

State Report

Indiana

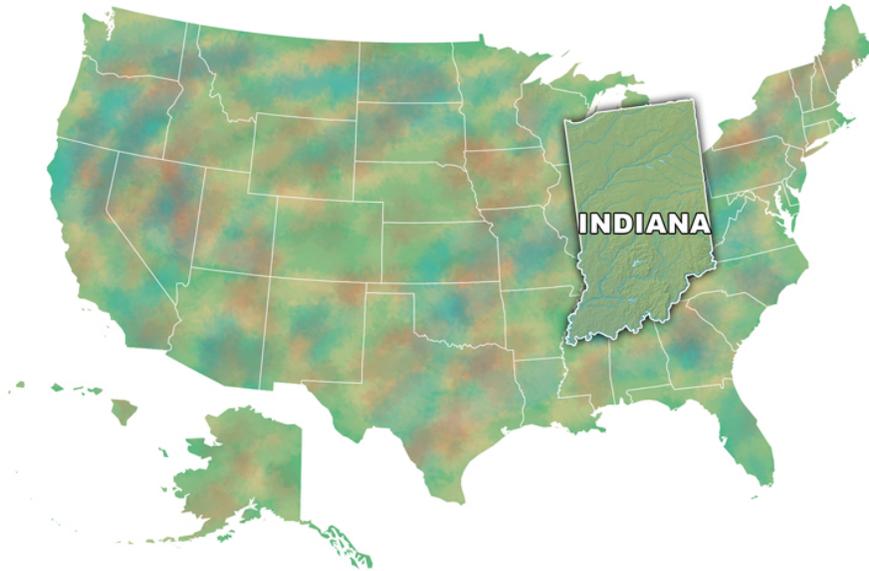
This state report is excerpted from:

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>



Indiana

State Profile and Underage Drinking Facts*

State Population: 6,516,922
Population Ages 12–20: 826,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	22.7	188,000
Past-Month Binge Alcohol Use	15.7	130,000
Ages 12–14		
Past-Month Alcohol Use	4.8	12,000
Past-Month Binge Alcohol Use	1.5	4,000
Ages 15–17		
Past-Month Alcohol Use	19.3	53,000
Past-Month Binge Alcohol Use	13.5	37,000
Ages 18–20		
Past-Month Alcohol Use	41.4	122,000
Past-Month Binge Alcohol Use	30.1	89,000
Alcohol-Attributable Deaths (under 21)		102
Years of Potential Life Lost (under 21)		6,130
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	12.0	16

* 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 prohibited—no explicit exceptions noted in the law.

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Underage Purchase of Alcohol

Purchase is not prohibited.

Note: Indiana does not have a statute that specifically prohibits purchase, but it does prohibit purchasing or attempting to purchase alcohol in connection with making a false statement or using false evidence of majority or identity, except that 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 age 21 are easily distinguishable from those for drivers age 21 and older.
- General affirmative defense—the retailer came to a good faith or reasonable decision that the purchaser was 21 years or older; inspection of an identification card not required.

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”)

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

- Minimum: 90 days
- Maximum: 365 days

Graduated Driver’s License***Learner Stage***

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

Intermediate Stage

- Minimum age: 16 years, 6 months—16 years, 9 months without driver education
- Unsupervised night driving
 - Prohibited after: 10 p.m.—first 180 days, 10 p.m.; then, 11 p.m. Sunday through Friday and 1 a.m. on Saturday and Sunday
 - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No passengers except immediate family, unless accompanied by parent or a licensed driver at least 21 years old
 - Primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 18—passenger restrictions expire 180 days after issuance of intermediate license; unsupervised night-driving restrictions remain until age 18.

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: 18
- Maximum: 20.75

Appearance Requirements

- Age-appropriate dress and grooming

ID Possession

- Prohibited

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Mandated

Penalty Guidelines for Sales to Minors

Time period/conditions: No guidelines provided

Responsible Beverage Service

Mandatory Beverage Service Training for Licensees, Managers, Servers

- Applies to both on-sale and off-sale establishments
- Applies to both new and existing outlets

Minimum Ages for Off-Premises Sellers

- Beer: 19
- Wine: 19
- Spirits: 19

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: 19 for servers and 21 for bartenders
- Wine: 19 for servers and 21 for bartenders
- Spirits: 19 for servers and 21 for bartenders

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

- Manager/supervisor is present.

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 200 feet
- On-premises outlets: Yes—within 200 feet
- Alcohol products: Beer, wine, spirits

Note: Exceptions are (1) restaurants in historic places or districts; (2) shopping malls and city markets; and (3) if school does not object, grocery or drug store.

Dram Shop Liability

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Knowledge of visible intoxication

Social Host Liability Laws

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Knowledge of visible intoxication.

Host Party Laws

No state-imposed liability for hosting underage drinking parties

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 permitted for wine with the following restrictions:
- Consumer must make at least one trip to producer’s place of business to verify age before any direct shipments are permitted.

Age Verification Requirements

- Producer must verify age of purchaser.
- Common carrier must verify age of recipient.

State Approval/Permit Requirements

- Producer/shipper must obtain state permit.
- State must approve common carrier.

Reporting Requirements

- Producer must record/report purchaser’s name.

Shipping Label Statement Requirements

- Contains alcohol
- Recipient must be 21

Note: Brewers who manufacture not more than 30,000 barrels of beer in a single calendar year may ship up to one half barrel of beer directly to Indiana consumers without being subject to the restrictions placed on wine shipments.

Keg Registration

- Keg definition: At least 7³/₄ gallons
- Prohibited: Possessing an unregistered, unlabeled keg—maximum fine/jail: \$1,000
- 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—6³/₄ to 15³/₄ gallons in a single transaction depending on the type of retail license
- Wine: Permitted
- Spirits: Permitted—4 to 12 quarts in a single transaction depending on the type of retail license

Alcohol Tax

- Beer (5 percent alcohol): Specific excise tax is \$0.12 per gallon.
- Wine (12 percent alcohol): Specific excise tax is \$0.47 per gallon.
- Spirits (40 percent alcohol): Specific excise tax is \$2.68 per gallon.

Drink Specials

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

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Price posting requirements: Post—all prices, discounts, or allowances offered by wholesalers shall be disseminated to customers in such a manner and for such a period of time to ensure that customers are afforded reasonable opportunity to secure the discount. For dissemination purposes, the customer is anyone the wholesaler had sold alcoholic beverages to within the last 30 days. For the purposes of this rule, a reasonable opportunity to secure the discount shall be presumed when offer is extended for not less than 7 days after dissemination of the price list.
- Retailer credit: Not permitted

Wine (12 percent alcohol)

- Price posting requirements: Post—all prices, discounts, or allowances offered by wholesalers shall be disseminated to customers in such a manner and for such a period of time to insure that customers are afforded reasonable opportunity to secure the discount. For dissemination purposes, the customer is anyone the wholesaler had sold alcoholic beverages to within the last 30 days. For the purposes of this rule, a reasonable opportunity to secure the discount shall be presumed when offer is extended for not less than 7 days after dissemination of the price list.
- Retailer credit: Restricted—15 days maximum

Spirits (40 percent alcohol)

- Price posting requirements: Post—all prices, discounts, or allowances offered by wholesalers shall be disseminated to customers in such a manner and for such a period of time to insure that customers are afforded reasonable opportunity to secure the discount. For dissemination purposes, the customer is anyone the wholesaler had sold alcoholic beverages to within the last 30 days. For the purposes of this rule, a reasonable opportunity to secure the discount shall be presumed when offer is extended for not less than 7 days after dissemination of the price list.
- Retailer credit: Restricted—15 days maximum

Indiana State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Indiana State Excise Police	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> State Excise Police provide training to local law enforcement on compliance checks and enforcement. The State Excise Police are the primary agency responsible for enforcement. However, local police do participate in enforcement activities subject to the availability of funds, which are typically provided by the Local Coordinating Councils (LCCs).	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
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>	Unknown
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	No data
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>	
Number of minors found in possession by state law enforcement agencies	2315
Number pertains to the 12 months ending	12/31/2011
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>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by state agencies	11,977
Number of licensees that failed state compliance checks	603
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
Number of licensees checked for compliance by local agencies	Data not collected
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
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	No data
Numbers pertain to the 12 months ending	No data
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the state ⁴	No data
Total days of suspensions across all licensees	No data
Numbers pertain to the 12 months ending	No data

State collects data on license revocations imposed on retail establishments specifically for furnishing minors	Yes
Number of license revocations imposed ⁵	No data
Numbers pertain to the 12 months ending	No data
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	
Indiana Coalition to Reduce Underage Drinking (ICRUD)	
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	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	http://www.icrud.org/about
<p>Program description: ICRUD is a program of Mental Health America of Indiana. The Coalition’s mission is to create healthier and safer environments by reducing the accessibility and availability of alcohol to underage persons. It aims to reduce youth access to alcohol by educating policymakers and the public about underage drinking and advocating for effective alcohol policies and laws. The Coalition believes that all young people have the right to live and learn in environments that do not promote, condone, or allow underage drinking.</p>	
Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking	
None	
URL for more program information: Not applicable	

Additional Information Related to Underage Drinking Prevention Programs	
State collaborates with federally recognized Tribal governments in the prevention of underage drinking	No (see additional clarification below)
Description of collaboration: Not applicable	
State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing	No
Program description: Not applicable	
State has adopted or developed best practice standards for underage drinking prevention programs	No
Best practice standards description: Not applicable	
Additional Clarification	
<p>The total American Indian/Alaskan Native population in Indiana is 0.3 percent, a portion of which is the Miami Nation of Indiana. The Miamis are not a federally recognized Tribe. Legislation was introduced in the 2011 session of the Indiana General Assembly to confer state recognition on the Miami Nation, but the bill died in committee without receiving a hearing. The Pokagon Band of Potawatomi Indians is a federally recognized Tribe of 3,150 members. The land held by the Tribe in federal trust is all located in Michigan, and the Tribal government is located in Dowagiac, Michigan. The Tribe considers the</p>	

Pokagon Homeland to be four counties in southwest Michigan and six counties in northwest Indiana (LaPorte, St. Joseph, Elkhart, Starke, Marshall, and Kosciusko). The Pokagon own and operate the Four Winds Casino Resort in New Buffalo, Michigan, and the new Four Winds Hartford, which opened in 2011. The Pokagon Band Behavioral Health Services is licensed by the State of Michigan to provide outpatient counseling for mental health and substance abuse.

Because the Tribal government and services are based in Michigan, the Indiana Division of Mental Health and Addiction (DMHA) has not had a relationship with the Pokagon Band of Potawatomi Indians. However, DMHA is identifying a contact in the Pokagon Tribal government to ascertain the Tribe's willingness to consult in the ongoing development of the Substance Abuse Prevention and Treatment (SAPT) Block Grant plan. This could also include invitations to participate as a member of the State Epidemiological Outcomes Workgroup (SEOW) or the Mental Health and Addiction Planning and Advisory Council (MHAPAC).

State Interagency Collaboration

<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	No
<i>Committee contact information:</i> Not applicable	
<i>Agencies/organizations represented on the committee:</i> Not applicable	
<i>A website or other public source exists to describe committee activities</i> URL or other means of access: Not applicable	Not applicable

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>	No
Prepared by: Not applicable Plan can be accessed via: Not applicable	

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	No data
Estimate based on the 12 months ending	No data
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$70,000
Estimate based on the 12 months ending	12/31/2011
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$100,000
Estimate based on the 12 months ending	12/31/2011
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included: Underage Drinking Prevention Component of Afternoons ROCK	
Estimate of state funds expended	\$250,000
Estimate based on the 12 months ending	12/31/2011

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	Yes
Fees	No
Other	No data
<i>Description of funding streams and how they are used:</i>	
<p>Fines and forfeitures collected for alcohol- or drug-related offenses are given to coalitions in all 92 counties for alcohol and drug prevention efforts. As each county is given a different allotment based on the amount of fines collected in their county, and each coalition provides grant funding to various agencies and priorities in their count, it is difficult to determine the exact amount being spent solely on underage drinking prevention from these funds. Typically, these funds go to multiple initiatives or programs targeting multiple areas.</p>	
Additional Clarification	
<p>The State of Indiana funds the Indiana Coalition to Reduce Underage Drinking and the Indiana Collegiate Action Network, whose sole focus is alcohol prevention activities. As underage drinking is their sole focus it is easy to determine what activities occur and how funds are being spent. However, the Governor’s Commission also funds Local Coordinating Councils (LCCs) to do community-level prevention work. As the Governor’s Commission has not had a stringent process to collect data or determine how funds are being spent, it is difficult to determine how much of the funding the LCCs receive is going toward underage drinking prevention. Family Subsistence Supplemental Allowance (FSSA) also funds afterschool prevention programs that have an alcohol prevention component; again, as billing is done for the entire cohort of the program, it is difficult to determine the exact figure spent on those activities. The number represented in the survey is the best estimate based on average attendance figures.</p>	