

State Report

Pennsylvania

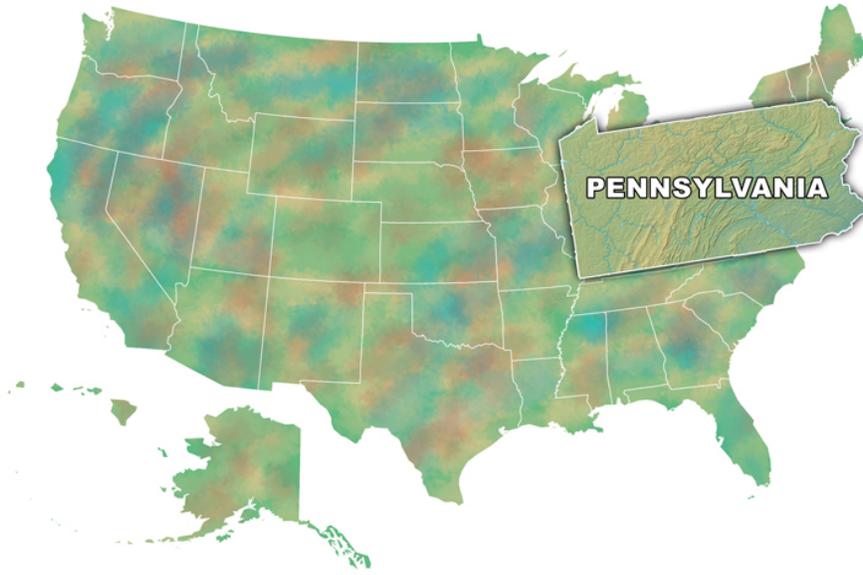
This state report is excerpted from:

The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking

submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:

<https://www.stopalcoholabuse.gov>



Pennsylvania

State Profile and Underage Drinking Facts*

State Population: 12,742,886
Population Ages 12–20: 1,542,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	28.7	442,000
Past-Month Binge Alcohol Use	18.7	288,000
Ages 12–14		
Past-Month Alcohol Use	5.5	26,000
Past-Month Binge Alcohol Use	2.1	10,000
Ages 15–17		
Past-Month Alcohol Use	24.9	124,000
Past-Month Binge Alcohol Use	15.2	76,000
Ages 18–20		
Past-Month Alcohol Use	51.1	292,000
Past-Month Binge Alcohol Use	35.5	203,000
Alcohol-Attributable Deaths (under 21)		193
Years of Potential Life Lost (under 21)		11,509
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	26.0	58

* See Appendix C for data sources.

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited—no explicit exceptions noted in the law.

Underage Consumption of Alcohol

Consumption is prohibited—no explicit exceptions noted in the law.

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Underage Purchase of Alcohol

Purchase is prohibited, but youth may purchase for law enforcement purposes.

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure.

Provision(s) Targeting Suppliers

- It is a criminal offense to lend, transfer, or sell a false ID.
- It is a criminal offense to manufacture or distribute a false ID.

Provisions Targeting Retailers

- State provides incentives to retailers who use electronic scanners that read birthdate and other information digitally encoded on valid identification cards.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.00
- Any detectable alcohol in the blood is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

Use/lose penalties apply to minors under age 21.

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial

- Underage purchase
- Underage possession
- Underage consumption

Authority To Impose Driver’s License Sanction

- Mandatory

Length of Suspension/Revocation

- 90 days

Graduated Driver’s License

Learner Stage

- Minimum entry age: 16
- Minimum learner-stage period: 6 months
- Minimum supervised driving requirement: 65 hours—10 of which must be at night

Intermediate Stage

- Minimum age: 16 years, 6 months
- Unsupervised night driving
 - Prohibited after: 11 p.m.
 - Primary enforcement of the night-driving rule
- Passenger restrictions exist: First 6 months, no more than one passenger under age 18 not in the immediate family. After 6 months, no more than three unrelated passengers under 18 unless accompanied by a parent or guardian.
 - Primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 17 years, 6 months

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors

Furnishing is prohibited—no explicit exceptions noted in the law.

Compliance Check Protocols

Age of Decoy

- Minimum: 18
- Maximum: 20.5

Appearance Requirements

- Age-appropriate dress and appearance

ID Possession

- Discretionary

Verbal Exaggeration of Age

- Permitted

Decoy Training

- Mandated

Penalty Guidelines for Sales to Minors

- Time period/conditions: 4 years
- First offense: \$1,000–\$5,000 fine and/or license suspension/revocation
- Second offense: \$1,000–\$5,000 fine and/or license suspension/revocation
- Third offense: License suspension or revocation

Note: If licensee has participated in responsible alcohol management program and has not sold to minors in previous 4 years, penalty can be \$50–\$1,000 fine and/or license suspension/revocation.

Responsible Beverage Service

Voluntary Beverage Service Training

- Applies to both on-sale and off-sale establishments
- Applies to both new and existing outlets

Incentive for Training

- Mitigation of fines or other administrative penalties for sales to minors

Minimum Ages for Off-Premises Sellers

- Beer: 18
- Wine: 18
- Spirits: 18

Note: In Pennsylvania, a minor 17 years of age who is a high school graduate or is declared to have attained his or her academic potential by the chief administrator of his or her school district is deemed to be a minor 18 years of age for purposes of the laws relating to the employment of minors by retail licensees.

Minimum Ages for On-Premises Sellers

- Beer: 18 for both servers and bartenders
- Wine: 18 for both servers and bartenders
- Spirits: 18 for both servers and bartenders

Note: In Pennsylvania, a minor 17 years of age who is a high school graduate or who is declared to have attained his or her academic potential by the chief administrator of his or her school district is deemed to be a minor 18 years of age for purposes of the laws relating to the employment of minors by retail licensees.

Distance Limitations for New Alcohol Outlets Near Universities and Schools

Colleges and Universities

No distance limitation

Primary and Secondary Schools

No distance limitation

Dram Shop Liability

- There is no statutory liability.
- The courts recognize common law dram shop liability.

Social Host Liability Laws

- There is no statutory liability.
- The courts recognize common law social host liability.

Host Party Laws

Social host law is not specifically limited to underage drinking parties.

- Action by underage guest that triggers violation: Possession
- Property type(s) covered by liability law: Residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: Knowledge—host must have actual knowledge of the occurrence.

Retailer Interstate Shipments of Alcohol

Retailer interstate shipments are prohibited for all types of beverages.

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are not permitted.

Note: Limited wineries (wineries with a maximum output of 200,000 gallons per year that use fruit or agricultural commodities grown in the state) may ship wine to retail customers via a transporter-for-hire or in a vehicle properly registered with the Board.

Keg Registration

Registration is not required.

Alcohol Pricing Policies

Home Delivery

- Beer: No law
- Wine: No law
- Spirits: No law

Alcohol Tax

- Beer (5 percent alcohol): Specific excise tax is \$0.08 per gallon.
- Wine (12 percent alcohol): Control state
- Spirits (40 percent alcohol): Control state

Drink Specials

- Free beverages: Not prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Prohibited
- Reduced price at specified day or time: Not prohibited—limited to 4 consecutive hours per day and no more than 14 hours per week. Discounts may not be offered after 12 midnight.
- Unlimited beverages: Prohibited
- Increased volume: Prohibited

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Retailer credit: Not permitted

Wine (12 percent alcohol)

- Control state

Spirits (40 percent alcohol)

- Control state

Note: Although current law suggests there is a 120-day hold on reducing prices posted by the wholesaler for distribution of beer, that rule is no longer legal or being enforced as a result of an order on January 15, 1999, by Judge Richard Caputo of the United States District Court for the Middle District of Pennsylvania. The order granted a permanent injunction prohibiting the enforcement of several sections of the Liquor Code, including 47 Pa. Cons. Stat. § 4-447. Therefore, the requirement that wholesale prices be reported and if reduced, remain at that level for at least 120 days, is no longer legal or enforced, and prices of malt beverages can be reduced and then raised at any time. See Legal Advisory No. 11.

<http://www.portal.state.pa.us/portal/server.pt?open=514&objID=611927&mode=2>

Pennsylvania State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Pennsylvania State Police Bureau of Liquor Control Enforcement (BLCE)	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> The Pennsylvania State Police BLCE continues to provide a variety of alcohol-related trainings throughout the state to other enforcement and prevention agencies. The Bureau presents itself as a resource to assist them in enforcement and prosecution.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	No Not applicable
Such laws are also enforced by local law enforcement agencies	Unknown
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by state law enforcement agencies	Yes 13,355
Number pertains to the 12 months ending	12/31/2011
Data include arrests/citations issued by local law enforcement agencies	Yes
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by state agencies	788
Number of licensees that failed state compliance checks	214
Numbers pertain to the 12 months ending	12/31/2011
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	No
Number of licensees checked for compliance by local agencies	Data not collected
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ³	Yes 217
Total amount in fines across all licensees	\$318,050
Numbers pertain to the 12 months ending	12/31/2011
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the state ⁴	Yes 30
Total days of suspensions across all licensees	116
Numbers pertain to the 12 months ending	12/31/2011

State collects data on license revocations imposed on retail establishments specifically for furnishing minors	Yes
Number of license revocations imposed ⁵	0
Numbers pertain to the 12 months ending	12/31/2011
Additional Clarification	
None given	

¹Or having consumed or purchased per state statutes.

²Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

³Does not include fines imposed by local agencies.

⁴Does not include suspensions imposed by local agencies.

⁵Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking	
Choices	
Number of youth served	6,245
Number of parents served	0
Number of caregivers served	2,984
Numbers pertain to the 12 months ending	12/31/2011
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
Program description: This educational program is provided by liquor enforcement officers who discuss liquor laws, and the consequences for violations of these laws, with youth. This program is designed to be factual and motivational to help youth make informed decisions when presented with peer pressures. Choices provided 80 presentations in 2010.	
College Enforcement and Awareness Initiative	
Number of youth served	4,783
Number of parents served	0
Number of caregivers served	812
Numbers pertain to the 12 months ending	12/31/2011
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
Program description: This educational program is designed to educate college students at the beginning of the school year about laws regarding alcohol and to warn them that the Pennsylvania State Police Bureau of Liquor Control Enforcement will be enforcing the laws on their campuses. The College Enforcement and Awareness Initiative provided 43 presentations in 2010.	

Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking	
None	
URL for more program information: Not applicable	
Program description: Not applicable	

Additional Information Related to Underage Drinking Prevention Programs	
State collaborates with federally recognized Tribal governments in the prevention of underage drinking Description of collaboration: Not applicable	No
State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing Program description: Not applicable	No
State has adopted or developed best practice standards for underage drinking prevention programs Best practice standards description: Not applicable	No
Additional Clarification	
None given	

State Interagency Collaboration	
A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities Committee contact information: No data	Unknown
Agencies/organizations represented on the committee: No data	
A website or other public source exists to describe committee activities URL or other means of access: Not applicable	No data

Underage Drinking Reports	
State has prepared a plan for preventing underage drinking in the last 3 years Prepared by: Not applicable Plan can be accessed via: Not applicable	No
State has prepared a report on preventing underage drinking in the last 3 years Prepared by: Pennsylvania Liquor Control Board, Act 85 biennial report to the legislature Plan can be accessed via: http://www.lcb.state.pa.us/portal/server.pt/community/pennsylvania_liquor_control_board/17476	Yes
Additional Clarification	
None given	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of state funds expended	\$39,686
Estimate based on the 12 months ending	12/31/2011
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	\$88,302
Estimate based on the 12 months ending	12/31/2011
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$1,461
Estimate based on the 12 months ending	12/31/2011
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$579
Estimate based on the 12 months ending	12/31/2011

<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$441
Estimate based on the 12 months ending	12/31/2011
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included:	No data
Estimate of state funds expended	Not applicable
Estimate based on the 12 months ending	Not applicable

Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue streams:

Taxes	No
Fines	No
Fees	No
Other	No data

Description of funding streams and how they are used:
No data

Additional Clarification

The expenditures for educational programs provided for communities, K–12 grade levels, and institutions of higher learning all use the average salary of \$27.56 per hour, and use an average of 1 hour per presentation.

CHOICES has made a total of 53 presentations, including 12 presentations to grades kindergarten through 12, and 16 presentations to colleges and universities.

The number of Age Compliance Details was 120; each detail used an average salary of \$27.56, with an average of three personnel and an average of 4 hours per detail.

The number of checkpoints and saturation patrols was 267; each detail used an average salary of \$27.56, with an average of three personnel and average of 4 hours per detail.