

**State Report**

**Louisiana**

This document is excerpted from:

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



# Louisiana

## State Profile and Underage Drinking Facts\*

State Population: 4,601,893  
 Population Ages 12–20: 563,000

|  | Percentage                                  | Number        |
|--|---|---------------|
| <b>Ages 12–20</b>  |   |               |
| Past-Month Alcohol Use   | 26.6  | 150,000       |
| Past-Month Binge Alcohol Use   | 15.9  | 89,000        |
| <b>Ages 12–14</b>  |   |               |
| Past-Month Alcohol Use   | 5.9   | 10,000        |
| Past-Month Binge Alcohol Use   | 1.9   | 3,000         |
| <b>Ages 15–17</b>  |   |               |
| Past-Month Alcohol Use   | 23.4  | 45,000        |
| Past-Month Binge Alcohol Use   | 12.5  | 24,000        |
| <b>Ages 18–20</b>  |   |               |
| Past-Month Alcohol Use   | 48.2  | 94,000        |
| Past-Month Binge Alcohol Use   | 31.7  | 62,000        |
| <b>Alcohol-Attributable Deaths (under 21)</b>                            |   | 113           |
| <b>Years of Potential Life Lost (under 21)</b>                           |   | 6,832         |
|  | <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> | 26.0  | 28            |

\* 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 residence OR
- Parent/guardian OR
- Spouse

### Underage Consumption of Alcohol

Consumption is prohibited with the following exception(s):

- Private residence OR
- Parent/guardian OR
- Spouse

### Internal Possession by Minors

Internal possession is not explicitly prohibited.

### 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 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.

*Note:* In Louisiana, beginning January 1, 2000, and thereafter, special identification cards issued to applicants less than 21 years old shall contain a highly visible distinctive color to clearly indicate that the card has been issued to an applicant less than 21 years old. The special identification card is to be accepted as valid identification of the person to whom it is issued but does not enable the person to whom it is issued to operate a motor vehicle.

## 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***

- 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, of which 15 must be at night

#### ***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 passenger under 21 who is not an immediate family member between the hours of 6 p.m. and 5 a.m., unless accompanied by a licensed driver at least 21 years old
  - Primary enforcement of the passenger-restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

- Parent/guardian OR
- Spouse

### **Compliance Check Protocols**

No data

### **Penalty Guidelines for Sales to Minors**

No data

## **Responsible Beverage Service**

### ***Mandatory beverage service training for 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: 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 both servers and bartenders
- Wine: 18 for both servers and bartenders
- Spirits: 18 for both servers and bartenders

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

### ***Colleges and universities***

- No distance limitation

### ***Primary and secondary schools***

- No distance limitation

## **Dram Shop Liability**

- There is no statutory liability.
- The courts recognize common law dram shop liability.

## **Social Host Liability Laws**

- There is no statutory liability.
- The courts recognize common law social host liability.

## **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: Permitted
- Spirits: Prohibited

## **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***

- Common carrier must record/report purchaser's name.

***Shipping label statement requirements***

- Contains alcohol
- Recipient must be 21

**Keg Registration**

- Keg definition: 4 or more gallons
- 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: Not required
- Provisions do not specifically address disposable kegs

**Home Delivery**

- Beer: No law
- Wine: Permitted—no more than 144 (750 ml) bottles per year per person per household.
- Spirits: No law

## **Alcohol Pricing Policies**

**Alcohol Tax**

***Beer (5 percent alcohol)***

- Specific excise tax: \$0.32 per gallon

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

- Specific excise tax: \$0.11 per gallon
- Additional taxes: \$0.32 per gallon for alcohol content of 6 percent or less

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

- Specific excise tax: \$2.50 per gallon

**Drink Specials**

- Free beverages: Not 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—not permitted after 10 p.m.
- 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
- Retailer credit: Restricted—15 days maximum

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

- Volume discounts: Banned
- Retailer credit: Restricted—15 days maximum

## Louisiana State Survey Responses

| <b>State Agency Information</b>   |                                      |
|---|--------------------------------------|
| <i>Agency with primary responsibility for enforcing underage drinking laws:</i><br>Louisiana Office of Alcohol and Tobacco Control (ATC)                            |                                      |
| <b>Enforcement Strategies</b>   |                                      |
| <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   | No                                   |
| Party Patrol Operations or Programs   | No                                   |
| Underage Alcohol–Related Fatality Investigations  | No                                   |
| <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   | Louisiana Office of ATC              |
| Such laws are also enforced by local law enforcement agencies   | Don't know                           |
| <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  | 1,202                                |
| Number pertains to the 12 months ending   | 6/30/2012                            |
| Data include arrests/citations issued by local law enforcement agencies   | No                                   |
| <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>  | 12,594                               |
| Number of licensees checked for compliance by state agencies (including random checks)  | 2,994                                |
| Number of licensees that failed state compliance checks   | 289                                  |
| 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 <b>random</b> underage compliance checks/decoy operations</i>   |                                      |
| Number of licensees subject to <b>random</b> state compliance checks/decoy operations   | Approximately 12,594                 |
| Number of licensees that failed <b>random</b> state compliance checks   | ATC began gathering 03/20/2013       |
| <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  | Don't know/ No answer                |
| 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   | Not applicable                       |
| <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>   | Don't know                           |
| Total amount in fines across all licensees  | Not applicable                       |
| Smallest fine imposed   | Not applicable                       |
| Largest fine imposed  | Not applicable                       |
| Numbers pertain to the 12 months ending   | Not applicable                       |

|   |           |
|---|-----------|
| <i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i> | Yes       |
| Number of suspensions imposed by the state <sup>5</sup>   | 4         |
| Total days of suspensions across all licensees  | No data   |
| Shortest period of suspension imposed (in days)   | No data   |
| Longest period of suspension imposed (in days)  | No data   |
| 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 <sup>6</sup>  | 0         |
| Numbers pertain to the 12 months ending   | 6/30/2012 |
| <b>Additional Clarification</b>   |           |
| No data   |           |

<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>Project Northland</b>   |                    |
| Program serves specific or general population  | General population |
| Number of youth served   | 7,543              |
| Number of parents served   | No data            |
| Number of caregivers served  | No data            |
| Program has been evaluated   | Yes                |
| Evaluation report is available   | Yes                |
| URL for evaluation report:   | No data            |
| URL for more program information:  | No data            |
| <p><b>Program Description:</b> Project Northland is a multilevel intervention involving students, peers, parents, and communities in programs designed to delay the age at which adolescents begin drinking, reduce alcohol use among those already drinking, and limit the number of alcohol-related problems among young drinkers. Administered to adolescents in grades 6 to 8 on a weekly basis, the program has a specific theme within each grade level that is incorporated into the parent, peer, and community components. The 6th-grade home-based program targets communication about adolescent alcohol use through student-parent homework assignments, in-class group discussions, and a communitywide task force. The 7th-grade peer- and teacher-led curriculum focuses on resistance skills and normative expectations regarding teen alcohol use and is implemented through discussions, games, problemsolving tasks, and role plays. During the first half of the 8th-grade Powerlines peer-led program, students learn about community dynamics related to alcohol use prevention through small-group and classroom interactive activities. During the second half, they work on community-based projects and hold a mock town meeting to make community policy recommendations to prevent teen alcohol use.</p> |                    |
| <b>Protecting You/Protecting Me (PY/PM)</b>  |                    |
| Program serves specific or general population  | General population |
| Number of youth served   | 1,050              |
| Number of parents served   | No data            |
| Number of caregivers served  | No data            |
| Program has been evaluated   | Yes                |
| Evaluation report is available   | Yes                |
| URL for evaluation report:   | No data            |
| URL for more program information:  | No data            |

**Program Description:** PY/PM is a 5-year classroom-based alcohol use prevention and vehicle safety program for elementary school students in grades 1–5 (ages 6–11) and high school students in grades 11 and 12. The program aims to reduce alcohol-related injuries and death among children and youth due to underage alcohol use and riding in vehicles with drivers who are not alcohol free. PY/PM consists of a series of 40 science- and health-based lessons, with 8 lessons per year for grades 1 to 5. All lessons are correlated with educational achievement objectives. PY/PM lessons and activities focus on teaching children about:

- The brain—how it continues to develop throughout childhood and adolescence, what alcohol does to the developing brain, and why it is important for children to protect their brains.
- Vehicle safety, particularly what children can do to protect themselves if they have to ride with someone who is not alcohol free.
- Life skills, including decisionmaking, stress management, media awareness, resistance strategies, and communication.

Lessons are taught weekly and are 20–25 minutes or 45–50 minutes in duration, depending on the grade level. A variety of ownership activities promote students’ ownership of the information and reinforce the skills taught during each lesson. Parent take-home activities are offered for all 40 lessons. PY/PM’s interactive and affective teaching processes include role playing, small group and classroom discussions, reading, writing, storytelling, art, and music. The curriculum can be taught by school staff or prevention specialists. PY/PM also has a high school component for students in grades 11 and 12. The youth-led implementation model involves delivery of the PY/PM curriculum to elementary students by trained high school students who are enrolled in a peer mentoring, family and consumer science, or leadership course for credit. The program’s benefits to high school students are derived from learning about the brain and how alcohol use can affect adolescents, serving as role models to the elementary school participants, and taking coursework in preparation for delivering the curriculum.

**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

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* Yes

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: No data

**Additional Clarification**

No data

| <b>State Interagency Collaboration</b>  |         |
|---|---------|
| <i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>                            | No      |
| <i>Committee contact information:</i><br>Name: Dawn Diez<br>E-mail: Dawn.Diez@la.gov<br>Address: 150 Third Street, Baton Rouge, LA 70802<br>Phone: 225-342-1836 |         |
| <i>Agencies/organizations represented on the committee:</i><br>No data  |         |
| <i>A website or other public source exists to describe committee activities</i>   | No data |
| URL or other means of access: No data   |         |

| <b>Underage Drinking Reports</b>  |     |
|---|-----|
| <i>State has prepared a plan for preventing underage drinking in the last 3 years</i>   | No  |
| Prepared by: Not applicable<br>Plan can be accessed via: Not applicable   |     |
| <i>State has prepared a report on preventing underage drinking in the last 3 years</i>  | Yes |
| Prepared by: State Epidemiological Workgroup—Utilized results from the Louisiana Caring Communities Youth Survey<br>Plan can be accessed via: No data   |     |
| <b>Additional Clarification</b>   |     |
| Due to diminished resources, both financial and human, Louisiana's High Risk and Underage Drinking Taskforce disbanded in 2011. The Taskforce was a subcommittee of the statewide Prevention Systems Committee. Should resources become available, the state intends to work to revitalize the taskforce. |     |

| <b>State Expenditures for the Prevention of Underage Drinking</b>                           |                    |
|---|--------------------|
| <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  | No data            |
| Estimate based on the 12 months ending  | No data            |
| <i>K-12 school-based programs to prevent underage drinking:</i>                             |                    |
| Estimate of state funds expended  | \$550,262          |
| Estimate based on the 12 months ending  | 6/30/2012          |
| <i>Programs targeted to institutes of higher learning:</i>                                  |                    |
| Estimate of state funds expended  | No data            |
| Estimate based on the 12 months ending  | No data            |
| <i>Programs that target youth in the juvenile justice system:</i>                           |                    |
| Estimate of state funds expended  | No data            |
| Estimate based on the 12 months ending  | No data            |
| <i>Programs that target youth in the child welfare system:</i>                              |                    |
| Estimate of state funds expended  | No data            |
| Estimate based on the 12 months ending  | No data            |
| <i>Other programs:</i>  |                    |
| Programs or strategies included: Alcohol Compliance Checks: 2,994 compliance checks at \$65 |                    |
| Estimate of state funds expended  | \$194,610          |
| Estimate based on the 12 months ending  | 6/30/2012          |

| <b>Funds Dedicated to Underage Drinking</b>   |         |
|---|---------|
| <i>State derives funds dedicated to underage drinking from the following revenue streams:</i> |         |
| Taxes   | No data |
| Fines   | No data |
| Fees  | No data |
| Other:  | No data |
| <i>Description of funding streams and how they are used:</i>                                  |         |
| No data   |         |
| <b>Additional Clarification</b>   |         |
| No data   |         |