

UNDERAGE DRINKING: A Resource Guide to State Laws

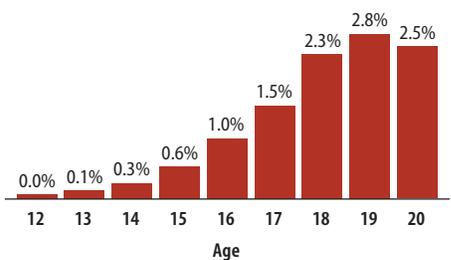
Reducing Underage Access to Alcohol: A Discussion

Despite significant progress over the past 20 years, underage drinking is a complex problem that persists in communities across the nation. There are numerous countermeasures that can be implemented to address this issue. A combination of effective penalties such as administrative license revocation and comprehensive enforcement, coupled with public education efforts will enhance each community's efforts to reduce underage drinking. While each community may choose its own path in fighting this problem, the effectiveness of their efforts will increase when built on a foundation of community awareness, commitment to addressing the root causes of the problem, effective enforcement and adjudication of existing laws, and the resolve necessary to see initiatives through to their successful conclusions.

While individuals under the legal purchase age obtain alcohol from a variety of sources, the *National Academy of Sciences Reducing Underage Drinking Report* states that parties, friends and adult purchasers are the most frequent sources of alcohol among college students and older adolescents, and younger adolescents often obtain alcohol from family members. Government data suggest that while the figures remain relatively low (as of 2002, the latest survey year available) up to 11.1% of alcohol nevertheless finds its way into the hands of underage persons.

The Federal Trade Commission, in its 2003 Report to Congress, reached a similar conclusion stating that, "Research indicates that younger minors obtain alcohol primarily from noncommercial sources such as friends, parents, and other adults." (*FTC 2003 Report to Congress*)

% of Total U.S. Alcohol Consumption by Age Category

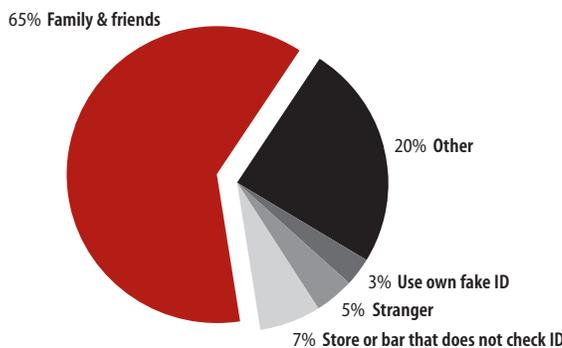


Source: SAMHSA, National Survey on Drug Use and Health

Parents Play The Most Important Role in Eliminating Underage Access to Alcohol

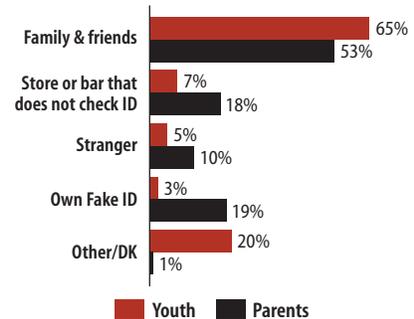
Research conducted for The Century Council by Teenage Research Unlimited (TRU) in May 2003 revealed 65 percent of individuals between the ages of 10 and 18 who had consumed alcohol in the past year report obtaining their alcohol from family and friends. A separate survey conducted by Wirthlin Worldwide revealed that a majority of parents (53%) also believe family and friends are the leading source of alcohol for people between the ages of 10 and 18.

Family and Friends are the Leading Sources of Alcohol for Today's Youth



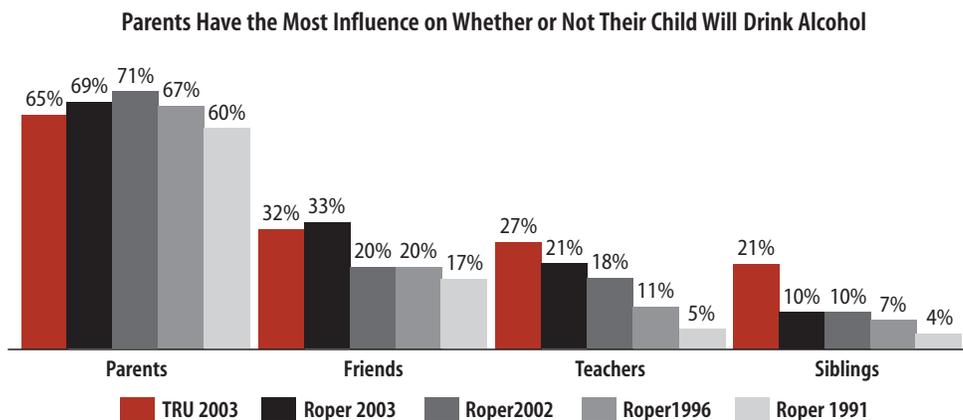
Source: TRU Omnibuzz, May 2003

Parents and Kids Agree Where Today's Youth Get Alcohol



Source: TRU Omnibuzz, May 2003
Wirthlin Worldwide, May 2003

At the same time as both parents and kids identify family and friends as the primary source of beverage alcohol, research also shows that parents are the most important influence in a child's decision whether or not to drink beverage alcohol.



Source: TRU Omnibuzz (10-18 year olds); Roper Youth Report (13-17 year olds)

Numerous studies confirm the crucial role parents play in shaping the behavior and decision-making skills of their children. For example, a study reported in *Health Education and Behavior*, February 2001, suggests that parental involvement is associated with a 67 percent less likelihood of drinking. Similar results have appeared in the last several Roper polls, which have consistently identified parents as having the largest influence over their children's decision whether or not to drink. Responding to questions summarized in the 2003 Roper Youth Report, 69% of youth identified their parents as having the most influence on their decision whether or not to drink alcohol. Friends and peers are a distant second. These reports, and others, confirm The Council's longstanding belief in the important role that parents play in reducing underage drinking.

Individuals under the age of 21 report their heaviest drinking at large parties with peers in someone else's residence where most of the attendees are underage. In some cases, these parties are held without the parent's knowledge. However, many parents have a high tolerance for teen parties, allowing them to occur on their property often without any supervision.² Not only are these parents enabling people under the age of 21 to violate the law, but they are also violating the law themselves. Even worse, these parents are underestimating the consequences of underage drinking and wasting their considerable capacity to influence their children to not drink illegally.

According to a 2004 study published in the *Journal of Adolescent Health*, "Adults' Approval and Adolescents' Alcohol Use," one in five teens reported drinking alcohol that was provided by a parent or a friend's parent at a party. Additionally, researchers found that such provision of alcohol significantly increased the likelihood of regular and binge drinking.

Giving Law Enforcement the Tools They Need to Stop Underage Access to Alcohol

In every state and the District of Columbia, it is illegal for individuals under 21 years of age to possess alcohol and in 36 states and the District of Columbia, there also are laws that make it illegal for individuals under 21 years of age to consume alcohol. All states and the District of Columbia prohibit adults over the age of 21 from providing alcohol to individuals under 21 years of age. These prohibitions are subject, however, to some exceptions.

Many states allow parents, guardians and spouses of people under 21 years of age to provide alcohol to their own child or spouse and there are exceptions for medicinal and religious purposes and for underage persons to possess alcohol for employment purposes. For example, more than half the states allow an individual under 21 to possess and consume alcohol in the presence of parents, guardians, family members and/or spouses.

² *Pacific Institute for Research and Evaluation Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices*

A few states allow possession and consumption by an underage individual in a private location with, for example, parental consent, but do not require the actual presence of the parent. There are three states that do not specifically prohibit an individual under the legal age to possess and consume alcohol in a private location even where, for example, there is no parental presence or consent. Even with these sets of laws, law enforcement officers may be limited in their ability to enforce underage drinking laws in the house party settings described above. For example, law enforcement officers in some states may not be able to enter the residence and identify underage drinkers or hold adults accountable for allowing a party where alcohol is served to individuals under 21 years of age.

Only a handful of states have laws that specifically address the issue of “house parties” and provide legal authority for enforcing laws in this setting. In Florida, it is a second degree misdemeanor for any person over 18 years old having control of any residence to allow an open house party to take place at this residence where the person knows alcohol is possessed or consumed by an individual under 21 years of age and that person fails to take reasonable steps to prevent possession or consumption of alcohol by an individual under 21 years of age.

In New Hampshire, it is a misdemeanor to facilitate a house party where five or more underage individuals gather to consume alcohol illegally. In Oregon, any person who exercises control over real property and knowingly allows underage consumption of alcohol on that property is guilty of a Class A misdemeanor. In Wisconsin, no individual 21 years of age or older may knowingly permit or fail to take action to prevent the illegal consumption of alcohol by a person under 21 on premises owned by an adult 21 years of age or older or under that adult’s control.

Separately, putting aside the issue of “house party” laws, the penalties for adults who illegally furnish alcohol to individuals under 21 are often stringent, ranging from various classes of misdemeanor offenses to felony offenses with minimum and maximum fines that can be imposed in tandem or in the alternative. Yet some of these state penalties are not consistently enforced. Punishment for this offense should be swift and certain.

Various states and communities have forged coordinated efforts with their state beverage alcohol control officials, county prosecutors, and local police officers to enact a strong enforcement plan to send a strong message to underage drinkers and the adults who purchase alcohol for them about the serious consequences if they choose to violate the law. The State of New Jersey, with its *Cops In Shops*® program and the Montgomery County, Maryland, Department of Liquor Control’s “Parents Who Host Lose the Most” enforcement program are examples of such initiatives.

Effective Deterrence to Stop People Under 21 from Seeking to Purchase Alcohol with Fraudulent Identification

In 44 states and the District of Columbia it is illegal for a person under 21 years of age to purchase alcohol, and in 35 states and the District of Columbia it is illegal to attempt to purchase alcohol. In most of these states, the penalty for purchasing or attempting to purchase is the same or greater than the penalty for possessing or consuming alcohol.

Although Teenage Research Unlimited and Wirthlin Worldwide research reports that 3% of individuals under the age of 21 obtain alcohol through the use of a fake ID, retailers and law enforcement officials warn that the possession and use of false identification contributes significantly to the ability of people under the age of 21 to obtain access to alcohol. Forty-seven states provide penalties for the unlawful use of driver’s license and other personal identification which includes loaning or transferring such identification to another person.

Encourage Responsible Retailing by Licensed Establishments

Research conducted by Teenage Research Unlimited in May 2003 reveals that 7 percent of people between the ages of 10 and 18 who have consumed alcohol in the past year report obtaining their alcohol from a store, bar or club that did not check identification of individuals under 21 years of age. While this percentage is far lower than the 65 percent of people between the ages of 10 and 18 who report obtaining their alcohol from family and friends, it still represents an important avenue of access that necessitates consistent attention.

Local initiatives are underway to address this concern. In November 2004, a group of twenty-four independent retailers in Fort Collins, Colorado joined together to establish a Code of Ethics for serving and selling beverage alcohol products. Their Code included provisions to diligently check identification, train employees to validate the authenticity of identification, conduct business in a responsible manner and not tolerate activities offensive to the residents of the surrounding neighborhood, limit drink specials to those which promote responsible consumption of alcohol, and promote alcohol awareness and education within their establishments. Retailers in Fort Lauderdale, Florida also have developed a Code of Responsible Practices.

The *Cops in Shops*[®] program teams law enforcement and retailers to fight underage purchasing. Communities in forty-three states have used this program and evaluations have found that it can deter attempts to purchase by those under the legal purchase age.

Millions of pieces of point of sale materials are displayed in stores, clubs and bars throughout the country designed to remind adults that it is illegal to provide alcohol to anyone under the legal purchase age and to put youth on notice that the retail establishment will not sell to anyone under the legal purchase age.

The *Being An Alcohol Responsible Server (BARS)* program is an incentive-based program utilized by licensees to monitor employee compliance with age verification policies. Independent BARS personnel issue a small incentive such as a movie pass to employees who correctly request identification and a notice of violation to employees who fail to ask for identification. The program, which has been shown to be effective, allows the licensee or retail association to achieve compliance with age verification policies through self-regulation.

Government Must Have a Role in Fighting Underage Drinking

By designating a lead state agency to disburse federal funds, expand alcohol education efforts, and identify and evaluate local programs, it may be possible to achieve better integration and coordination of federal, state and local programs. A lead agency would also provide the federal, state and local governments, as well as schools and communities with one central location to obtain information on effective programs. The state agency with authority to enforce laws on underage drinking and illegal alcohol sales/access for people under the legal purchase age could serve as the lead agency. Additionally, the lead agency should receive sufficient funding to accomplish its goals.

This type of coordinated system would discourage duplicative efforts and the use of programs shown to be ineffective while encouraging the use of evidence-based programs. It will also maximize free educational resources for public school systems where resources may be scarce. Only an integrated approach, which takes into consideration each of the avenues through which people under the legal purchase age obtain alcohol, will result in a meaningful reduction in underage drinking.

Additionally, states should undertake a statewide “promising practices” review to identify statewide and local programs that are evidence-based and already in place to reduce underage drinking. This statewide review should include input and expertise available from all stakeholders.

Finally, schools and institutions of higher education should be made aware of resources to educate students about the dangers of underage drinking and appropriate penalties for underage drinking should be incorporated into existing disciplinary structures.

Making Progress in the Fight Against Underage Drinking

Working to restrict access to alcohol by those under the legal purchase age is everyone's goal, but to achieve success, the battle must be fought on many fronts. Parents and other adults must be held accountable, individuals under the legal purchase age must understand that the consequences of underage drinking could be life threatening, licensed retailers must be committed to responsible service, and law enforcement and public officials, alike, must focus their resources and manpower in a balanced and comprehensive approach.

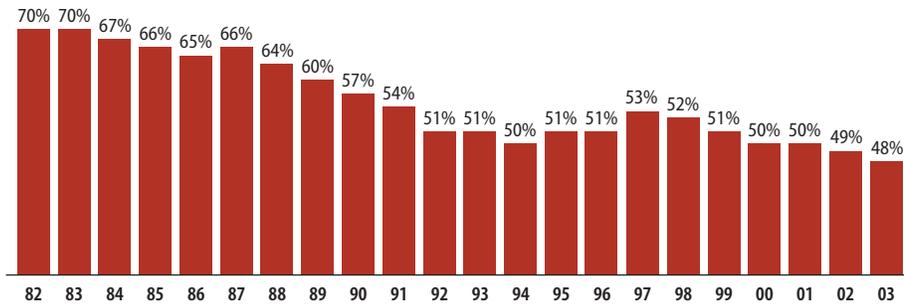
Guiding Principles:

- **Effective and enforceable penalties should be brought to bear upon adults who knowingly provide alcohol to people under the legal purchase age, noting that some exceptions exist in state laws.** These penalties should escalate with multiple offenses and the monetary fines resulting from these penalties should fund underage drinking awareness, enforcement and educational activities in the communities in which the infraction occurred.
- **Persons under the legal purchase age who attempt to purchase beverage alcohol are in violation of the law.** Minimum drinking age laws should be publicized and the associated penalties should cover purchase, the attempt to purchase, possession and consumption of alcohol.
- **The use of fraudulent identification must be stopped by effective partnerships between licensed retailers and law enforcement.** Companies and individuals who create false identification should be dealt with in a manner that recognizes the severity of their offenses and the consequences that may result from underage drinking. Persons under the legal purchase age who seek to acquire alcohol fraudulently through the use of false identification, the internet, or home delivery services must have their infractions brought to the attention of their parents and/or other appropriate authorities. Penalties, for instance, loss of one's driver's license, should present a real and credible deterrent.
- **Responsible retailing must be one of the cornerstones of any comprehensive plan to attack underage drinking.** Retailers and local law enforcement must be encouraged to work in partnership, licensees must come to see regular server and seller training as an investment in the future health and success of their businesses and communities, and incentives should be established to increase the number of retailers utilizing age verification technology. Retailers must recognize that if they violate ordinances pertaining to underage sales the future of their business may be in jeopardy.
- **Federal, state and local agencies must work in concert to create a comprehensive and integrated battle plan that addresses the problem of underage drinking.** The flow of resources should be coordinated by a lead agency charged with enforcing the laws prohibiting illegal alcohol sales and underage drinking provisions. This agency should receive sufficient funding to accomplish its mission and be tasked with regular planning, program evaluation and communication with all stakeholders to ensure the most cost efficient and effective delivery of programs and services possible.
- **Working through a lead statewide agency, states should undertake a thorough "promising practices" review to identify programs and initiatives that are evidence-based and delivered in the most cost effective manner.** Schools and community service organizations should be made aware of resources available to assist their efforts to fight underage drinking and information and warnings about the penalties for underage drinking should be incorporated into school curricula at the appropriate grade levels.

Underage Drinking: A Summary of Current Data

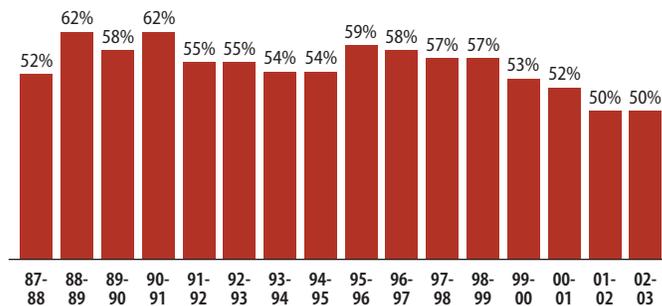
Over the past two decades, progress has been made in the effort to stop underage drinking through the implementation of effective programs and increased public awareness regarding the negative consequences of underage drinking. The 16th Annual Pride Survey for 2003 revealed that the number of students who reported they drank alcohol in the previous 12 months reached an all time record low in the history of the Survey's national report. Additionally, the 2003 Monitoring the Future Study, reports the percentage of high school seniors who reported drinking in the past month declined 32% proportionally from 1982 to 2003.

**High School Seniors who Reported Drinking in the Past Month Declined
31% Proportionally from 70% in 1982 to 48% in 2003**



Source: NIDA National Survey Results on Drug Use from The Monitoring the Future Study, Johnston, L., et al, U. of Michigan, 12/03.
Note: Authors state language on the 93/94 survey changed slightly

Annual Alcohol Use Among Grades 6-12

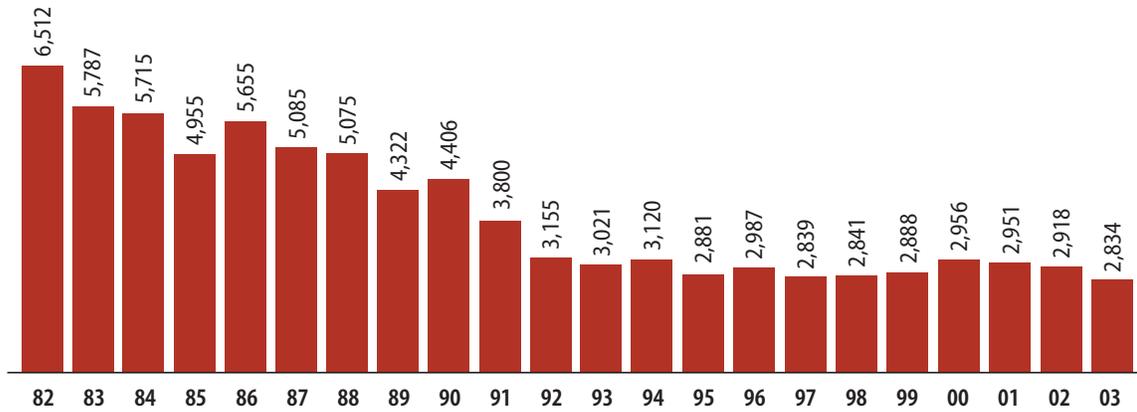


Source: The Pride Survey

According to the 2002 Substance Abuse and Mental Health Services Administration National Survey on Drug Use and Health, 17.6% of 12 to 17 year olds and 51.4% of 18 to 20 years olds report consuming alcohol in the past month. Additionally, 10.7% of 12 to 17 year olds and 36.7% of 18 to 20 year olds have had five or more drinks on the same occasion in the past month.

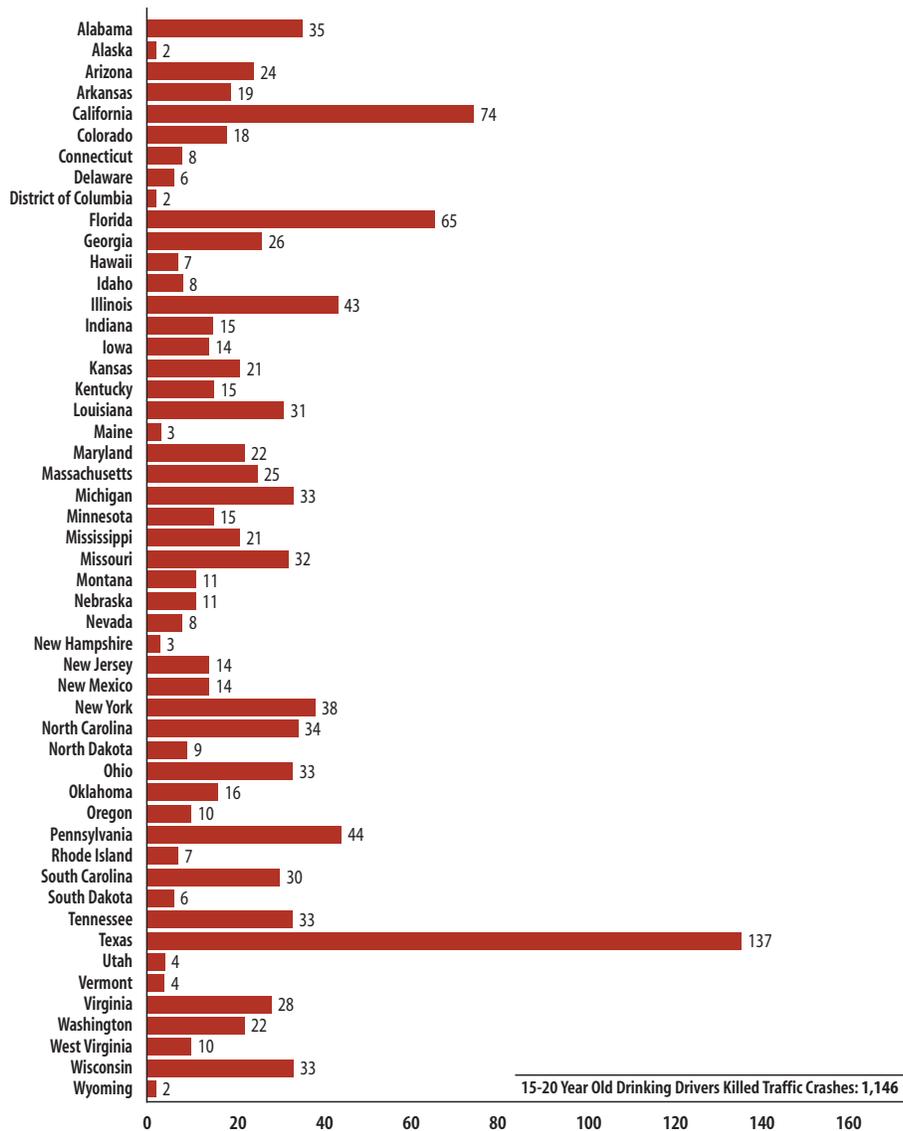
Progress has also occurred in reducing drunk driving fatalities for people under 21 years of age. According to the National Highway Traffic Safety Administration, alcohol-related traffic fatalities involving this group decreased 56% from 6,512 in 1982 to 2,834 in 2003. Despite this important progress over the past two decades, however, young drivers remain over-represented in both alcohol- and non-alcohol-related traffic fatality rates (see chart on page 13).

Youth Under 21 Alcohol-Related Traffic Fatalities Decreased 56% from 1982 to 2003



Source: NHTSA/FARS

Alcohol-Related Traffic Fatalities Among 15-20 Year Old Drinking Drivers: 2003



Source: NHTSA/FARS ARF. Total may not equal the sum of states due to rounding

At the same time, 12 to 19 year old teens are acutely interested in these issues and aware of the tragic consequences that can occur as a result of underage drinking. According to the most recent published results of The TRU (*Teenage Research Unlimited*) Study (*Fall 2004*) drinking and driving continues to be an issue of great importance to teens. Three-fourths of teens (76%) cite drunk driving as an issue they care about, making it teens' top life-and-death issue and ranking it second overall (behind education) and ahead of such issues as war, terrorism, drug abuse, cigarette smoking, and abortion.

Conclusion

The distilled spirits industry remains steadfast in its decades-long commitment to further reduce underage drinking through evidence-based approaches such as effective penalties, enforcement and education and will continue to work with all stakeholders to achieve this goal.

The Century Council believes collective action can have a greater impact than individual efforts. We involve all sectors of the community in the fight against drunk driving and underage drinking, including beverage alcohol wholesalers and retailers, law enforcement, public officials, educators, parents, young people, insurers, health care professionals and private citizen organizations. We look forward to continuing to play an effective role in the fight against underage drinking.