

## **Policy Summary**

# **Furnishing Alcohol to Minors**

This policy summary is excerpted from:  
**The September 2016 Report to Congress on the Prevention and Reduction of Underage Drinking**

## Laws Targeting Alcohol Suppliers

### Furnishing Alcohol to Minors

#### Policy Description

All states prohibit furnishing alcoholic beverages to minors by both commercial servers (bars, restaurants, retail sales outlets) and noncommercial servers. However, examination of case law would be required to determine with certainty that the prohibition applies to both commercial and noncommercial servers in all states. Additionally, most states include some type of exception to their furnishing laws of the types listed below.

Most underage persons obtain alcohol from adults, including parents, older siblings and peers, or strangers solicited to purchase alcohol for the minor. Fewer underage persons purchase alcohol for themselves from merchants who fail to comply with laws prohibiting sale to minors or by using false ID (see the “False Identification” section of this report). These sources increase the availability of alcohol to youths, which, in turn, increases underage consumption. Prohibitions and associated sanctions on furnishing to underage persons can be expected to depress rates of furnishing by raising the monetary and social costs of this behavior. Such laws provide a primary deterrent (preventing furnishing) and a secondary deterrent (reducing the chances of persons sanctioned under these laws furnishing in the future).

Two types of exceptions to underage furnishing laws are discussed in this analysis:

- Family exceptions permit parents, guardians, or spouses to furnish alcohol to minors; some states specify that the spouse must be of legal age and others do not.
- Location exceptions permit furnishing alcohol in specified locations and may limit the extent to which family members can furnish to minors. No state has an exception for furnishing on private property by anyone other than a family member.

Some states provide sellers and licensees with one or more defenses against a charge of furnishing alcoholic beverages to a minor. Under these provisions, a retailer who provides alcohol to a minor will not be found in violation of the furnishing law if he or she can establish one of these defenses. This policy topic tracks one such defense: some states require that the minor who initiated a transaction be charged for possessing or purchasing the alcohol before the retailer can be found in violation of the furnishing law. (Defenses associated with minors using false ID can be found in the “False Identification” section of this report.) Many states also have provisions that mitigate or reduce the penalties imposed on retailers if they have participated in responsible beverage service (RBS) programs; see the “Responsible Beverage Service” section of this report for further discussion.

In some states, furnishing laws are closely associated with laws that prohibit hosting underage drinking parties. These laws target hosts who allow underage drinking on property they own, lease, or otherwise control. (See the “Hosting Underage Drinking Parties” section of this report for further discussion.) Hosts of underage drinking parties who also supply the alcohol consumed or possessed by minors may be in violation of two distinct laws: furnishing alcohol to minors and allowing underage drinking to occur on property they control.

Also addressed in this report are social host liability laws, which impose civil liability on hosts for injuries caused by their underage guests. Although related to party hosting laws, social host



**Trends in Underage Furnishing Policies**

State policies prohibiting the furnishing of alcohol to minors have remained stable over the last 12 years. As of January 1, 1998, all states prohibited underage furnishing (see Exhibit 4.3.18).

**References and Further Information**

All data for this policy were obtained from the Alcohol Policy Information System (APIS) at <http://www.alcoholpolicy.niaaa.nih.gov>. See the policy titled “Furnishing Alcohol to Minors.” APIS provides further descriptions of this policy and its variables, details regarding state policies, and a review of the limitations associated with the reported data. To see definitions of the variables for this policy, visit [stopalcoholabuse.gov](http://stopalcoholabuse.gov) and go to Report to Congress, Supplemental Information, “Definitions of Variables.”

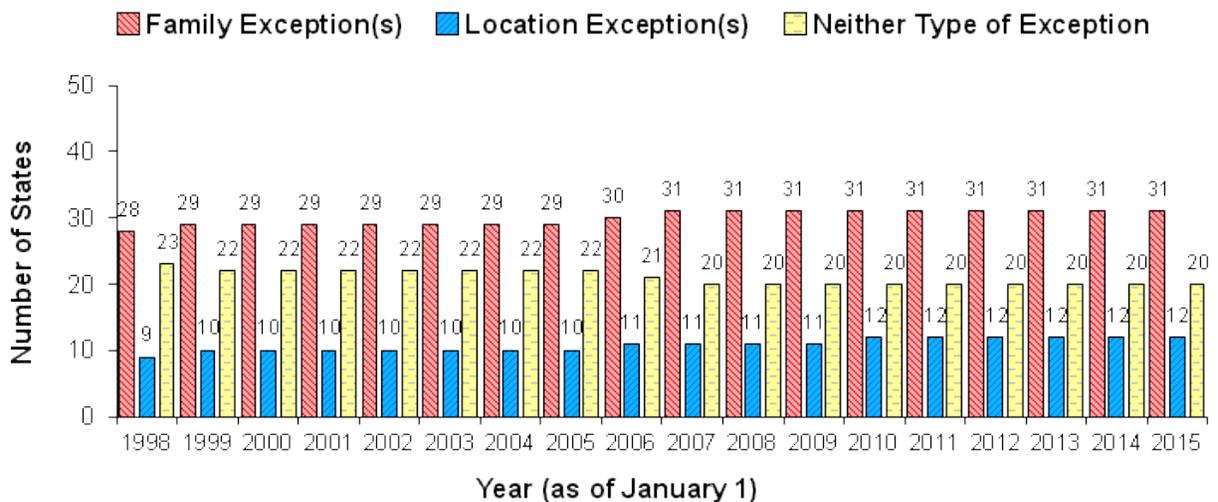
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**Exhibit 4.3.18: Number of States with Family and Location Exceptions to Prohibition on Furnishing Alcohol to Persons under Age 21, January 1, 1998, through January 1, 2015**



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