Appropriate dress for age
- Hair that does not obscure facial features
- Male: No facial hair, really short hair, balding, or receding hairline
- Female: Minimal makeup, no provocative clothing

ID Possession

- Discretionary

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Not specified

Penalty Guidelines for Sales to Minors

- Time period/conditions: 3 years
- First offense: \$3,000 fine or 15-day license suspension
- Second offense: Between \$2,500 and \$20,000 fine or 25-day license suspension
- Third offense: License revocation

Note: Retailer has option to accept fine in lieu of suspension. Lists of aggravating and mitigating factors are provided.

Responsible Beverage Service***Voluntary Beverage Service Training***

- The law does not specify on- or off-sale establishments.
- The law does not specify new or existing outlets.

Incentive for training

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

Minimum Ages for Off-Premises Sellers

- Beer: Not specified
- Wine: Not specified
- Spirits: Not specified

Condition(s) That Must Be Met in order for an Underage Person To Sell Alcoholic Beverages

- Manager/supervisor is present.

Minimum Ages for On-Premises Sellers

- Beer: 18 for servers and 21 for bartenders
- Wine: 18 for servers and 21 for bartenders
- Spirits: 18 for servers and 21 for bartenders

Distance Limitations for New Alcohol Outlets near Universities and Schools***Colleges and Universities***

Limitations on outlet siting:

- Off-premises outlets: Yes—within 1½ miles of universities with enrollments of 1,000 or more students, of whom 500 or more reside on university grounds.
- On-premises outlets: Yes—within 1½ miles of universities with enrollments of 1,000 or more students, of whom 500 or more reside on university grounds.
- Alcohol products: Wine, spirits—does not include beer or products of not more than 4 percent ABV.
- Exceptions to the college restriction exist for numerous individual colleges and universities.

Primary and Secondary Schools

Prohibitions against outlet siting:

- Off-premises outlets: No
- On-premises outlets: Yes—within 600 feet
- Alcohol products: Beer, wine, spirits

Dram Shop Liability

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Minor must be obviously intoxicated at time alcohol of furnishing

Social Host Liability Laws

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Knowledge of underage status

Host Party Laws

No state-imposed liability for hosting underage drinking parties

Retailer Interstate Shipments of Alcohol

Prohibition against retailer interstate shipments:

- Beer: Prohibited
- Wine: Uncertain
- Spirits: Prohibited

Note: An individual or retail licensee in a state that affords California retail licensees or individuals an equal reciprocal shipping privilege, may ship, for personal use and not for resale, no more than two cases of wine (no more than 9 liters each case) per month to any adult resident in this state. Delivery of a shipment pursuant to this subdivision shall not be deemed to constitute a sale in this state.

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

Age Verification Requirements: None

State Approval/Permit Requirements

- Producer/shipper must obtain state permit.

Reporting Requirements: None

Shipping Label Statement Requirements

- Contains alcohol
- Recipient must be 21

Keg Registration

- Keg definition: 6 gallons or more
- Prohibited: Possessing unregistered, unlabeled keg—maximum fine/jail: \$1,000/6 months

- Purchaser information collected:
 - Purchaser’s name and address
 - Verified by a government-issued ID
- Warning information to purchaser: Not required
- Deposit: Not required
- Provisions do not specifically address disposable kegs.

Alcohol Pricing Policies

Home Delivery

- Beer: Permitted
- Wine: Permitted
- Spirits: Permitted

Alcohol Tax

- Beer (5 percent alcohol): Specific excise tax is \$0.20 per gallon
- Wine (12 percent alcohol): Specific excise tax is \$0.20 per gallon
- Spirits (40 percent alcohol): Specific excise tax is \$3.30 per gallon

Drink Specials

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

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Price posting requirements: Post
- Retailer credit: Restricted —30 days maximum

Wine (12 percent alcohol)

- Retailer credit: Restricted —30 days maximum

Spirits (40 percent alcohol)

- Retailer credit: Restricted —30 days maximum

California State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> California Department of Alcoholic Beverage Control	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> Please visit http://www.abc.ca.gov/programs/programs.html for more information on coordinated efforts by enforcement agencies that enforce laws prohibiting underage drinking.	
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	No
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	California Department of Alcoholic Beverage Control
Such laws are also enforced by local law enforcement agencies	Unknown
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	Yes
Number of minors found in possession by state law enforcement agencies	688
Number pertains to the 12 months ending	06/30/2011
Data include arrests/citations issued by local law enforcement agencies	No
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by state agencies	2,928
Number of licensees that failed state compliance checks	452
Numbers pertain to the 12 months ending	06/30/2011
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	4,443
Number of licensees that failed local compliance checks	701
Numbers pertain to the 12 months ending	06/30/2011
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the state ³	990
Total amount in fines across all licensees	\$2,927,850
Numbers pertain to the 12 months ending	06/30/2011
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	No
Number of suspensions imposed by the state ⁴	Data not collected
Total days of suspensions across all licensees	Data not collected
Numbers pertain to the 12 months ending	Data not collected

State collects data on license revocations imposed on retail establishments specifically for furnishing minors	Yes
Number of license revocations imposed ⁵	15
Numbers pertain to the 12 months ending	06/30/2011
Additional Clarification	
None given	

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	
Not applicable	
Number of youth served	No data
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 evaluation report	No data
URL for more program information:	No data
Program description: Please refer to clarification at the end of this section.	

Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking	
Safe and Drug Free Schools and Communities (SDFSC)—Governor’s Program	
URL for more program information: http://www.adp.ca.gov/FactSheets	
Program description: The SDFSC Governor’s Program was designed to serve children and youth who are not normally served by state or local educational agencies and populations that need special services or additional resources, such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts. The Governor’s Program projects continued through June 30, 2011. Results were determined through a voluntary cross-site evaluation of SDFSC programs and impact on participants. Quantitative results showed significant reductions in youth current substance use, including: alcohol and binge drinking, tobacco, marijuana, methamphetamine, prescription drug misuse, and “other” drugs.	
Negotiated Net Amount (NNA) Contract for Substance Abuse Prevention and Treatment Block Grant (SAPT-BG)-Funded Primary Prevention Services	
URL for more program information: http://www.adp.ca.gov/FactSheets	
Program description: Through the NNA Contract, the State Department of Alcohol and Drug Programs (ADP) funds counties to address problems and priorities determined through the Strategic Prevention Framework. Based on their local needs assessment, counties prioritize and identify strategies, best practices, policies, and programs to best suit local needs. Prevention programs throughout the state offer a comprehensive approach that may focus on alcohol and drug issues.	
Strategic Prevention Framework State Incentive Grant (SPF SIG)	
URL for more program information: http://www.adp.ca.gov/FactSheets	

Program description: The SPF SIG is a federal grant program from SAMHSA designed to further the use of the Strategic Prevention Framework at the state and local levels. The implementation of the SPF SIG will focus on streamlining the SPF planning process, which will help communities move quickly to action and outcomes. Communities selected for this grant will focus on underage and excessive alcohol drinking among 12- to 25-year-olds.

Additional Information Related to Underage Drinking Prevention Programs

<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	No
Description of collaboration:	Not applicable
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Program description:	Not applicable
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	No
Best practice standards description:	Not applicable

Additional Clarification

State ADP is in the beginning stages of collaborating directly with recognized Tribal governments. Members of the Native American Health Center (NAHC) have joined the SPF SIG State Epidemiological Workgroup (SEW). SEW members have also attended some meetings lead by the NAHC. Having the opportunity to attend these meetings and develop relationships with Native American experts across the state has been invaluable. Through needs assessments at the county/local level, counties may identify this population as a priority population and collaborate in the prevention of underage drinking. State ADP does not directly implement programs. Through the SPF, many of California’s 58 counties have identified underage alcohol use as a priority area. According to data collected from the California Outcomes Measurement Service for Prevention for FY2009–2010, 25 counties identified underage drinking as a priority area in their strategic plans, and 13 counties identified youth access to alcohol as a priority area in their strategic plans.

State Interagency Collaboration

<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
--	-----

Committee contact information:
 Name: Denise Galvez, GPAC Coordinator
 E-mail: denise.galvez@adp.ca.gov
 Address: 1700 K Street, 4th Floor, Sacramento, CA 95811
 Phone: 916-327-4076

Agencies/organizations represented on the committee:
 Department of Alcohol and Drug Programs
 Alcoholic Beverage Control
 Attorney General’s Office
 California Community Colleges
 California Conservation Corps
 Department of Public Health
 California Highway Patrol
 California Emergency Management Agency
 Office of the Chancellor, California State University
 Office of the President of the University of California
 Office of Traffic Safety
 Department of Mental Health
 Department of Social Services
 Superintendent of Public Instruction, Department of Education
 Department of Rehabilitation
 California National Guard
 Governor’s Office of Planning and Research

A website or other public source exists to describe committee activities	Yes
URL or other means of access:	http://www.adp.ca.gov/Prevention/gpac.shtml

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	No
Prepared by	Not applicable
Plan can be accessed via	Not applicable
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
<p>Prepared by:</p> <p>The most recent Biennial California Student Survey (CSS) was conducted by the Department of Alcohol and Drug Programs and the California Department of Education through a contract with WestEd. Another survey with alcohol, tobacco, and drug data related to youth is the California Healthy Kids Survey (CHKS). The 2010 California Needs Assessment Report (NAR) was released by ADP and contains alcohol and other drug data and analysis.</p> <p>Plan can be accessed via: The 13th Biennial CSS Report for 2009–2010 is available at http://www.wested.org/online_pubs/hhdp/css_13th_highlights.pdf. The CHKS results are available at http://chks.wested.org/indicators. The 2010 California NAR Report is available at http://www.adp.ca.gov/Funding/pdf/2010_Ca_Needs_Assessment_Report.pdf.</p>	
Additional Clarification	
<p>The Governor's Prevention Advisory Council (GPAC) was established to coordinate the state's strategic efforts to achieve reductions in the incidence and prevalence of the inappropriate use of alcohol, tobacco, and other drugs. GPAC members maintain autonomy while carrying out GPAC prevention objectives through their respective organizations. GPAC subcommittees address such issues as alcohol policy and underage drinking prevention.</p>	

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	Data unavailable
Estimate 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:	Data unavailable
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data

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	
<p>Under the directive of SAMHSA, states are required to provide data on all Substance Abuse Prevention and Treatment Block Grant (SAPT-BG)-funded primary prevention services. Counties enter their data into the California Outcome Measurement Service for Prevention (CalOMS Pv), which is then used to provide the data for the SAPT-BG application. Funding is tracked by the six Primary Prevention Center for Substance Abuse Prevention (CSAP) strategies and three Institute of Medicine (IOM) categories. Prevention program data is not broken down by cost per service or identified issues such as underage drinking. Underage drinking is being addressed in California. Prevention programming throughout the state is not narrowly defined to address one topic; therefore, data are not collected by cost per service. When asking other agencies about how much they invest in underage drinking, the state may find they do not view their services as having this specific purpose, and thus cannot isolate the dollar amounts requested in the survey. For example, the Department of Education and Higher Education systems may consider underage drinking as a component of a program to improve overall academic performance and reduce dropout rates, but data on the cost per service specific to underage drinking is not collected.</p>	