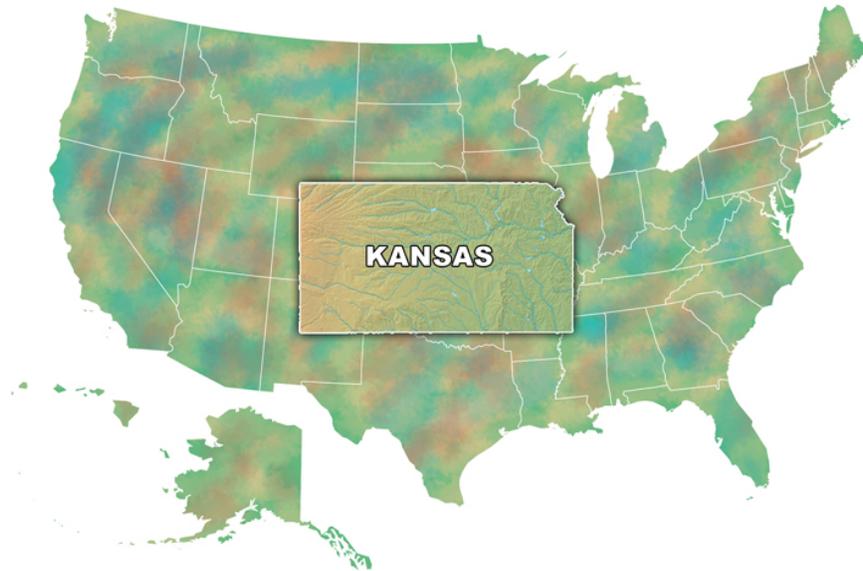


State Report

Kansas

This document is excerpted from:

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



Kansas

State Profile and Underage Drinking Facts*

State Population: 2,885,905
Population Ages 12–20: 359,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	26.2	94,000
Past-Month Binge Alcohol Use	18.0	64,000
Ages 12–14		
Past-Month Alcohol Use	4.5	5,000
Past-Month Binge Alcohol Use	1.6	2,000
Ages 15–17		
Past-Month Alcohol Use	22.3	27,000
Past-Month Binge Alcohol Use	14.8	18,000
Ages 18–20		
Past-Month Alcohol Use	48.5	62,000
Past-Month Binge Alcohol Use	35.0	45,000
Alcohol-Attributable Deaths (under 21)		41
Years of Potential Life Lost (under 21)		2,459
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	26.0	20

* 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.

Note: Kansas has an exception permitting persons under 21 years old to possess alcohol, but the exception applies only to cereal malt beverages (defined as any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but not including any such liquor that is more than 3.2 percent ABW).

Underage Consumption of Alcohol

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

Note: Kansas has an exception permitting persons under 21 years old to consume alcohol, but the exception applies only to cereal malt beverages (defined as any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but not including any such liquor that is more than 3.2 percent ABW).

Internal Possession by Minors

Internal possession is prohibited—no explicit exceptions noted in the law.

Note: Kansas has an exception permitting persons under 21 years old to possess or consume alcohol but the exception applies only to cereal malt beverages (defined as any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but not including any such liquor that is more than 3.2 percent ABW).

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.
- No driver's license suspension procedure.

Provision(s) targeting suppliers

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

Provision(s) targeting retailers

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- 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: 0.02
- 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
- Underage consumption

Authority to impose driver’s license sanction

- Mandatory

Length of suspension/revocation

- 30 days

Graduated Driver’s License

Learner stage

- Minimum entry age: 14
- Minimum learner stage period: 12 months
- Minimum supervised driving requirement: 50 hours, of which 10 must be at night

Intermediate stage

- Minimum age: 16
- Unsupervised night driving
 - Prohibited after: 9 p.m.
 - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one passenger under 18 who is not an immediate family member
 - Primary enforcement of the passenger-restriction rule

License stage

- Minimum age to lift restrictions: 16 years, 6 months

Note: Kansas has a “restricted license” that allows unsupervised 15-year-olds to drive to and from school or work using the most direct route possible. They must have completed driver’s education, held an instruction permit for 12 months, completed 25 hours of supervised driving with an additional 25 hours of driving prior to age 16, and obtained parental consent. They must not operate the vehicle with nonsibling minor passengers.

Laws Targeting Alcohol Suppliers

Furnishing of Alcohol to Minors

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

Note: Kansas has an exception permitting the furnishing by a parent or legal guardian to a child or ward, but the exception applies only to cereal malt beverages (defined as any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but not including any liquor that is more than 3.2 percent ABW).

Compliance Check Protocols

Age of decoy

- Minimum: 18
- Maximum: 19.5

Appearance requirements

- Youthful-looking appearance
- Male: No facial hair

ID possession

- Required

Verbal exaggeration of age

- Prohibited

Decoy training

- Not specified

Penalty Guidelines for Sales to Minors

- Time period/conditions: Not specified
- First offense: \$500 fine
- Second offense: \$750 fine
- Third offense: \$1,000 fine
- Fourth offense: \$1,000 fine and license suspension for 2 weekend days

Note: Fifth offense, \$1,000 fine and 4-day license suspension (weekend days); sixth offense, \$1,000 fine and 7-day license suspension; seventh offense, \$1,000 fine and 14-day license suspension; eighth offense, \$1,000 fine and license revocation.

Responsible Beverage Service

No beverage service training requirement

Minimum Ages for Off-Premises Sellers

- Beer: 21
- Wine: 21
- Spirits: 21

Note: Although employees must be at least 21 years old to sell alcoholic liquors at off-sale establishments, employees who are at least 18 years old may sell cereal malt beverages (defined as containing not more than 3.2 percent alcohol by weight) if the licensee's place of business is licensed only to sell cereal malt beverages at retail in original and unopened containers and not for consumption on the premises.

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

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

- Limitations on outlet siting:
 - Off-premises outlets: Yes—within 200 feet
 - On-premises outlets: No
 - Alcohol products: Beer, wine, spirits

Primary and secondary schools

- Prohibitions against outlet siting:
 - Off-premises outlets: Yes—within 200 feet
 - On-premises outlets: No
 - Alcohol products: Beer, wine, spirits

Dram Shop Liability

There is no statutory liability.

Social Host Liability Laws

There is no statutory liability.

Host Party Laws

Social host law is specifically limited to underage drinking parties.

- Action by underage guest that triggers violation: Possession, consumption
- Property type(s) covered by liability law: Residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: Recklessness
- Exception(s): Family, resident

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:

Age verification requirements

- Producer must verify age of purchaser.

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

Keg Registration

- Keg definition: 4 or more gallons
- Prohibited:
 - Possessing an unregistered, unlabeled keg—maximum fine/jail \$1,000/6 months
 - Destroying the label on a 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 specifically address disposable kegs

Home Delivery

- Beer: No law
- Wine: No law
- Spirits: No law

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

- Specific excise tax: \$0.18 per gallon
- Ad valorem excise tax (on-premises retail): 10 percent
 - Sales tax does NOT apply
 - Sales tax: 6.3 percent
 - Sales tax adjusted retail ad valorem rate: 3.7 percent
- Ad valorem excise tax (off-premises retail): 8 percent
 - Sales tax does NOT apply
 - Sales tax: 6.3 percent
 - Sales tax adjusted retail ad valorem rate: 1.7 percent
- Ad valorem excise tax (on-premises wholesale): 8 percent

Note: Sales of beer containing not more than 4 percent alcohol by retailers holding only a cereal malt beverage (CMB) license are subject only to the applicable state and local sales tax. The 10 percent Liquor Drink Tax is not due on beer containing not more than 4 percent alcohol sold by those holding only a CMB license; however, holders of alcoholic liquor licenses must collect and remit the 10 percent Liquor Drink Tax on sales of beer containing not more than 4 percent alcohol but are not required to collect sales tax.

Wine (12 percent alcohol)

- Specific excise tax: \$0.30 per gallon
- Ad valorem excise tax (on-premises retail): 10 percent
 - Sales tax does NOT apply
 - Sales tax: 6.3 percent
 - Sales tax adjusted retail ad valorem rate: 3.7 percent

- Ad valorem excise tax (off-premises retail): 8 percent
 - Sales tax does NOT apply
 - Sales tax: 6.3 percent
 - Sales tax adjusted retail ad valorem rate: 1.7 percent
- Ad valorem excise tax (on-premises wholesale): 8 percent

Spirits (40 percent alcohol)

- Specific excise tax: \$2.50 per gallon
- Ad valorem excise tax (on-premises retail): 10 percent
 - Sales tax does NOT apply
 - Sales tax: 6.3 percent
 - Sales tax adjusted retail ad valorem rate: 3.7 percent
- Ad valorem excise tax (off-premises retail): 8 percent
 - Sales tax does NOT apply
 - Sales tax: 6.3 percent
 - Sales tax adjusted retail ad valorem rate: 1.7 percent
- Ad valorem excise tax (on-premises wholesale): 8 percent

Drink Specials

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

- Volume discounts: Banned
- Retailer credit: Not permitted

Wine (12 percent alcohol)

- Volume discounts: Banned
- Price posting requirements: Post
- Retailer credit: Not permitted

Spirits (40 percent alcohol)

- Volume discounts: Banned
- Price posting requirements: Post
- Retailer credit: Not permitted

Kansas State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Kansas Department of Revenue, Alcoholic Beverage Control Division	
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	No
<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>	
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
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	Yes 173
Number pertains to the 12 months ending	6/30/2012
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 retail licensees in state ³	2,732
Number of licensees checked for compliance by state agencies (including random checks)	490
Number of licensees that failed state compliance checks	79
Numbers pertain to the 12 months ending	6/30/2012
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
<i>State conducts random underage compliance checks/decoy operations</i>	
Number of licensees subject to random state compliance checks/decoy operations	No Not applicable
Number of licensees that failed random state compliance checks	Not applicable
<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	6/30/2012
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ⁴	Yes 73
Total amount in fines across all licensees	\$45,500

Smallest fine imposed	\$500
Largest fine imposed	\$3,000
Numbers pertain to the 12 months ending	6/30/2012
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁵	1
Total days of suspensions across all licensees	2
Shortest period of suspension imposed (in days)	2
Longest period of suspension imposed (in days)	2
Numbers pertain to the 12 months ending	6/30/2012
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed ⁶	0
Numbers pertain to the 12 months ending	6/30/2012
Additional Clarification	
In previous years, data provided included statistics on violations, fines, suspensions, and revocations for all liquor violations, not just underage statistics. These 2013 data are for underage violations only.	

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 Excluding special licenses such as temporary, seasonal, and common carrier licenses.

⁴ Does not include fines imposed by local agencies.

⁵ Does not include suspensions imposed by local agencies.

⁶ Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State	
Regional Media Campaigns	
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	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	No data
Program Description: Regional media-related strategies were implemented to address substance abuse prevalence. We highly encouraged these regions to use the state’s “Teen Thinking” materials so that materials implemented statewide had a similar look, feel, and message.	
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	
<p><i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i></p> <p>Description of collaboration: The Regional Prevention Center provides interactive prevention education activities to a youth group sponsor focused on underage drinking. These activities help students develop healthy beliefs regarding underage and binge drinking. Underage drinking is the focus for their activities every few months.</p>	Yes
<p><i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i></p> <p>Description of program: Not applicable</p>	No
<p><i>State has adopted or developed best practice standards for underage drinking prevention programs</i></p> <p>Agencies/organizations that established best practices standards:</p> <p>Federal agency(ies): CSAP</p> <p>Agency(ies) within your state: Kansas Department for Aging and Disability Services - BHS</p> <p>Nongovernmental agency(ies):</p> <p>Other:</p> <p>Best practice standards description: Kansas Criteria for Evidence-Based Prevention Strategy Selection—Included in a federal list or registry of evidence-based intervention strategies, or reported in a peer-reviewed journal to have produced positive results, or documented as effective based on all three of the following guidelines: (1) The intervention is based on a solid theory or theoretical perspective that has validated research, and (2) the intervention is supported by a documented body of knowledge—a converging of empirical evidence of effectiveness—generated from similar or related interventions that indicate effectiveness, and (3) the intervention is judged by a consensus of informed experts to be effective based on their combined knowledge of theory and their research and practice experience. “Informed experts” may include key community leaders and elders or other respected leaders within indigenous cultures.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>
Additional Clarification	
No data	

State Interagency Collaboration	
<p><i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i></p>	Yes
<p><i>Committee contact information:</i></p> <p>Name: Sarah Fischer E-mail: sarah.fischer@kdads.ks.gov Address: 503 South Kansas Avenue, 3rd floor, Topeka, KS 66612 Phone: 785-296-6843</p>	
<p><i>Agencies/organizations represented on the committee:</i></p> <ul style="list-style-type: none"> Department for Aging and Disability Services Department for Children and Families Department of Transportation Department of Health and Environment Department of Education KS Board of Regents Department of Revenue Department of Corrections Highway Patrol University of Kansas Army National Guard Office of the Governor League of KS Municipalities KS Children’s Cabinet and Trust KS Bureau of Investigation 	

A website or other public source exists to describe committee activities URL or other means of access: Not applicable	No
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Underage Drinking Reports	
State has prepared a plan for preventing underage drinking in the last 3 years	Yes
Prepared by: Kansas Department for Aging and Disability Services Plan can be accessed via: No data	
State has prepared a report on preventing underage drinking in the last 3 years	Yes
Prepared by: Kansas EPI Core Team Plan can be accessed via: No data	
Additional Clarification	
No data	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<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:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Funds Dedicated to Underage Drinking	
State derives funds dedicated to underage drinking from the following revenue streams:	
Taxes	No
Fines	No
Fees	No
Other:	No
Description of funding streams and how they are used: Not applicable	
Additional Clarification	
No data	