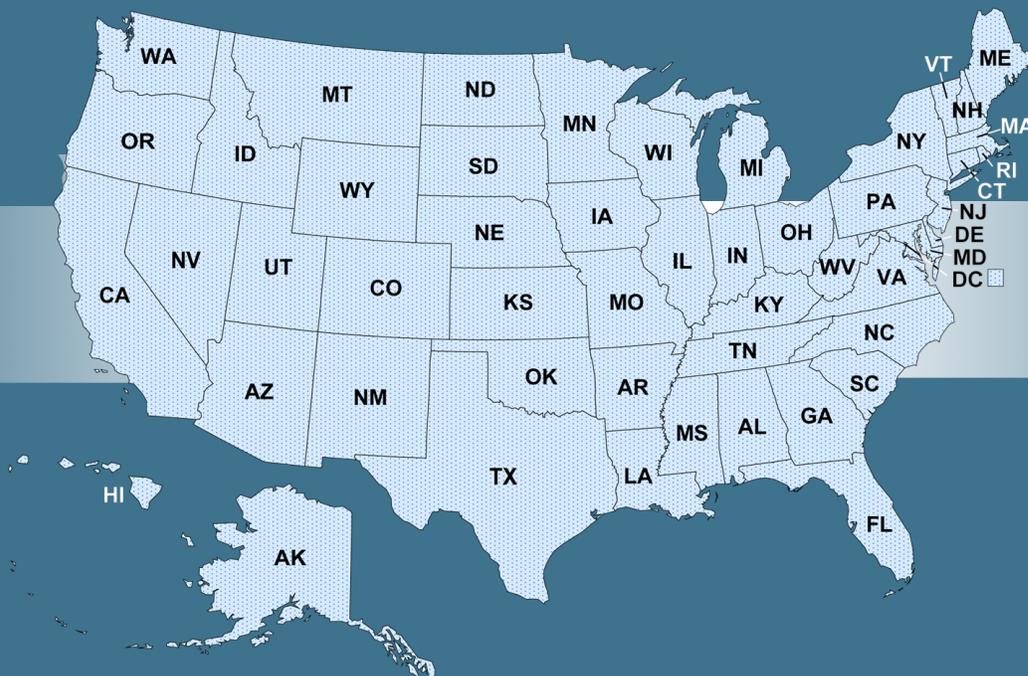


STATE PERFORMANCE & BEST PRACTICES

for the Prevention and Reduction of Underage Drinking

2018



POLICY SUMMARY:

Underage Purchase and Attempted Purchase



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*.

Underage Purchase and Attempted Purchase

Policy Description

Most states prohibit minors from purchasing or attempting to purchase alcoholic beverages. A minor purchasing alcoholic beverages can be prosecuted for possession because, arguably, a sale cannot be completed until there is possession on the part of the purchaser. Purchase and possession are nevertheless separate offenses. A minor who purchases alcoholic beverages could be liable for two offenses in states that have both prohibitions (see the “Underage Possession/Internal Possession/Consumption” policy above for further discussion).⁵ A significant minority of youth purchase or attempt to purchase alcohol for themselves, sometimes using falsified identification (see the “False Identification” policy below).

Such purchases increase the availability of alcohol to underage persons, which, in turn, increases underage consumption. Prohibitions and associated sanctions on underage alcohol purchases can be expected to depress rates of and attempts to purchase by raising the monetary and social costs of this behavior. These laws provide a primary deterrent (preventing attempted purchases) and a secondary deterrent (reducing the probability that persons sanctioned under these laws will attempt to purchase in the future).

In some states, a person under age 21 is allowed to purchase alcoholic beverages as part of a law enforcement action. Most commonly, these actions are checks on merchant compliance or stings to identify merchants who illegally sell alcoholic beverages to minors. This allowance for purchase in the law enforcement context may exist even though a state does not have a law specifically prohibiting underage purchase.

Status of Underage Purchasing Policies

As of January 1, 2017, 46 states and the District of Columbia prohibit underage purchase or attempted purchase of alcohol; the remaining four states (Delaware, Indiana, New York, and Vermont) do not (see Exhibit I.7). Underage persons are allowed to purchase alcohol for law enforcement purposes in 24 states including Indiana, even though Indiana does not have an underage purchase statute.

Trends in Underage Purchasing Policies

Since 1998, the number of jurisdictions prohibiting underage purchase of alcohol has increased from 46 to 47. During that period, the number of states with allowances for underage purchase for enforcement purposes has steadily increased, from 8 in 1998 to 24 in 2017 (Exhibit I.8).

⁵ Some states have laws that specifically prohibit both underage purchase and attempted purchase of alcohol. An attempted purchase occurs when a minor takes concrete steps toward committing the offense of purchasing whether or not the purchase is consummated. Courts in states that include only the purchase prohibition in their statutes would likely treat attempted purchase as a lesser included offense. It can, therefore, be assumed that all states that prohibit purchase also prohibit attempted purchases. The two offenses are thus not treated separately in this report.

Exhibit I.7: Underage Purchase of Alcohol for Law Enforcement Purposes as of January 1, 2017

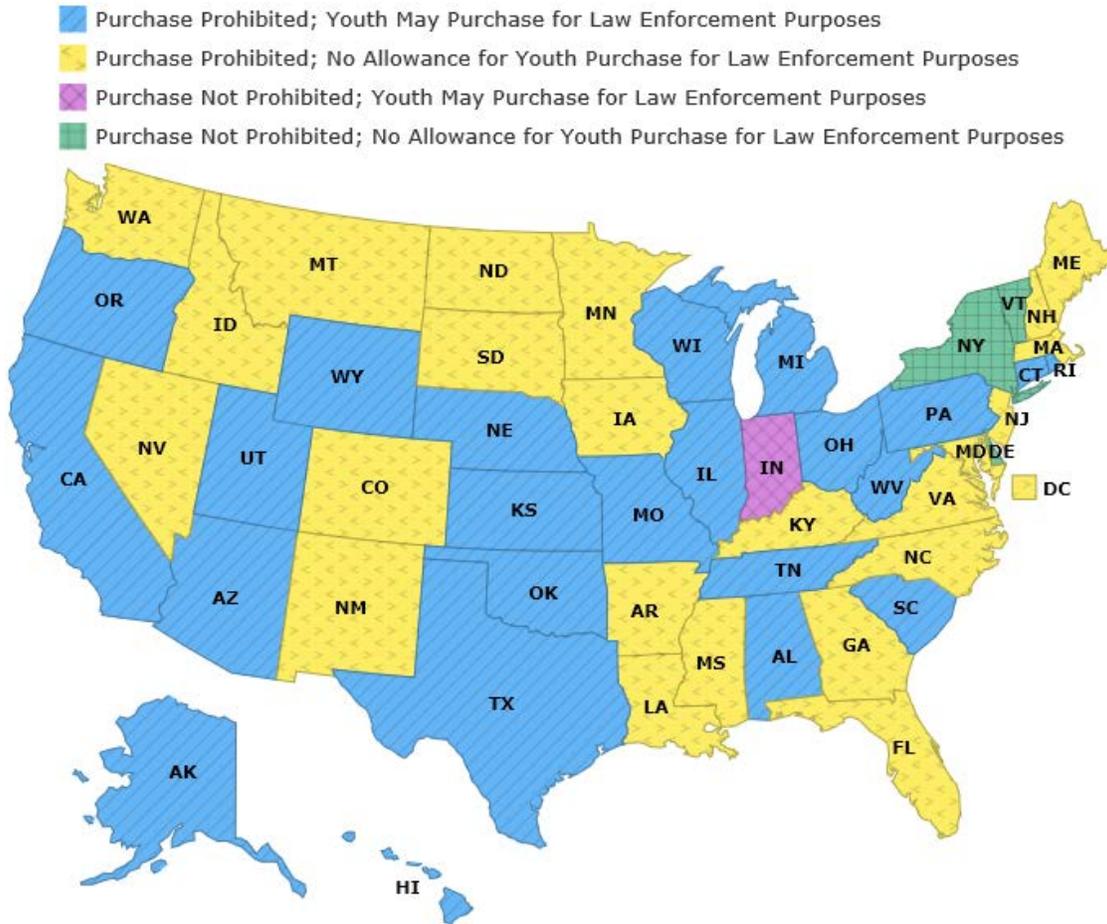
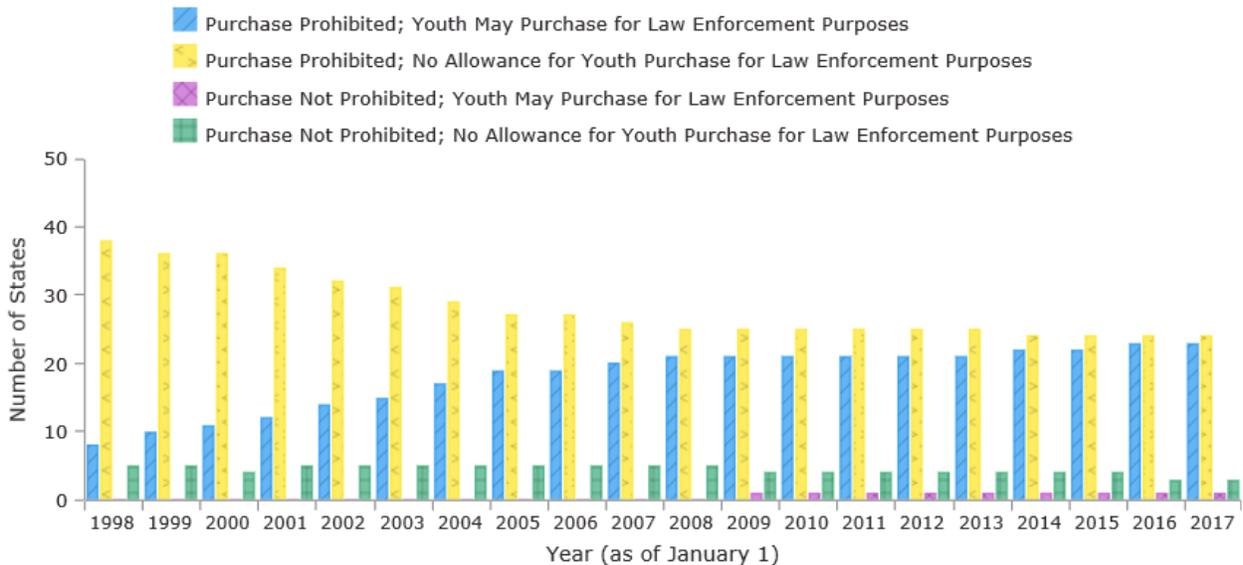


Exhibit I.8: Underage Purchase of Alcohol for Law Enforcement Purposes, January 1, 1998, through January 1, 2017



Data Sources and Citations

All data for this policy were obtained from APIS (<http://www.alcoholpolicy.niaaa.nih.gov>; follow links to the policy titled “Underage Purchase of Alcohol”). 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.

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