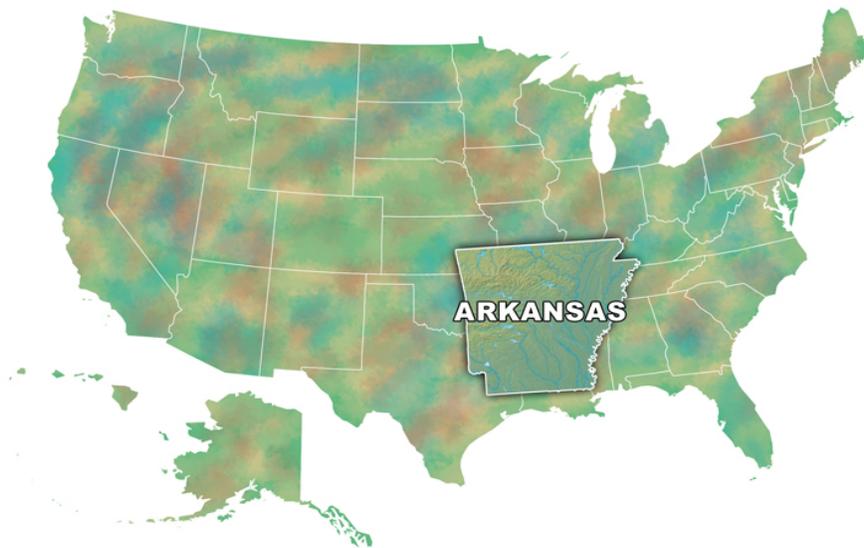


## **State Report**

# **Arkansas**

This document is excerpted from:

**The June 2015 Report to Congress on the Prevention and Reduction of Underage Drinking**



# Arkansas

## State Profile and Underage Drinking Facts\*

State Population: 2,949,131  
 Population Ages 12–20: 356,000

	Percentage	Number
<b>Ages 12–20</b>		
Past-Month Alcohol Use	23.0	82,000
Past-Month Binge Alcohol Use	15.0	53,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	6.2	7,000
Past-Month Binge Alcohol Use	2.8	3,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	21.3	26,000
Past-Month Binge Alcohol Use	13.9	17,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	40.0	49,000
Past-Month Binge Alcohol Use	27.3	33,000
<b>Alcohol-Attributable Deaths (under 21)</b>		55
<b>Years of Potential Life Lost (under 21)</b>		3,309
	<b>Percentage of All Traffic Fatalities</b>	<b>Number</b>
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	16.0	11

\* 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 law provides that intoxicating liquor, wine, or beer in the body of a minor is deemed to be in his or her possession. Laws that prohibit minors from having alcohol in their bodies, but 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.

#### *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.

#### *Provision(s) 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 21 years old 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 Arkansas law, a seller's detention of a person under 21 for use of false identification shall not include 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”)**

Use/lose penalties apply 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

**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***

- 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 passenger under 21 who is not a sibling or household member, unless accompanied by driver 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 of Alcohol to Minors

Furnishing is prohibited with the following exception(s): EITHER

- Parent/guardian OR
- Spouse

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

### Compliance Check Protocols

No data

### 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: A 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

**Home Delivery**

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

**Alcohol Pricing Policies****Alcohol Tax*****Beer (5 percent alcohol)***

- Specific excise tax: \$0.24 per gallon
- Ad valorem excise tax (off-premises retail): 1 percent

***Wine (12 percent alcohol)***

- Specific excise tax: \$0.75 per gallon
- Ad valorem excise tax (off-premises retail): 3 percent

***Spirits (40 percent alcohol)***

- Specific excise tax: \$2.50 per gallon
- Ad valorem excise tax (on-premises retail): 14 percent
- Ad valorem excise tax (off-premises retail): 3 percent
- Additional taxes: \$1.00 per gallon for alcohol content of less than 26.25 percent but more than 6.25 percent

**Drink Specials**

- Free beverages: Prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Prohibited
- Reduced price, 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

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
ABC Enforcement	
<b>Enforcement Strategies</b>	
<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/shippments of alcohol to minors	Not applicable
Such laws are also enforced by local law enforcement agencies	Not applicable
<b>Enforcement Statistics</b>	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by state law enforcement agencies	Yes 310; includes possession, consumption, warnings, citations, and arrests
Number pertains to the 12 months ending	12/31/2012
Data include arrests/citations issued by local law enforcement agencies	Yes
<i>State conducts underage compliance checks/decoy operations<sup>2</sup> to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of retail licensees in state <sup>3</sup>	3,853 as of 5/01/13
Number of licensees checked for compliance by state agencies (including random checks)	3,867
Number of licensees that failed state compliance checks	431
Numbers pertain to the 12 months ending	12/31/2012
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
<i>State conducts <b>random</b> underage compliance checks/decoy operations</i>	
Number of licensees subject to <b>random</b> state compliance checks/decoy operations	Yes 3,867
Number of licensees that failed <b>random</b> state compliance checks	431
<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	Yes No
Number of licensees checked for compliance by local agencies	Not applicable
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	12/31/2012
<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state <sup>4</sup>	Yes 412
Total amount in fines across all licensees	\$215,000

Smallest fine imposed	\$250
Largest fine imposed	\$3,000
Numbers pertain to the 12 months ending	12/31/2012
<b>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</b>	
Number of suspensions imposed by the state <sup>5</sup>	12
Total days of suspensions across all licensees	42
Shortest period of suspension imposed (in days)	1
Longest period of suspension imposed (in days)	3 weeks
Numbers pertain to the 12 months ending	12/31/2012
<b>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</b>	
Number of license revocations imposed <sup>6</sup>	No
Numbers pertain to the 12 months ending	Not applicable
<b>Additional Clarification</b>	
All compliance checks are random.	

<sup>1</sup> Or having consumed or purchased per state statutes.

<sup>2</sup> Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

<sup>3</sup> Excluding special licenses such as temporary, seasonal, and common carrier licenses.

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

<b>Underage Drinking Prevention Programs Operated or Funded by the State</b>	
<b>Arkansas Underage Drinking &amp; Injury Prevention Conference</b>	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
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
<b>Program Description:</b> This program is federally funded by the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, by means of the Enforcing Underage Drinking Laws. A subgrant issued by the Arkansas Department of Finance and Administration, Office of Intergovernmental Services, supports an annual prevention conference that targets Arkansas' law enforcement, coalitions, and injury prevention professionals. The conference focuses on community solutions to underage drinking, and provides learning opportunities through research-based plenary sessions as well as strategies for implementing and sustaining effective underage drinking prevention.	
<b>Youth Summit</b>	
Program serves specific or general population	No data
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	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
<b>Program Description:</b> The Summit will bring together youth from around Arkansas to participate in sessions and panel discussions focusing on alcohol use/abuse and the systematic consequences of underage drinking, how to avoid the pressures of underage drinking, and learning about the effects of	

underage drinking. Participants will be exposed to technical and trade programs as well as potential employers, in preparation for the next phase of their lives. \*The number of youth served will be reported on the 2014 SAMHSA Survey. The closing date for submission of all final documents will be after the due date for the 2013 survey.

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

No data  
 URL for more program information: No data

**Program description:** No data

**Additional Clarification**

No data

**Additional Information Related to Underage Drinking Prevention Programs**

*State collaborates with federally recognized Tribal governments in the prevention of underage drinking* No recognized Tribes

Description of collaboration: Not applicable

*State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing* No

Description of program: Not applicable

*State has adopted or developed best practice standards for underage drinking prevention programs* No

Agencies/organizations that established best practices standards:

Federal agency(ies): No data

Agency(ies) within your state: No data

Nongovernmental agency(ies): No data

Other: No data

Best practice standards description: Not applicable

**Additional Clarification**

No data

**State Interagency Collaboration**

*A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities* No

*Committee contact information:*

Not applicable

*Agencies/organizations represented on the committee:*

- Mothers Against Drunk Driving
- 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**

*State has prepared a plan for preventing underage drinking in the last 3 years* No

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 Prepared by: Not applicable Plan can be accessed via: Not applicable	No
<b>Additional Clarification</b>	
The Underage Drinking Task Force is still inactive. However, they are now working on a grant application that would revitalize the Task Force Committee.	

<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	12/31/2012
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	12/31/2012
<i>Community-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>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	Data not available
Estimate based on the 12 months ending	Data not available
<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:	Data not available
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

<b>Funds Dedicated to Underage Drinking</b>	
<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
<b>Additional Clarification</b>
Regarding Compliance Checks and Checkpoints and Saturation Patrols expenditures, the only money used is the EUDL federal grant. No state money is used.