

**Trends in Underage Internal Possession Policies**

As Exhibit 4.3.6 illustrates, during the period between 1998 and 2011, the number of States that prohibit underage internal possession has grown steadily from two to nine. The most recent State to enact a prohibition on internal possession was Wyoming.

**Exhibit 4.3.6: Distribution of States with Laws Prohibiting Internal Possession of Alcohol by Persons Under 21 Years of Age, January 1, 1998, through January 1, 2011**



**References and Further Information**

All data for Underage Possession, Consumption, and Internal Possession policy topics were obtained from the Alcohol Policy Information System (APIS) at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “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. To see definitions of the variables for this policy, go to Appendix B.

**2. UNDERAGE PURCHASE AND ATTEMPTED PURCHASE**

**Policy Description**

Most States, but not all, prohibit minors from purchasing or attempting to purchase alcoholic beverages. A minor purchasing alcoholic beverages can be prosecuted for possession since, 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 is potentially liable for two offenses in States that have both prohibitions. See the “Underage Possession/Internal Possession/Consumption” section of this Report for

further discussion.<sup>31</sup> A significant minority of youths purchase or attempt to purchase alcohol for themselves, sometimes using falsified identification (see the “False Identification” section of this Report).

Such purchases increase the availability of alcohol to underage persons, which, in turn, increases underage consumption. Prohibitions and associated sanctions on alcohol purchases by underage persons can be expected to depress rates of purchase and attempted purchase by raising the monetary and social costs of this behavior. Such 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.

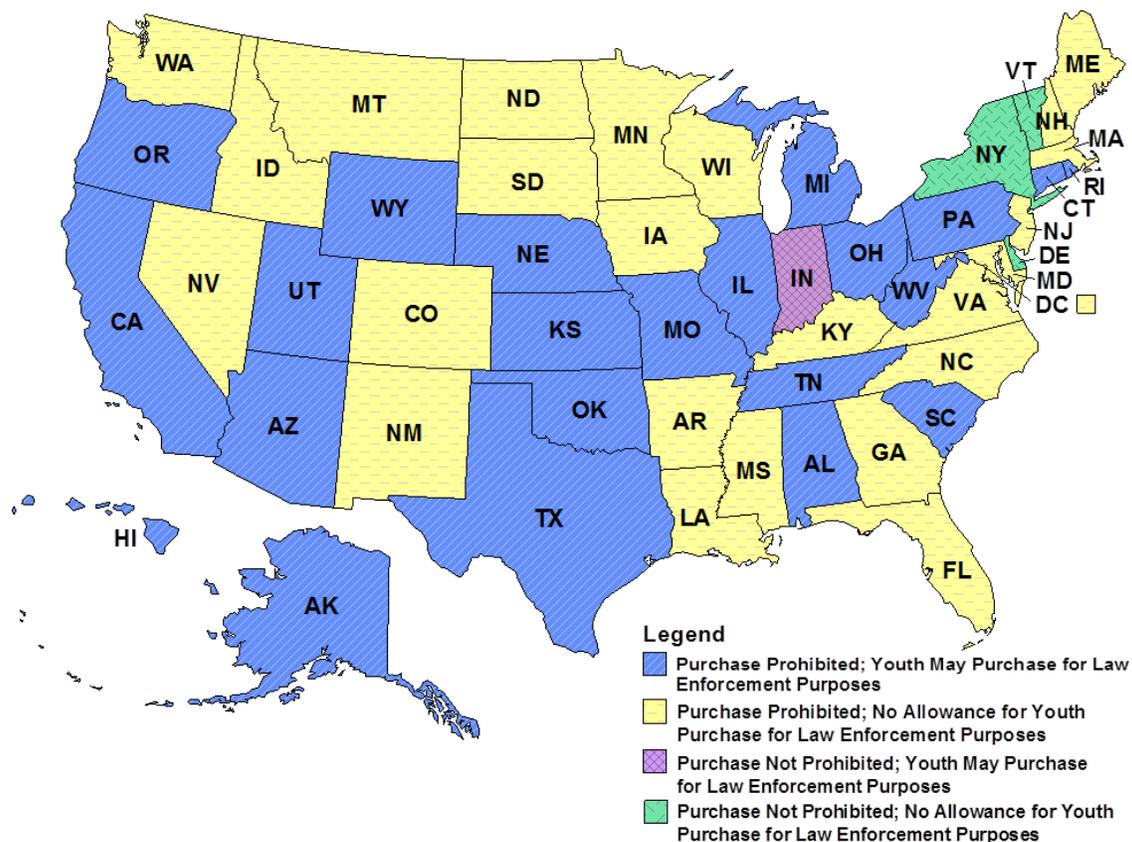
### ***Status of Underage Purchasing Policies***

As of January 1, 2011, 46 States and the District of Columbia prohibit underage purchase or attempted purchase of alcohol; the remaining 4 States (Delaware, Indiana, New York, and Vermont) do not (see Exhibit 4.3.7). Underage persons are allowed to purchase alcohol for law enforcement purposes in 23 States including Indiana, even though Indiana does not have an underage purchase statute; the 3 other States without underage purchase statutes have no allowances for such purchases made for law enforcement purposes.

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<sup>31</sup> 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. It is likely that courts in States that only include the purchase prohibition in their statutes would 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 therefore not treated separately in this Report.

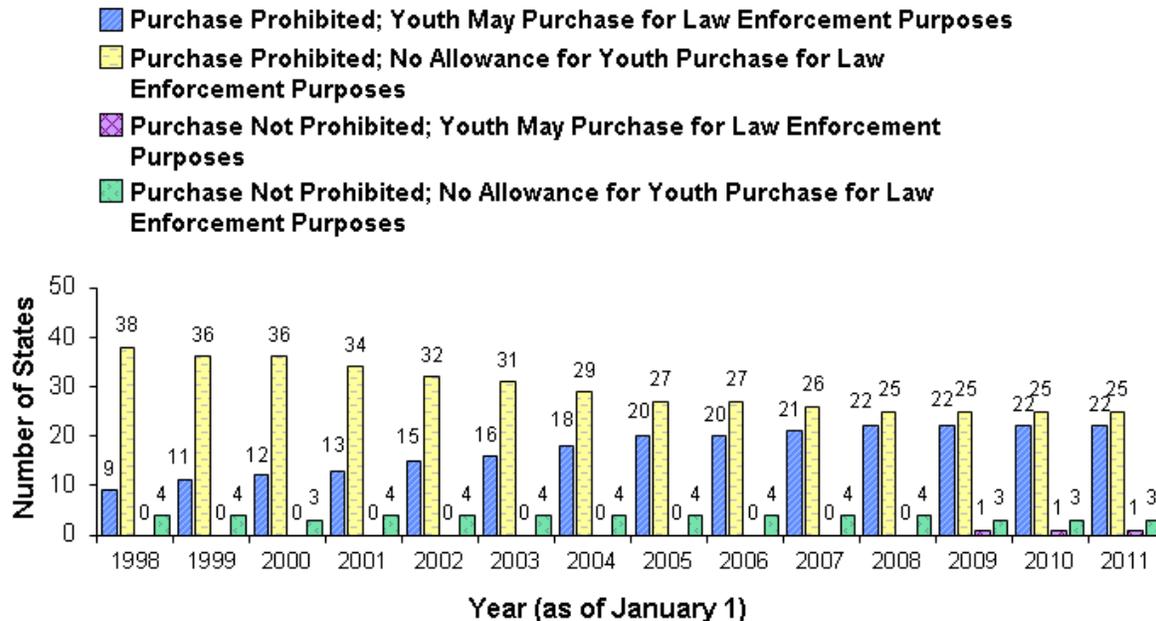
**Exhibit 4.3.7: Underage Purchase of Alcohol for Law Enforcement Purposes as of January 1, 2011**



***Trends in Underage Purchasing Policies***

Since 1998, the number of jurisdictions prohibiting underage purchase of alcohol has remained the same (47). During that period, the number of States with allowances for underage purchase for enforcement purposes has steadily increased, from 9 in 1998 to 22 in 2011 (see Exhibit 4.3.8).

**Exhibit 4.3.8: Underage Purchase of Alcohol for Law Enforcement Purposes, January 1, 1998, through January 1, 2011**



### *References and Further Information*

All data for this policy were obtained from APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “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. For definitions for the variables in this policy, go to Appendix B.

### **3. FALSE IDENTIFICATION (“FALSE ID”)**

#### *Policy Description*

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

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