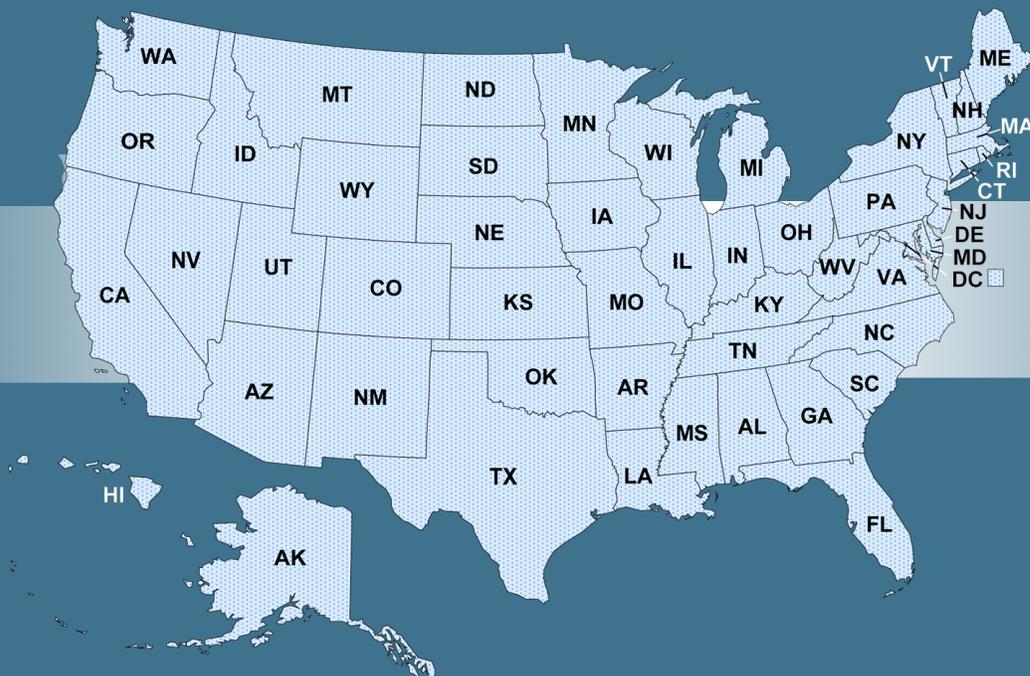


# STATE PERFORMANCE & BEST PRACTICES

*for the Prevention and Reduction of Underage Drinking*

2018



## POLICY SUMMARY:

*Underage Possession, Consumption, and Internal Possession*



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration

The *State Performance and Best Practices* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act directs the Secretary of the Department of Health and Human Services (HHS), working with the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), to develop a set of performance measures for evaluating the states' use of best practices in preventing underage drinking, and to consider a set of enumerated categories in doing so. The STOP Act also requires an annual report on each state's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

This *State Performance and Best Practices*, and the 51 individual State Reports, were prepared by the ICCPUD, which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services.

**Time period covered by the 2018 *State Performance and Best Practices*:** The 2018 version primarily includes data from calendar year 2017. The data on state legal policies reflects the state of the law as of January 1, 2017. The state survey data was collected in 2017, and is drawn from the most recent 12-month period in which the states maintained the data.

#### **Recommended Citation**

U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA), Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD). (2018). *State Performance and Best Practices for the Prevention and Reduction of Underage Drinking*.

## Policies Addressing Underage Possession or Purchase of Alcohol

### Underage Possession, Consumption, and Internal Possession

#### Policy Description

As of January 1, 2017, all states prohibit possession of alcoholic beverages (with certain exceptions) by those under age 21. In addition, most jurisdictions have statutes that specifically prohibit the consumption of alcoholic beverages by those under age 21.

In recent years, a number of jurisdictions have enacted laws prohibiting “internal possession” of alcohol by persons under 21. These provisions typically require evidence of alcohol in the minor’s body, but do not require any specific evidence of possession or consumption. Internal possession laws are especially useful to law enforcement in making arrests or issuing citations when breaking up underage drinking parties. Internal possession laws allow officers to bring charges against underage individuals who are neither holding nor drinking alcoholic beverages in the presence of law enforcement officers.

#### Exceptions

Some jurisdictions allow exceptions to possession, consumption, or internal possession prohibitions when a family member consents or is present. Jurisdictions vary widely in terms of which relatives may consent or must be present for this exception to apply and in what circumstances the exception applies. Sometimes a reference is made simply to “family” or “family member” without further elaboration.

Some jurisdictions allow exceptions to possession, consumption, or internal possession prohibitions on private property. Jurisdictions vary in the extent of the private property exception, which may extend to all private locations, private residences only, or in the home of a parent or guardian only.

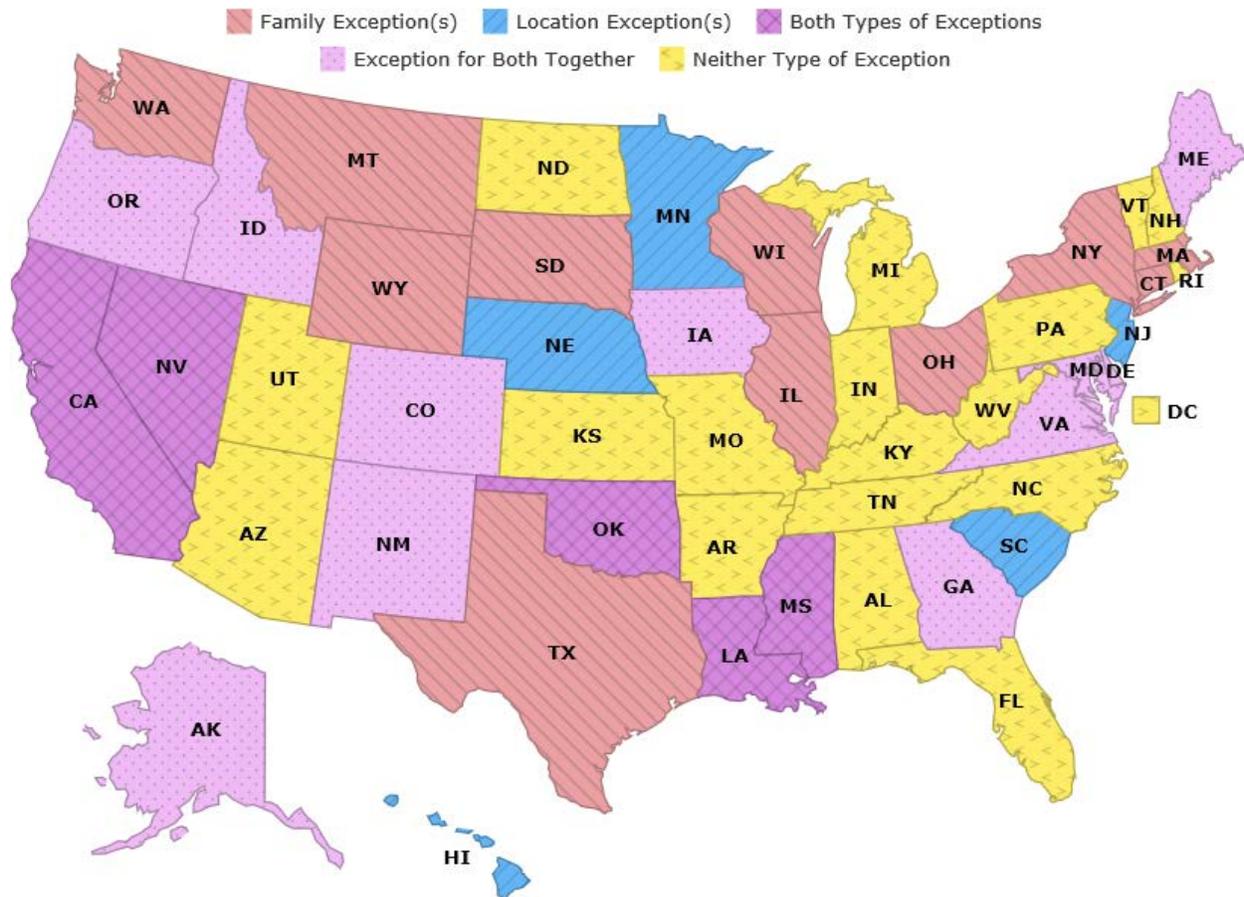
In some jurisdictions, a location exception is conditional on the presence or consent of a parent, legal guardian, or spouse (see Exhibit I.1, “Exception for Both Together”). In other jurisdictions, both family and location exceptions exist and apply separately (see Exhibit I.1, “Both Types of Exceptions”).

With respect specifically to consumption laws, some jurisdictions prohibit underage consumption on licensed premises only.

#### Status of Underage Possession Policies

As of January 1, 2017, all states prohibit possession of alcoholic beverages by those under age 21. Nineteen states have no exception, 11 have family exceptions only, and 5 have location exceptions only. The remaining states have both types of exceptions, which in some states are conditional on each other and in some states apply separately (see Exhibit I.1).

### Exhibit I.1: Exceptions to Minimum Age of 21 for Possession of Alcohol as of January 1, 2017



#### Trends in Underage Possession Policies

Between 1998 and 2017, the number of jurisdictions with family exceptions rose from 24 to 27, the number with location exceptions rose from 20 to 21, and the number of jurisdictions with neither exception decreased from 21 to 19 (see Exhibit I.2).

#### Status of Underage Consumption Policies

As of January 1, 2017, 37 jurisdictions prohibit consumption of alcoholic beverages by those under age 21. Of those, 15 permit no exception (see Exhibit I.3). Seven states permit only family exceptions; three states permit only location exceptions. Twelve states had both types of exceptions, with 10 of those states permitting underage consumption only if both family and location criteria are met.

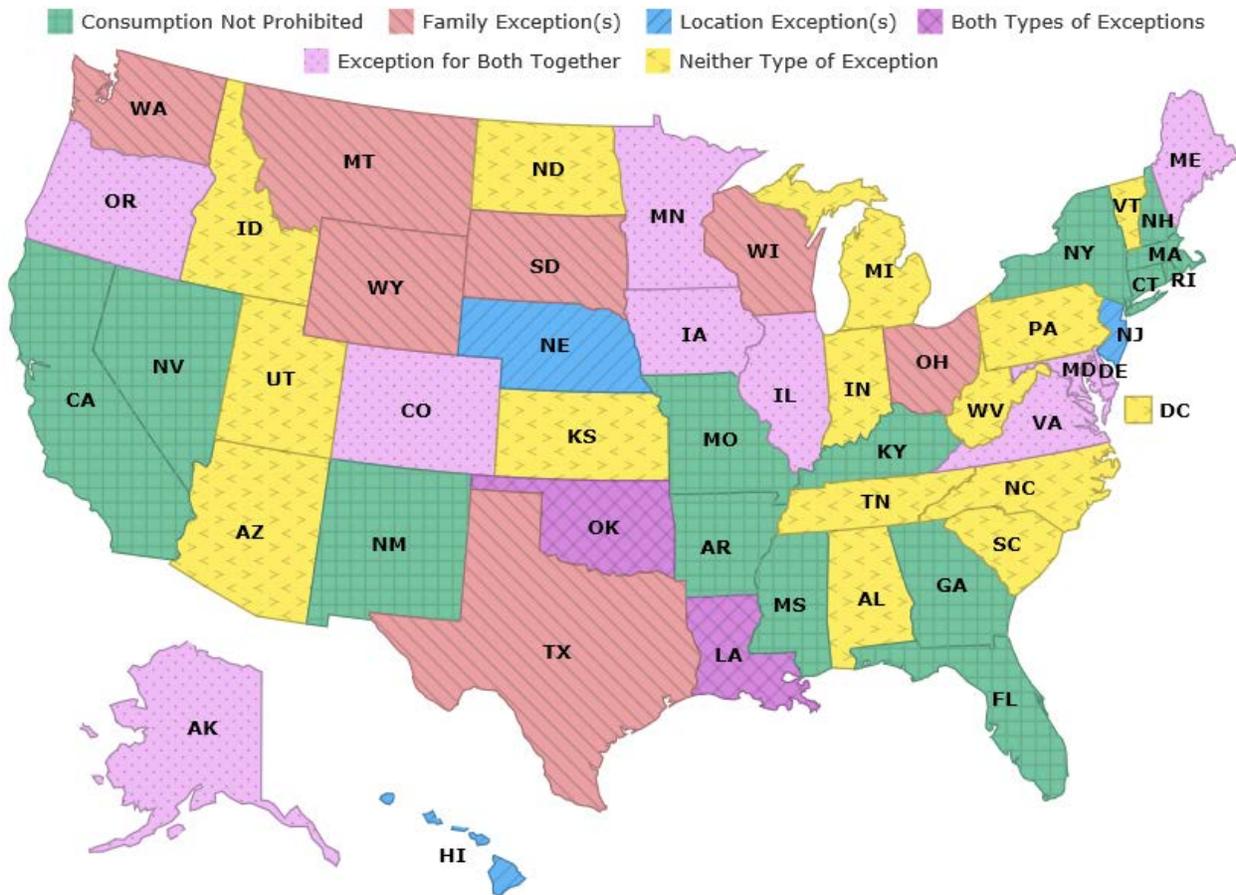
#### Trends in Underage Consumption Policies

As Exhibit I.4 illustrates, between 1998 and 2017, the number of jurisdictions that prohibit underage consumption under at least some circumstances increased from 27 to 37.

**Exhibit I.2: Number of States with Family and Location Exceptions to Minimum Age of 21 for Possession of Alcohol, January 1, 1998, through January 1, 2017**



**Exhibit I.3: Exceptions to Minimum Age of 21 for Consumption of Alcohol as of January 1, 2017**



### Exhibit I.4: Number of States with Family and Location Exceptions to Minimum Age of 21 for Consumption of Alcohol, January 1, 1998, through January 1, 2017



#### Status of Underage Internal Possession Policies

As of January 1, 2017, nine states prohibit internal possession of alcoholic beverages for anyone under age 21 (see Exhibit I.5). Of the nine states that prohibit internal possession, three make exceptions for presence of family and/or location.

#### Trends in Underage Internal Possession Policies

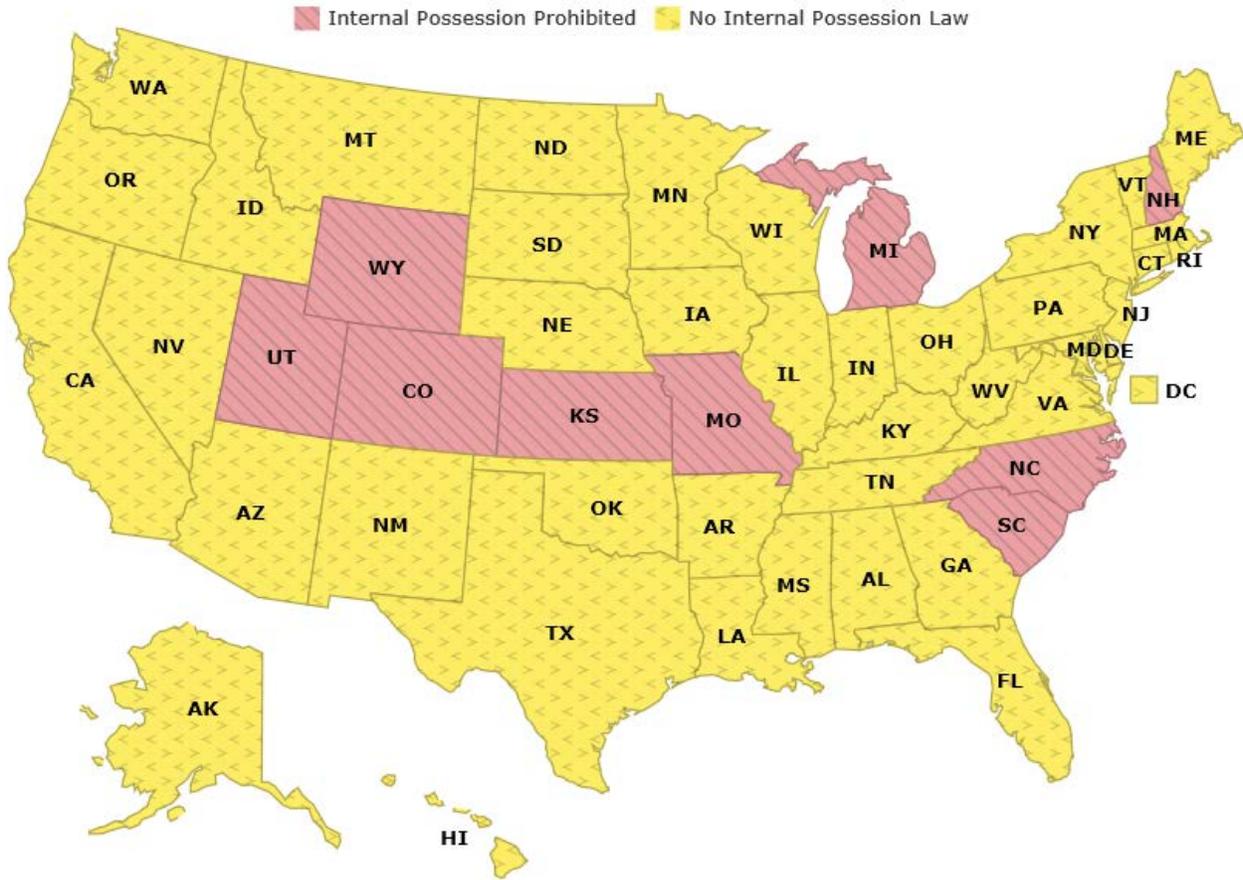
As Exhibit I.6 illustrates, between 1998 and 2017, the number of states that prohibit underage internal possession grew from two to nine. The most recent state to enact a prohibition on internal possession was Wyoming in 2010.

#### Data Sources and Citations

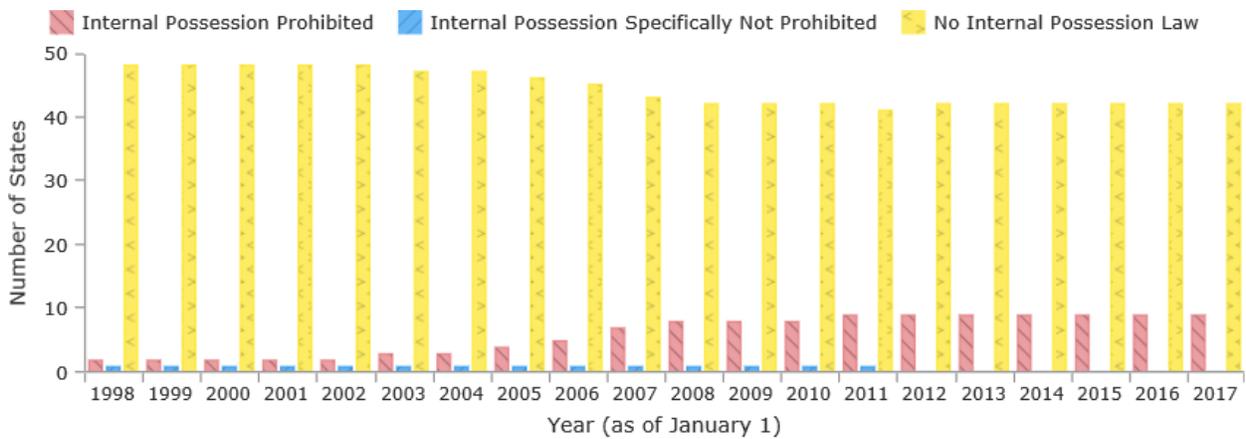
All data for underage possession, consumption, and internal possession policy topics were obtained at <http://www.alcoholpolicy.niaaa.nih.gov> from the Alcohol Policy Information System (APIS; follow links to the policy titled “Underage Possession/Consumption/Internal Possession of Alcohol”). APIS provides further descriptions of this set of policies and its variables, details regarding state policies, and a review of the limitations associated with the reported data.

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**Exhibit I.5: Prohibition of Internal Possession of Alcohol by Persons Under Age 21 as of January 1, 2017**



**Exhibit I.6: Distribution of States with Laws Prohibiting Internal Possession of Alcohol by Persons Under Age 21, January 1, 1998, through January 1, 2017**



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