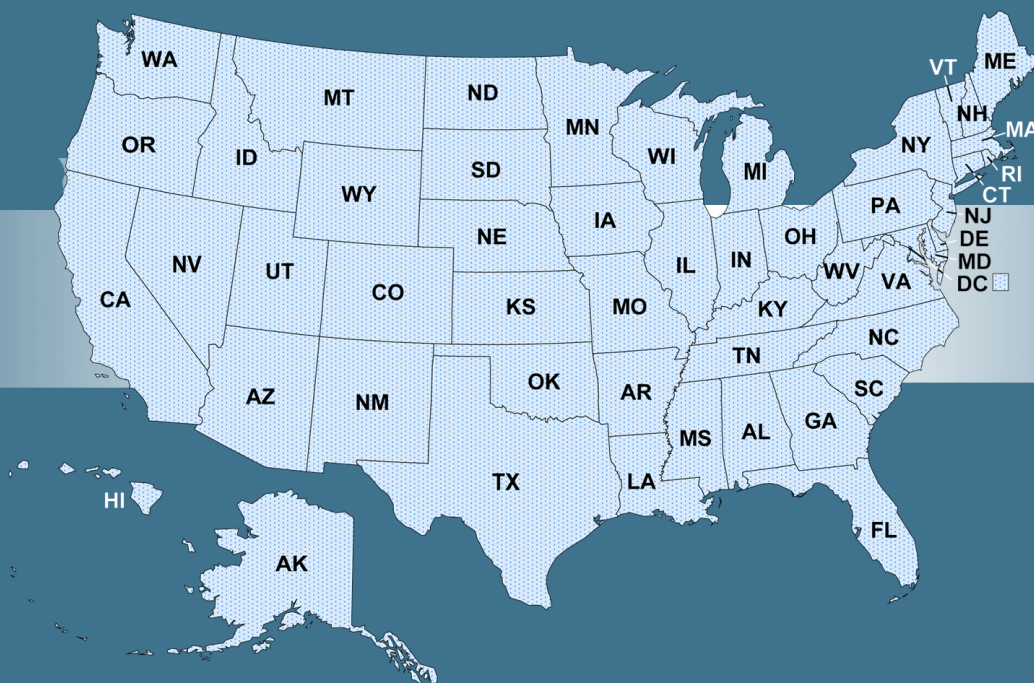


STATE PERFORMANCE & BEST PRACTICES

for the Prevention and Reduction of Underage Drinking

2018



POLICY SUMMARY:

False Identification (“False ID”)



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*.

False Identification (“False ID”)

Policy Description

Alcohol retailers are responsible for ensuring that sales of alcoholic beverages are made only to individuals who are legally permitted to purchase alcohol. Inspecting government-issued identification (driver’s license, nondriver ID card, passport, and military ID card) is one major mechanism for ensuring that buyers meet minimum age requirements. In attempting to circumvent these safeguards, minors may obtain and use apparently valid ID cards that falsely state their age as 21 or over. Age may be falsified by altering the birthdate on a valid ID card, obtaining an invalid ID card that appears to be valid, or using someone else’s ID card.

Compliance check studies suggest that underage drinkers may have little need to use false ID because retailers often make sales without any ID inspection. However, concerns about false ID remain high among educators, law enforcement officials, retailers, and government officials. Current technology, including high-quality color copiers and printers, has made false ID cards easier to fabricate, and the Internet provides ready access to a large number of false ID vendors.

All states prohibit use of false ID by minors to obtain alcohol. In addition to basic prohibitions, states have adopted a variety of legal provisions pertaining to false ID for obtaining alcohol. These can be divided into three basic categories:

1. Provisions that target minors who possess and use false ID cards to obtain alcohol.
2. Provisions that target those who supply minors with false ID cards, either through lending of a valid ID card or production of invalid (“fake”) ID cards.
3. Provisions that assist retailers in avoiding sales to potential buyers who present false ID cards. For further discussion of policies pertaining to the purchase of alcohol by minors, see the “Underage Purchase and Attempted Purchase” policy above; for policies that mandate training of servers to detect false identification, see the “Responsible Beverage Service” policy below; and for policies on license suspension or revocation, see the “Loss of Driving Privileges for Alcohol Violations by Minors” policy below.

Status of False ID Policies

Provisions That Target Minors

As of January 1, 2017, all states and the District of Columbia prohibit minors from using false ID cards to obtain alcohol. Forty-one jurisdictions authorize suspension of minors’ driver’s licenses for using false ID in the purchase of alcohol through judicial proceedings, administrative proceedings, or both (see Exhibit I.9).

**Exhibit I.9: Procedure for Imposing License Sanction for Use of False ID
as of January 1, 2017**

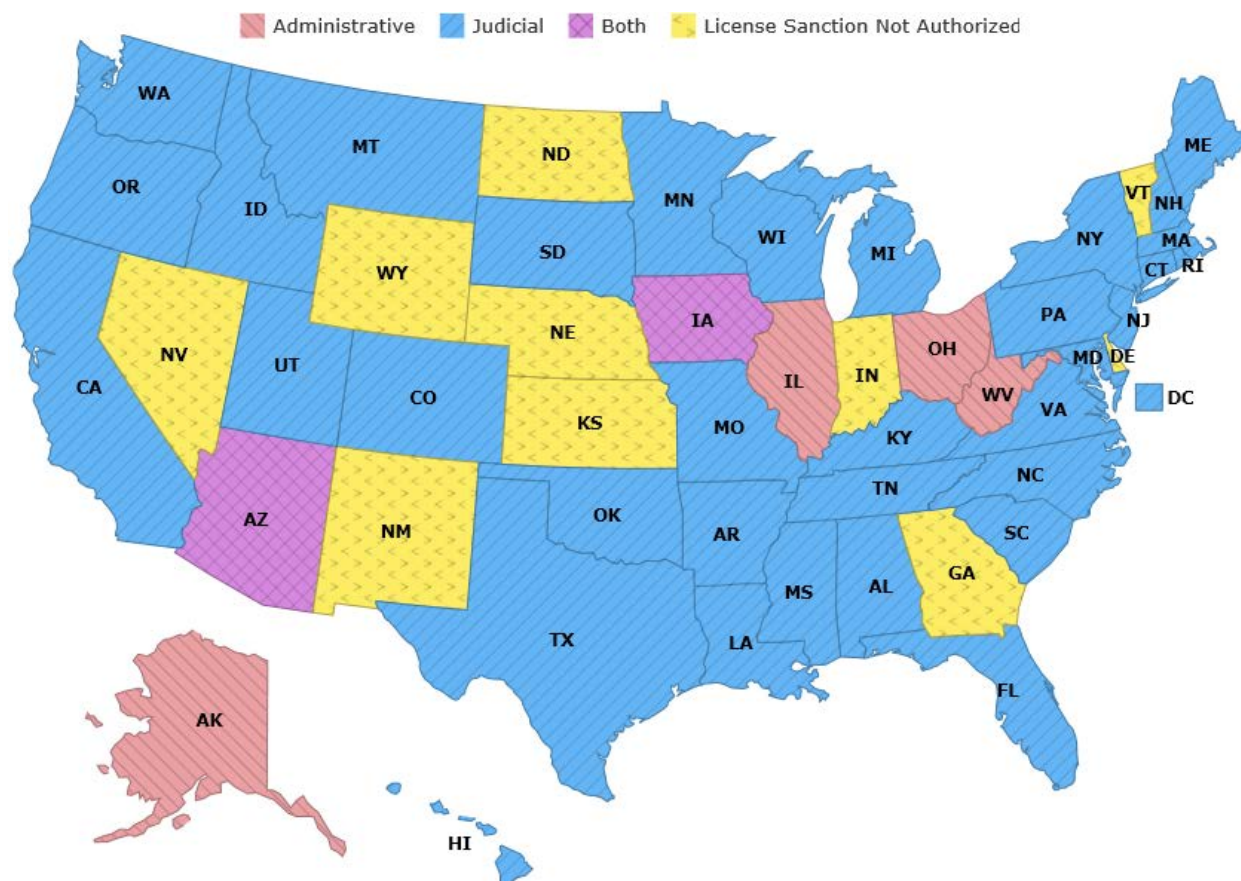
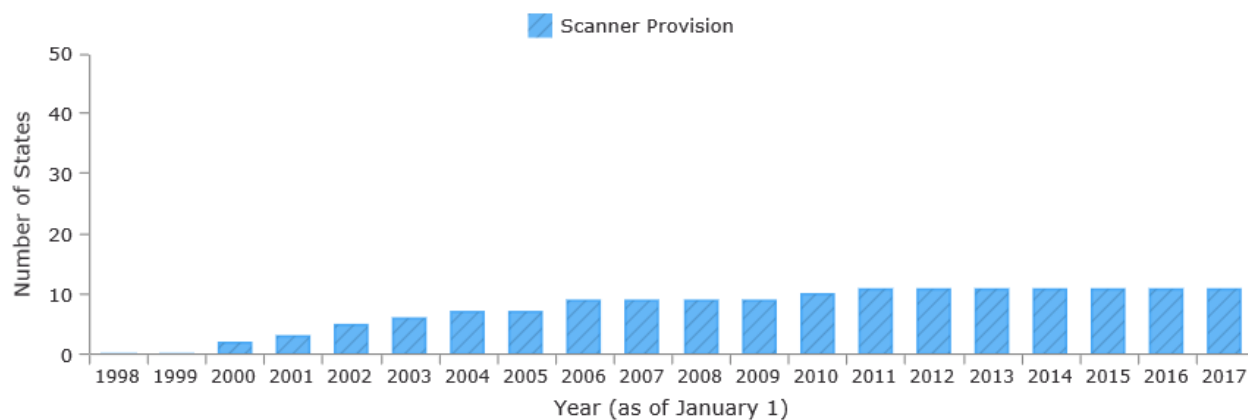


Exhibit I.10: Number of States With Scanner Provisions in False ID Laws, January 1, 1998, through January 1, 2017



Provisions That Target Suppliers

As of January 1, 2017, 25 states have laws that target suppliers of false ID cards; 24 prohibit lending, transferring, or selling false ID cards to minors for the purpose of purchasing alcohol; and 13 prohibit manufacturing such IDs.

Provisions That Support Retailers

Retailer support provisions vary widely across the states. In prosecutions involving an illegal underage alcohol sale, 44 states and the District of Columbia provide for some type of affirmative defense (the retailer shows that he/she reached a good faith or reasonable conclusion that the false ID was valid); 42 states have laws requiring distinctive licenses for persons under age 21; 12 states permit retailers to seize apparently false IDs; 11 states provide incentives for the use of scanners (see Exhibit I.10); 4 states (Arkansas, Colorado, South Dakota, and Utah) allow retailers to detain minors; and 5 states (Alaska, New Hampshire, Oregon, Utah, and Wisconsin) permit retailers to sue minors for damages.

Trends in False ID State Policies

State false ID policies that target minors and suppliers have been relatively stable since 1998. Between 2014 and 2015, Indiana and Georgia eliminated their license suspension penalties.

Data Sources and Citations

All data for this policy were obtained from APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy titled “False Identification for Obtaining Alcohol” for 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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