

## Policy Summary

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

This policy summary is excerpted from:

**The September 2016 Report to Congress on the Prevention and Reduction of Underage Drinking**

## Penalty Guidelines for Sales/Service to Minors

### Policy Description

In the majority of states, alcoholic beverage control agencies are responsible for adjudicating administrative charges against licensees, including violations for sales or service to those under age 21. Alcohol law enforcement seeks to increase compliance with laws by increasing the level of perceived risk of detection and sanctions. Such deterrence involves three key components: perceived likelihood that a violation will lead to apprehension and sanction, swiftness with which the sanction is imposed, and severity of the sanction (Ross, 1992). As stated in the 2003 IOM report, *Reducing Underage Drinking: A Collective Responsibility*, the effectiveness of alcohol control policies depends heavily on the “intensity of implementation and enforcement and on the degree to which the intended targets are aware of both the policy and its enforcement.” The report recommends, “Enforcement agencies should issue citations for violations of underage sales laws, with substantial fines and temporary suspension of license for first offenses and increasingly stronger penalties thereafter, leading to permanent revocation of license after three offenses.” See Chapter 4.1 of this report for a more comprehensive review of enforcement and deterrence research and strategies.

Although alcohol law enforcement agencies may issue the citations, adjudication of the cases is usually handled by another division or agency. States typically include administrative penalties in their statutory scheme prohibiting sales to minors. The penalty provisions are usually broad, allowing for severe penalties but delegating responsibility for determining actual penalties in particular cases to the ABC agencies or other agencies responsible for adjudicating the cases. Penalties may include warning letters, fines, license suspensions, a combination of fines and suspensions, or license revocation. The agencies may consider both mitigating and aggravating circumstances as well as the number of violations within a given time period, with repeat offenders usually receiving more severe sanctions.

Many ABC agencies issue penalty guidelines to alert licensees to the sanctions that will be imposed for first, second, and subsequent offenses, providing a time period for determining repeat offenses. The agency may treat the guidelines as establishing a set penalty or range of penalties or may treat them as providing guidance, allowing for deviation at the agency’s discretion.

Penalty guidelines that establish firm, relatively severe penalties (particularly for repeat offenders) can increase the deterrent effect of the policy and its enforcement and can increase licensees’ awareness of the risks associated with violations.

### Status of Penalty Guidelines for Sales/Service to Minors

At least 24 jurisdictions have defined administrative penalty guidelines for licensees who sell alcohol to an underage youth (see Exhibit 4.3.20). The remaining 27 states either do not have penalty guidelines or do not make them readily available to the public. The guidelines may be based on statute, regulations, and internal policies developed by the agency.

The guidelines vary widely across states. For example, while a few states may issue warning letters for first offenses if there are no aggravating circumstances, the majority of states impose fines or suspensions. Minimum fines for a first offense range from \$50 to \$2,000, with most states in the \$250 to \$1,000 range. Fines are typically in lieu of suspensions for first offenses,



### **References and Further Information**

Legal research and data collection for this topic are planned and managed by the Substance Abuse and Mental Health Services Administration (SAMHSA) and conducted under contract by The CDM Group, Inc. 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.” For further information and background, see:

National Research Council (NRC) and Institute of Medicine (IOM). (2004). *Reducing underage drinking: A collective responsibility*. Washington, DC: National Academies Press.

Ross, H. L. (1992). *Confronting drunk driving: Social policy for saving lives*. Binghamton, NY: Vail-Ballou Press.