

State Report

Utah

This document is excerpted from:

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



Utah

State Profile and Underage Drinking Facts*

State Population: 2,855,287
Population Ages 12–20: 384,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	14.9	57,000
Past-Month Binge Alcohol Use	9.9	38,000
Ages 12–14		
Past-Month Alcohol Use	2.9	4,000
Past-Month Binge Alcohol Use	1.2	2,000
Ages 15–17		
Past-Month Alcohol Use	10.9	14,000
Past-Month Binge Alcohol Use	7.5	10,000
Ages 18–20		
Past-Month Alcohol Use	31.9	39,000
Past-Month Binge Alcohol Use	21.8	27,000
Alcohol-Attributable Deaths (under 21)		32
Years of Potential Life Lost (under 21)		1,954
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	9.0	3

* 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 prohibited—no explicit exceptions noted in the law.

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.

Provision(s) targeting retailers

- State provides incentives to retailers who use electronic scanners that read birthdate and other information digitally encoded on valid identification cards.
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 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.
- Retailer has the statutory right to sue a minor who uses a false ID to purchase alcohol for any losses or fines suffered by the retailer as a result of the illegal sale.
- Retailer has the authority to detain a minor suspected of using a false ID in connection with the purchase of alcohol.

Laws Targeting Underage Drinking and Driving

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

- BAC limit: 0.00
- Any detectable alcohol in the blood 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

- 365 days

Graduated Driver’s License

Learner stage

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 40 hours, of which 10 must be at night

Intermediate stage

- Minimum age: 16
- Unsupervised night driving
 - Prohibited after: 12 a.m.
 - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No passengers who are not immediate family members, unless accompanied by driver over 21
 - No primary enforcement of the passenger-restriction rule

License stage

- Minimum age to lift restrictions: 17—passenger restrictions are lifted at age 16 years, 6 months; unsupervised night-driving restrictions remain until age 17

Laws Targeting Alcohol Suppliers

Furnishing of Alcohol to Minors

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

Compliance Check Protocols

Age of decoy

- Minimum: 18
- Maximum: 19

Appearance requirements

- Age-appropriate appearance with no age enhancements

ID possession

- Required

Verbal exaggeration of age

- Prohibited

Decoy training

- Mandated

Penalty Guidelines for Sales to Minors

- Time period/conditions: Not specified
- First offense: 5- to 30-day suspension and/or \$500 to \$3,000 fine
- Second offense: 10- to 90-day suspension and/or \$1,000 to \$9,000 fine
- Third offense: 15-day suspension up to revocation and/or \$9,000 to \$25,000 fine

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

Note: In Utah, the off-premises establishments subject to mandatory training are “off-premise beer retailers.” “Off-premise beer retailers” are licensed to sell “beer,” which in Utah is any product that contains not more than 3.2 percent alcohol by weight (ABW) and is obtained by fermentation, infusion, or decoction of any malted grain.

Minimum Ages for Off-Premises Sellers

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

Note: Although employees must be at least 21 years old to sell “liquor” at off-sale establishments in Utah, persons between 16 and 21 years old may sell “beer” (defined as containing not more than 4 percent ABV or 3.2 percent ABW) on the premises of a beer retailer for off-premise consumption if under the supervision of a person 21 years old or older who is on the premises.

Minimum Ages for On-Premises Sellers

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

- Prohibitions against outlet siting:
 - Off-premises outlets: Yes—within 200 feet
 - On-premises outlets: Yes—within 200 feet
 - Alcohol products: Beer, wine, spirits

Dram Shop Liability

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$1 million limit for one person and \$2 million limit for all injured parties per occurrence.
- Limitations on who may sue: Retailers that furnish beer only for off-premises consumption are exempt.

Note: Liability is strictly imposed for furnishing alcohol to an underage drinker. Evidence of retailer's negligence is not required.

Social Host Liability Laws

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$1 million limit for one person and \$2 million limit for all injured parties per occurrence.
- Limitations on who may be sued: Social host must be 21 years old or older.

Host Party Laws

Social host law is specifically limited to underage drinking parties.

- Action by underage guest that triggers violation: Not specified
- 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

Note: In Utah, an individual may not knowingly conduct, aid, or allow an “underage drinking gathering.” An “underage drinking gathering” means a gathering of two or more individuals: (a) at which an individual knowingly serves, aids in the service of, or allows the service of an alcoholic beverage to an underage person; and (b) to which an emergency response provider is required to respond, except for a response related solely to providing medical care at the location of the gathering. The definition does not otherwise specify a property type or an action by underage guest.

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: Keg sales prohibited
- Provisions do not specifically address disposable kegs.

Home Delivery

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

Alcohol Pricing Policies

Alcohol Tax

Beer (5 percent alcohol)

- Control state

Wine (12 percent alcohol)

- Control state
- Spirits (40 percent alcohol)
- Control state

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: Prohibited
- Unlimited beverages: Prohibited
- Increased volume: Prohibited

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Control state

Wine (12 percent alcohol)

- Control state

Spirits (40 percent alcohol)

- Control state

Utah State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
Utah Department of Public Safety, State Bureau of Investigations, Alcohol Enforcement Team	
Enforcement Strategies	
<i>State 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>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>	
	No
Primary state agency responsible for enforcing laws addressing direct sales/shipments 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>	
	Yes
Number of minors found in possession by state law enforcement agencies	154
Number pertains to the 12 months ending	12/31/2012
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 retail licensees in state ³	2,437
Number of licensees checked for compliance by state agencies (including random checks)	361
Number of licensees that failed state compliance checks	92
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 random underage compliance checks/decoy operations</i>	
	Yes
Number of licensees subject to random state compliance checks/decoy operations	361
Number of licensees that failed random state compliance checks	92
<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	1,671
Number of licensees that failed local compliance checks	143
Numbers pertain to the 12 months ending	3/31/2013
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
	Yes
Number of fines imposed by the state ⁴	55

Total amount in fines across all licensees	\$60,100
Smallest fine imposed	\$1,000
Largest fine imposed	\$6,000
Numbers pertain to the 12 months ending	12/31/2012
<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	42
Total days of suspensions across all licensees	275
Shortest period of suspension imposed (in days)	5
Longest period of suspension imposed (in days)	14
Numbers pertain to the 12 months ending	12/31/2012
<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	12/31/2012
Additional Clarification	
Utah has over 2,400 retailers that sell alcohol for off-premise consumption. Forty-four agencies across the state conducted compliance checks. Agencies may check each retailer four times in a calendar year, or more with proper documentation. The numbers reported in 1.B.2.a and 1.B.2.b may include licensee duplications, as some licensees may have been checked more than once (this depends at least in part on resources available to conduct the checks) and/or may have failed the compliance check/decoy operation more than once.	

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

Parents Empowered	
Program serves specific or general population	Specific population
Number of youth served	No data
Number of parents served	730,740
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: http://parentsempowered.org	
Program Description: Utah's statewide, state-sponsored educational and community mobilization campaign is designed to prevent underage drinking. The campaign uses electronic media and other means of mass communication to provide parents with the knowledge and skills to actively keep their children alcohol free. Parents Empowered is a collaborative effort between state agencies, private companies, and local community coalitions, and serves parents with children ages 10–16. It is designed to mobilize state and local efforts to eliminate underage drinking.	
Prevention Dimensions (PD)	
Program serves specific or general population	General population
Number of youth served	300,000
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No

URL for evaluation report: URL for more program information:	Not applicable No data																
<p>Program Description: PD is Utah’s school-based kindergarten through 12th-grade alcohol, tobacco, and drug prevention education program. The program consists of teacher resource files/lesson plans and accompanying classroom materials that support the Utah State Office of Education’s core curriculum standards and objectives for health education. PD began in 1982 as a joint effort of the Utah Division of Alcoholism and Drugs, Utah Department of Health, Utah State Office of Education, and Utah Parent-Teacher Association (PTA), and has been updated and revised several times over the years. The mission of PD is to give students a strong foundation in effective substance abuse and violence prevention skills. The resource lessons are age appropriate and scoped and sequenced to the core curriculum objectives. The lessons are also based on the risk and protective factor model identified through the research of Drs. David Hawkins and Richard Catalano of the University of Washington. Studies have shown that young people with identified risk factors are more likely to engage in substance abuse and other antisocial behaviors; conversely, students with strong protective factors are less likely to engage in substance abuse and antisocial behaviors. PD lessons are, therefore, designed to decrease risk factors and promote protective factors. PD teacher trainings develop teacher skills to implement proven prevention strategies, impart knowledge, and help maintain a positive prevention attitude and classroom environment.</p>																	
<p>Higher Ed “Freshman Letter”</p> <table border="0"> <tr> <td>Program serves specific or general population</td> <td>No data</td> </tr> <tr> <td>Number of youth served</td> <td>No data</td> </tr> <tr> <td>Number of parents served</td> <td>No data</td> </tr> <tr> <td>Number of caregivers served</td> <td>No data</td> </tr> <tr> <td>Program has been evaluated</td> <td>No</td> </tr> <tr> <td>Evaluation report is available</td> <td>Not applicable</td> </tr> <tr> <td>URL for evaluation report:</td> <td>Not applicable</td> </tr> <tr> <td>URL for more program information:</td> <td>No data</td> </tr> </table>		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	Evaluation report is available	Not applicable	URL for evaluation report:	Not applicable	URL for more program information:	No data
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<p>Program Description: A cooperative agreement between the Utah Division of Substance Abuse and Mental Health (DSAMH) and institutes of higher education allows a letter to parents of every new student entering universities and colleges throughout Utah. This letter informs parents about rules, policies, and resources regarding underage drinking while their child is a student.</p>																	

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	
<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
Description of program: Not applicable	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): SAMHSA	Yes
Agency(ies) within your state: DSAMH	Yes
Nongovernmental agency(ies): Bach Harrison LLC	Yes

Other: “Reducing Underage Drinking” (book) Yes
 Best practice standards description: Using SAMHSA’s best practice guidelines, Utah established an Evidence Based Programs Workgroup that reviews all prevention programs funded through the DSAMH. Our provider network has set a goal to have every prevention program evidence based by the end of next fiscal year. Specific to underage drinking, every program, practice, and strategy deployed by Utah has been determined to be evidence based.

Additional Clarification

No data

State Interagency Collaboration

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

Committee contact information:

Name: Douglas Murakami

E-mail: DMurakami@Utah.gov

Address: 1625 South 900 West, P.O. Box 30408, Salt Lake City, UT 84130-0408

Phone: 801-977-6820

Agencies/organizations represented on the committee:

Utah Division of Substance Abuse and Mental Health

Utah Department of Alcoholic Beverage Control

Utah Attorney General’s Office

Utah Department of Health

Utah State Office of Education

Utah Juvenile Court

Utah Behavioral Healthcare Committee’s Prevention Network

Utah Department of Public Safety

Governor’s Office/Utah Substance Abuse Advisory (USAAV) Council

Law Enforcement

One Representative of the general public designated by USAAV

A website or other public source exists to describe committee activities Yes

URL or other means of access: <http://www.ParentsEmpowered.org>**Underage Drinking Reports**

State has prepared a plan for preventing underage drinking in the last 3 years Yes

Prepared by: Underage Drinking Prevention Workgroup developed the plan several years ago. It has been updated by Utah Prevention Advisory Committee (a component of the Utah Substance Abuse Advisory Council [USAAV]). The Division of Substance Abuse is currently updating its prevention strategic plan, which will include the underage drinking plan and any updates needed to keep it on the cutting edge of research/science.

Plan can be accessed via: No data

State has prepared a report on preventing underage drinking in the last 3 years Yes

Prepared by: DSAMH

Plan can be accessed via: <http://www.dsamh.utah.gov>**Additional Clarification**

DSAMH’s underage drinking report: See the SHARP (Student Health and Risk Prevention) Report. This is our Prevention Needs Assessment. Not only do the state and local reports emphasize underage drinking, but many local reports have been developed about underage drinking that help local communities.

State Expenditures for the Prevention of Underage Drinking*Compliance checks in retail outlets:*

Estimate of state funds expended	\$48,367.12
Estimate based on the 12 months ending	3/31/2013

<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	\$1,473,700
Estimate based on the 12 months ending	6/30/2012
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$460,000
Estimate based on the 12 months ending	6/30/2011
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$11,000
Estimate based on the 12 months ending	6/30/2012
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2012
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2012
<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	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	Yes
Fines	No
Fees	Yes
Other:	No
<i>Description of funding streams and how they are used:</i>	
<p>A portion of the tax revenue collected on beer sales in Utah is deposited into the Alcoholic Beverage Enforcement and Treatment Restricted Account, which is distributed annually on a formula basis to municipalities and counties throughout Utah for the following purposes: DUI law enforcement, general alcohol-related enforcement, prosecution/court costs for alcohol-related cases, treatment of alcohol problems, alcohol-related education/prevention, and confinement of alcohol law offenders. In State FY 2012 (ending June 30, 2012), \$5,308,900 was distributed, and approximately 32 percent of municipalities and counties utilized at least some of their funding for alcohol-related education/prevention, including underage drinking prevention.</p> <p>A fee is imposed on every fine assessed for a criminal penalty in Utah (35 percent for lesser offenses, 90 percent for major offenses). Of the funding generated by the fees on fines, 2.5 percent is appropriated to the Utah State Office of Education annually for substance abuse prevention, and is used to support the K-12 Prevention Dimensions program and the 4th-grade Mind Over Matter program. A portion of revenues from vehicle impound fees and drivers' license reinstatement fees is used to fund the Eliminating Alcohol Sales to Youth (EASY) Program (underage compliance checks in retail outlets selling alcohol). The ParentsEmpowered underage drinking media and education campaign is funded by a portion of the gross revenue from the sale of liquor, which is deposited annually in the "Underage Drinking Prevention Media and Education Campaign Restricted Account".</p>	

Additional Clarification
<p>1.E.2. Utah does not conduct checkpoints/saturation patrols specifically targeted at deterring underage drinking. State funds expended on K-12 programs are for Prevention Dimensions, a statewide K-12 "umbrella" prevention program.</p>