

State Report

Wisconsin

This document is excerpted from:

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



Wisconsin

State Profile and Underage Drinking Facts*

State Population: 5,726,398
Population Ages 12–20: 673,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	28.8	194,000
Past-Month Binge Alcohol Use	19.5	132,000
Ages 12–14		
Past-Month Alcohol Use	3.2	7,000
Past-Month Binge Alcohol Use	1.0	2,000
Ages 15–17		
Past-Month Alcohol Use	27.8	64,000
Past-Month Binge Alcohol Use	16.0	36,000
Ages 18–20		
Past-Month Alcohol Use	54.4	123,000
Past-Month Binge Alcohol Use	41.0	93,000
Alcohol-Attributable Deaths (under 21)		72
Years of Potential Life Lost (under 21)		4,372
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	29.0	27

* 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): EITHER

- Parent/guardian OR
- Spouse

Underage Consumption of Alcohol

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

- 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 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.
- 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.

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

- Discretionary

Length of suspension/revocation

- Minimum: 30 days
- Maximum: 90 days

Graduated Driver's License

Learner stage

- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 30 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 more than one person under 21 who is not an immediate family member or instructor
 - Primary enforcement of the passenger-restriction rule

License stage

- Minimum age to lift restrictions: 16 years, 9 months

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

- Time period/conditions: 12 months
- First offense: Not specified
- Second offense: Up to 3-day license suspension
- Third offense: 3- to 10-day license suspension
- Fourth offense: 15- to 30-day license suspension

Responsible Beverage Service

Mandatory beverage service training for licensees, servers

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

Minimum Ages for Off-Premises Sellers

- Beer: 18
- Wine: 18
- Spirits: 18

Note: No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee, or agent, may serve fermented malt or alcohol beverages in any place operated under a Class "A," "Class A," Class "B," "Class B," or "Class C" license or permit unless he or she has an operator's license or is at least 18 years old and is under the immediate supervision of the licensee, permittee, agent, or a person holding an operator's license who is on the premises at the time of the service. Thus, if an 18-year-old held an operator's license, he or she would not require immediate supervision by a manager or supervisor.

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

Note: No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee, or agent, may serve fermented malt or alcohol beverages in any place operated under a Class "A," "Class A," Class "B," "Class B," or "Class C" license or permit unless he or she has an operator's license or is at least 18 years old and is under the immediate supervision of the licensee, permittee, agent, or a person holding an operator's license who is on the premises at the time of the service. Thus, if an 18-year-old held an operator's license, he or she would not require immediate supervision by a manager or supervisor.

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 300 feet. Local government has authority to override state restrictions
 - On-premises outlets: Yes—within 300 feet. Local government has authority to override state restrictions
 - Alcohol products: Wine, spirits

Dram Shop Liability

Statutory liability exists.

Social Host Liability Laws

Statutory liability exists.

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
- Preventive action by the host negates the violation

Note: The “preventive action” provision in Wisconsin allows the prosecution to establish guilt by proving that the host failed to take preventive action.

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: None

State approval/permit requirements

- Producer/shipper must obtain state permit.

Reporting requirements

- Producer must record/report purchaser's name.

Shipping label statement requirements

- Recipient must be 21.

Keg Registration

Registration is not required.

Home Delivery

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

Alcohol Pricing Policies**Alcohol Tax**

Beer (5 percent alcohol)

- Specific excise tax: \$0.06 per gallon

Wine (12 percent alcohol)

- Specific excise tax: \$0.25 per gallon

Spirits (40 percent alcohol)

- Specific excise tax: \$3.36 per gallon

Drink Specials

No law

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Minimum markup/maximum discount: Yes—3 percent markup to cover a proportionate part of the cost of doing business or a lesser amount with proof. No sales below cost.
- Retailer credit: Restricted—15 days maximum

Wine (12 percent alcohol)

- Minimum markup/maximum discount: Yes—3 percent markup to cover a proportionate part of the cost of doing business or a lesser amount with proof. No sales below cost.
- Retailer credit: Restricted—30 days maximum

Spirits (40 percent alcohol)

- Minimum markup/maximum discount: Yes—3 percent markup to cover a proportionate part of the cost of doing business or a lesser amount with proof. No sales below cost.
- Retailer credit: Restricted—30 days maximum

Wisconsin State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
No state agency has primary responsibility.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
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>	
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	Not applicable
Number pertains to the 12 months ending	Not applicable
Data include arrests/citations issued by local law enforcement agencies	Not applicable
<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	No
Number of retail licensees in state ³	17,216
Number of licensees checked for compliance by state agencies (including random checks)	Not applicable
Number of licensees that failed state compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Not applicable
<i>State conducts random underage compliance checks/decoy operations</i>	
Number of licensees subject to random state compliance checks/decoy operations	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	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	Not applicable
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ⁴	No data
Total amount in fines across all licensees	No data
Smallest fine imposed	No data
Largest fine imposed	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>	No
Number of suspensions imposed by the state ⁵	Not applicable
Total days of suspensions across all licensees	Not applicable
Shortest period of suspension imposed (in days)	Not applicable
Longest period of suspension imposed (in days)	Not applicable
Numbers pertain to the 12 months ending	Not applicable
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	No
Number of license revocations imposed ⁶	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Additional Clarification	
Wisconsin is a local control state. Each city, town, and municipality is responsible for alcohol sales, licensing, and compliance.	

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 Who Host Lose the Most	
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: http://www.drugfreeactionalliance.org/docs/PWHExecSummary2006.pdf	
URL for more program information: https://sites.google.com/site/parentswhohostawi	
Program Description: Developed by the Drug-Free Action Alliance of Ohio in 2000, the “Parents Who Host Lose the Most: Don’t be a party to teenage drinking” campaign is aimed at many well-meaning parents who think it is enough to take away car keys at their teens’ parties so the teens can’t drink and drive. Parents provide the alcohol or allow alcohol to be consumed based on the false belief that it’s a rite of passage, especially at prom and graduation parties. The “Parents Who Host” public awareness campaign was developed to educate parents about the health and safety risks of serving alcohol at teen parties and to increase awareness of and compliance with the Ohio Underage Drinking Laws. This program was modified to meet the needs of Wisconsin communities. Some 65 communities annually implement the campaign with cooperation from law enforcement during prom and graduation season. In 2012, the governor signed a proclamation declaring April as Teenage Drinking Awareness Month to coincide with this campaign.	
Alliance for Wisconsin Youth	
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
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable

URL for more program information: <http://www.allwisyouth.org>

Program Description: The Alliance for Wisconsin Youth brings together coalitions, individuals, and resources to prevent substance abuse and related behavioral health concerns affecting young people and to promote positive youth development. The Alliance’s mission is to enhance and support the capacity of local alliances (member coalitions) in their prevention and youth development work. Over 120 local coalitions are members of the Alliance. The Alliance is served by five Regional Prevention Centers that provide support, training, and technical assistance to community coalitions to prevent alcohol and drug abuse. These coalitions work to implement environmental strategies to prevent underage drinking, among other state priorities.

Substance Abuse Prevention and Treatment Block Grant Programs

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
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	
http://www.scaoda.state.wi.us/docs/main/2012finalSAPTBGPlan092911.pdf	

Program Description: The Wisconsin Department of Health Services, Division of Mental Health and Substance Abuse Services, received a SAMHSA Substance Abuse Prevention and Treatment (SAPT) Block Grant. Of the funds received, 20 percent are used to support substance abuse prevention services, including underage drinking prevention. The majority of funds are distributed to county-operated Human Service Departments for the delivery of prevention services. Most provide individual-level prevention services.

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

It appears that many of the questions refer to prevention “programs” that serve indicated or selected populations. Wisconsin has moved many of its services toward environmental strategies influencing population-level change through policies and strategies; thus, many of the questions requesting data on number of youth, parents, or caregivers served do not apply. In addition, Wisconsin is a “local control” state. This means that alcohol policy is done locally (regarding licensure, sales, and enforcement). Wisconsin does not have a statewide Alcohol Control Board. Each city, town, or municipality has its own alcohol licensing board as part of local government that issues alcohol sales licenses and is also responsible for suspension or revocation of these licenses.

Additional Information Related to Underage Drinking Prevention Programs

<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	Yes
Description of collaboration: Great Lakes Inter-Tribal Council (representing Wisconsin’s 11 Tribes). Collaboration on a state/Tribal Strategic Prevention Framework State Incentive Grant and Strategic Prevention Enhancement Grant and PFS II grant. Tribal State Collaborative for Positive Change. The single state authority on alcohol and drug abuse and Tribal leaders of Wisconsin’s 11 Native American Tribes collaborate on alcohol and drug abuse and mental health services. The Wisconsin Department of Health Services provides each of Wisconsin’s 11 Native American Tribes with funding to support alcohol and drug abuse prevention and treatment services and behavioral health services.	

<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Program description: 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):	No
Agency(ies) within your state: WI Department of Health Services, Division of Mental Health and Substance Abuse Services, Bureau of Prevention Treatment and Recovery	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: The state identified substance abuse programs that appear on a national list or registry including NREPP or OJA, as well as in recommendation reports completed by the State Council on Alcohol and Other Drug Abuse. These reports were developed by a committee of experts and are considered to be evidence based for the purposes of prevention funding in the state. To date, two recommendation reports are available, the Alcohol Culture and Environment Report and the Controlled Substances Call to Action report. They can be accessed at http://www.scaoda.state.wi.us .	
Additional Clarification	
No data	

State Interagency Collaboration	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i>	
Name: Micheal Waupoose	
E-mail: micheal.waupoose@uwmf.wisc.edu	
Address: 3414 Sunbrook Road, Madison, WI 53704-2729	
Phone: No data	
<i>Agencies/organizations represented on the committee:</i>	
Governor's Office	
Attorney General's Office	
State Superintendent of Public Instruction Office	
Commissioner of Insurance Office	
Department of Corrections	
Department of Transportation	
Pharmacy Examining Board	
Controlled Substances Board	
Law Enforcement and Crime Commission	
Citizen members	
Wisconsin County Human Services Association	
State Representative, Majority Party	
State Representative, Minority Party	
State Senator Majority Party	
State Senator Minority Party	
University of Wisconsin Extension	
Department of Revenue	
Department of Workforce Development	
Department of Regulation and Licensing	
Wisconsin Technical College System	
Department of Veterans Affairs	
Office of Justice Assistance	
Liaison to the Mental Health Council	
Liaison to the Developmental Disabilities Council	

Division of Public Health Department of Children and Families Department of Health Services	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access: http://www.scaoda.state.wi.us	

Underage Drinking Reports

<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	No
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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>	Yes
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Prepared by: Wisconsin Department of Health Services, Division of Mental Health and Substance Abuse Services

Plan can be accessed via: <http://www.dhs.wisconsin.gov/publications/P4/P45718-12.pdf>**Additional Clarification**

No data

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

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Checkpoints and saturation patrols:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Community-based programs to prevent underage drinking:

Estimate of state funds expended \$200,000

Estimate based on the 12 months ending 12/31/2012

K-12 school-based programs to prevent underage drinking:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Programs targeted to institutes of higher learning:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Programs that target youth in the juvenile justice system:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Programs that target youth in the child welfare system:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Other programs:

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>	
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Taxes No data

Fines Yes

Fees No data

Other: No data

Description of funding streams and how they are used:

Fines for underage drinking citations are used locally to support prevention efforts.

Additional Clarification

No data