

## **CHAPTER 4**

# **Report on State Programs and Policies Addressing Underage Drinking**

## INTRODUCTION

The STOP Act recognizes the critical role States play in the national effort to reduce underage drinking, particularly in their role as regulators of the alcohol market. Its preamble includes this statement of the sense of Congress:

Alcohol is a unique product and should be regulated differently than other products by the States and Federal Government. States have primary authority to regulate alcohol distribution and sale, and the Federal Government should support and supplement these State efforts. States also have a responsibility to fight youth access to alcohol and reduce underage drinking. Continued State regulation and licensing of the manufacture, importation, sale, distribution, transportation, and storage of alcoholic beverages are ... critical to ... preventing illegal access to alcohol by persons under 21 years of age.

To this end, the 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 provide an Annual Report on State activities pertaining to underage drinking prevention programs, policies, enforcement efforts related to those policies, and State expenditures. SAMHSA is collecting data from the States on enforcement activities, prevention programs, and State expenditures, all of which will be included in next year's Report.

This year's Report focuses specifically on 17 State underage drinking policies and laws, providing the first comprehensive documentation of State underage drinking laws. The 17 policies fall into three categories as follows:

Laws addressing minors in possession of alcohol:

- [Underage Possession](#)
- [Underage Consumption](#)
- [Internal Possession by Minors](#)
- [Underage Purchase and Attempted Purchase](#)
- [False Identification](#)

Laws targeting underage drinking and driving:

- [Youth Blood Alcohol Concentration Limits](#)
- [Loss of Driving Privileges for Alcohol Violations by Minors](#)
- [Graduated Driver's Licenses](#)

Laws targeting alcohol suppliers:

- [Furnishing of Alcohol to Minors](#)
- [Responsible Beverage Service](#)
- [Minimum Ages for On-Premises Servers and Bartenders](#)
- [Minimum Ages for Off-Premises Sellers](#)
- [Dram Shop Liability](#)
- [Social Host Liability](#)
- [Hosting Underage Drinking Parties](#)
- [Direct Sales/Shipments](#)
- [Keg Registration](#)

This Chapter is composed of policy summaries and State-by-State reports. The policy summaries provide a description of each of the 17 policies; each policy's key components; a summary of the status of the policies across the 50 States and the District of Columbia; and trends in the adoption of the policies over time. Specific legal variables have been identified for each policy component and defined in Appendix B. The State-by-State reports provide summaries of the 17 policies using the legal variables for each State, thus providing uniform reporting that facilitates cross-State comparison. The policy variables for each State are linked electronically to both the relevant policy summaries and the variables definitions.

## **POLICY SUMMARIES**

### **Laws Addressing Minors in Possession of Alcohol**

#### **1. UNDERAGE POSSESSION**

##### **Policy Description**

As of January 1, 2009, all States and the District of Columbia prohibit possession of alcoholic beverages for those under age 21. States may apply certain statutory exceptions to these laws.

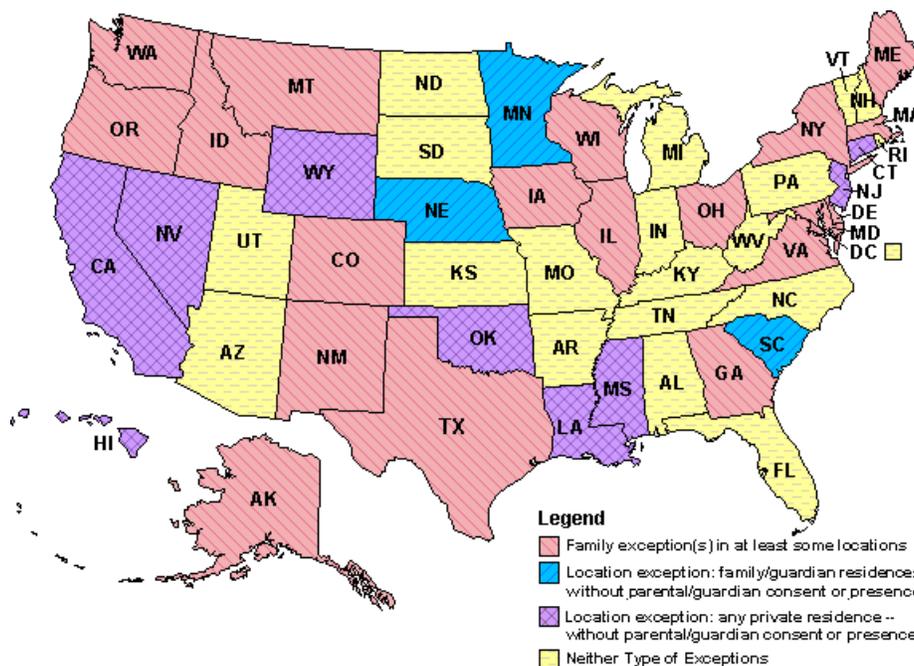
Some jurisdictions allow exceptions to possession prohibitions when a family member consents and/or is present. States vary widely in terms of which relatives may consent or must be present for this exception to apply and in what circumstances exceptions apply. In this Report, we focus on parental/guardian consent and/or parental/guardian presence as well as spousal exceptions, which apply when a minor's spouse is present and/or consents.

In addition to family member exceptions, some States permit exception to possession prohibitions on private property. States vary in the extent of private property exceptions, which may extend to all private locations, private residences only, or in the homes of parents or guardians only. In some jurisdictions, location exceptions are conditional on the presence and/or consent of parents, legal guardians, or spouses.

##### **Status of Underage Internal Possession Policies**

As of January 1, 2009, all 50 States and the District of Columbia prohibit possession of alcoholic beverages by those under age 21. Twenty-five jurisdictions have some type of family exception, 23 have some type of location exception, and 20 have neither. Twelve jurisdictions allow underage possession in at least some private locations without parental consent or presence. Three of these limit the location to the parent/guardian's residence; the remaining 9 allow minors to possess alcohol in any private residence (and, in some cases, other types of private locations) without requiring parental consent or presence.

## Exceptions to Minimum Age of 21 for Possession Alcohol of as of January 1, 2009



### Trends in Underage Possession Policies

During the 11-year period between 1998 and 2009, only three States have enacted changes to possession prohibitions: Maine, New Mexico, and Virginia. Maine expanded its location exception in 2001 from a parent/guardian's home to any private residence. New Mexico made two changes to its provisions in 1998 and 2004, adding parent/guardian/spouse exceptions provided that the possession occurs on private property under the control of the parent/guardian/spouse. Virginia's parent/guardian consent exception was amended in 2006, expanding it to include spouses, but requiring parent/guardian/spouse presence and limiting its applicability to private residences.

### References and Further Information

All data for this policy were obtained from the Alcohol Policy Information System (APIS) at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled "Underage Possession 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. To see definitions of the variables for this policy, go to page 391.

## **2. UNDERAGE CONSUMPTION**

### **Policy Description**

Prohibitions and associated sanctions on consumption of alcohol by underage persons can be expected to depress rates of underage drinking by raising the monetary and social costs of this behavior. Such laws provide a primary deterrent (preventing underage drinking among nondrinkers) and a secondary deterrent (reducing the probability that adjudicated youth will drink again before attaining majority).

As of January 1, 2009, 33 jurisdictions prohibit consumption of alcoholic beverages for those under age 21. As with laws prohibiting underage possession and internal possession, which are presented in separate sections of this Report, many States that prohibit consumption apply various statutory exceptions.

Some States with consumption prohibitions allow exceptions when a family member consents and/or is present. States vary widely in terms of which relatives may consent or must be present for this exception to apply and in what circumstances the exception applies. In this Report, we focus on two types of family member exceptions: parental/guardian consent and/or presence, and exceptions that apply when a minor's spouse is present and/or consents.

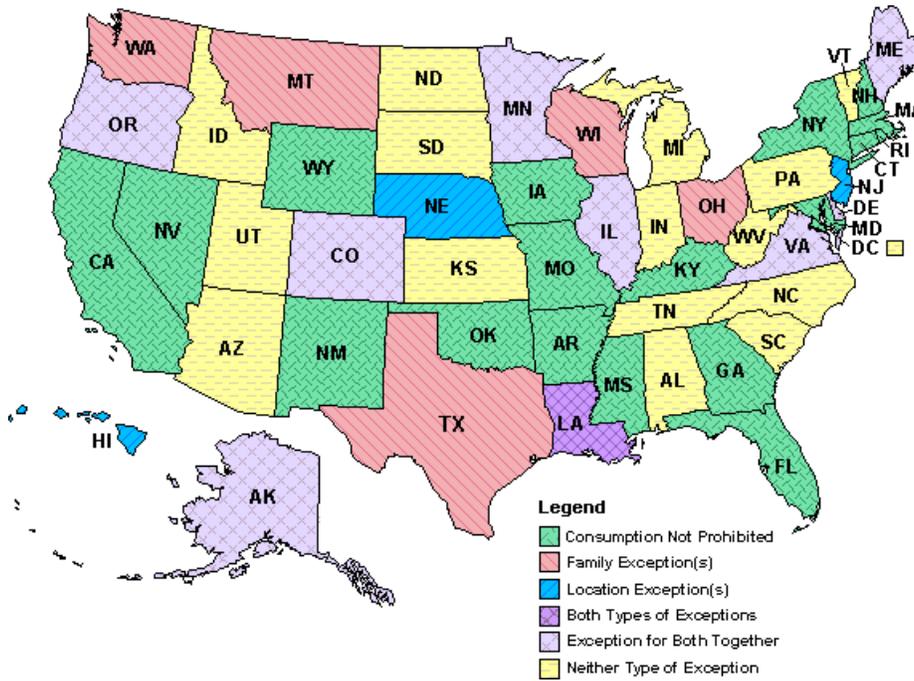
In addition to family member exceptions, some States with consumption prohibitions permit exceptions on private property. States vary in the extent of the private property exception, which may extend to all private locations, private residences only, or in the home of a parent or guardian only. In some jurisdictions, a location exception is conditional on the presence and/or consent of a parent, legal guardian, or spouse.

It is important to note that consumption, possession, and internal possession policies are closely linked because consumption generally requires possession and precedes internal possession. State policies for the three are not identical, however. Although all States prohibit possession of alcohol by minors, some States do not specifically prohibit underage alcohol consumption and internal possession. In addition, some States that do prohibit underage consumption allow different exceptions for consumption than those that apply to underage possession and internal possession. It is therefore recommended that the underage possession, consumption, and internal possession policies be reviewed in conjunction with each other. Underage possession and internal possession prohibitions are detailed elsewhere in this Report.

### **Status of Underage Consumption Policies**

As of January 1, 2009, 33 jurisdictions prohibit consumption of alcoholic beverages by those under the age of 21. Of those, 14 permit family exceptions to the law, 12 permit location exceptions, and 16 permit neither type of exception. Five States (Washington, Montana, Texas, Wisconsin, and Ohio) only permit family exceptions; three States (Hawaii, New Jersey, and Nebraska) only permit location exceptions; one State (Louisiana) has both types of exceptions; and eight States permit underage consumption only if both family and location criteria are met.

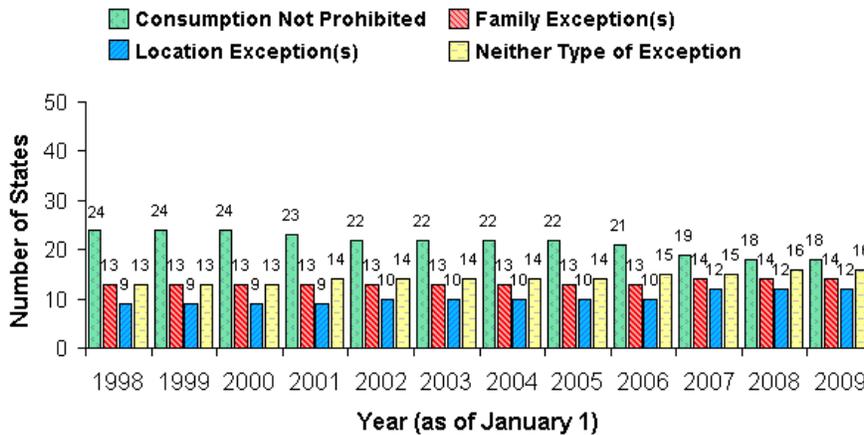
**Exceptions to Minimum Age of 21 for Consumption of Alcohol as of January 1, 2009**



**Trends in Underage Consumption Policies**

As the chart below illustrates, during the 11-year period between 1998 and 2009, the number of jurisdictions that prohibited underage consumption decreased from 24 to 18. Alongside that decrease, location exceptions rose from 9 to 12; family exceptions held relatively constant (from 13 to 14); and the number of jurisdictions with neither type of exception rose from 13 to 16.

**Number of States With Family and Location Exceptions to Minimum Age of 21 for Consumption of Alcohol, January 1, 1998 Through January 1, 2009**



## 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 Possession/Consumption/Internal Possession 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 of the variables for this policy, go to page 391.

## 3. INTERNAL POSSESSION BY MINORS

### Policy Description

Although possession of alcoholic beverages for those under age 21 is prohibited in all States and underage consumption is prohibited in most States, several States have recently enacted laws prohibiting internal possession of alcohol by minors. Internal possession statutes typically require evidence of alcohol in the minor’s body, but do not require any specific evidence of possession or consumption.

Internal possession laws are an additional tool used to reduce the public health harm from underage drinking, and are especially useful to law enforcement when dispersing underage drinking parties. These laws allow officers to bring charges against underage persons who are neither holding nor drinking alcoholic beverages in their presence.

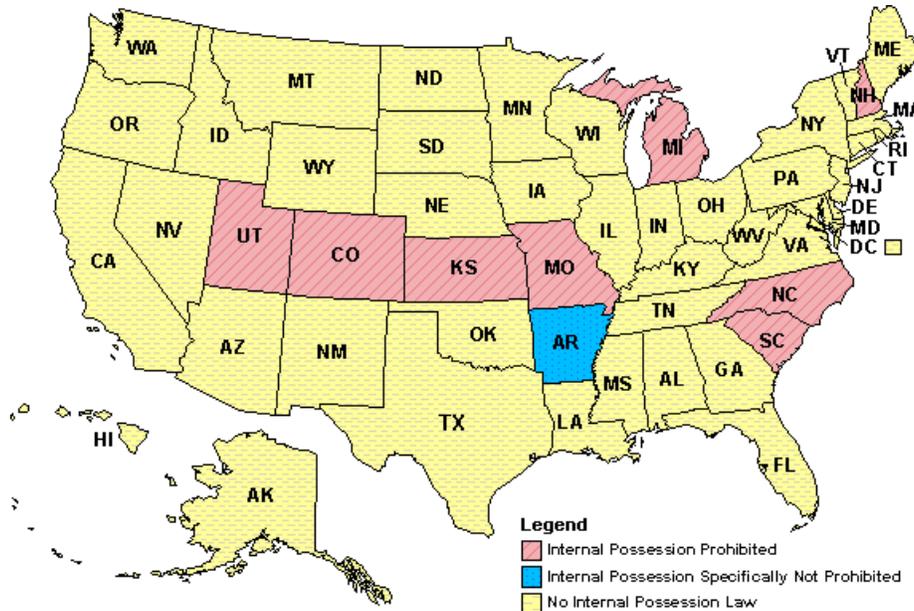
As with laws prohibiting underage possession and consumption, which are presented in separate sections of this Report, States that prohibit internal possession may apply various statutory exceptions; for example, a State may allow an exception to internal possession prohibitions when a family member consents and/or is present. States vary as to which relatives may consent or must be present for this exception to apply and in what circumstances.

States may also allow exceptions to internal possession prohibitions on private property. This exception may extend to all private locations, private residences only, or only to the home of a parent or guardian. A location exception may be conditional on the presence and/or consent of a parent, legal guardian, or spouse.

### Status of Underage Internal Possession Policies

As of January 1, 2009, eight States prohibit internal possession of alcoholic beverages for anyone under the age of 21. One state, Arkansas, specifically does not prohibit internal possession by minors. Of the eight States that prohibit internal possession, six do not make any exceptions. In contrast, Colorado has exceptions for situations in which parents or guardians are present and give consent and the possession occurs in any private location. South Carolina’s law makes an exception for internal possession in the homes only of parents or guardians.

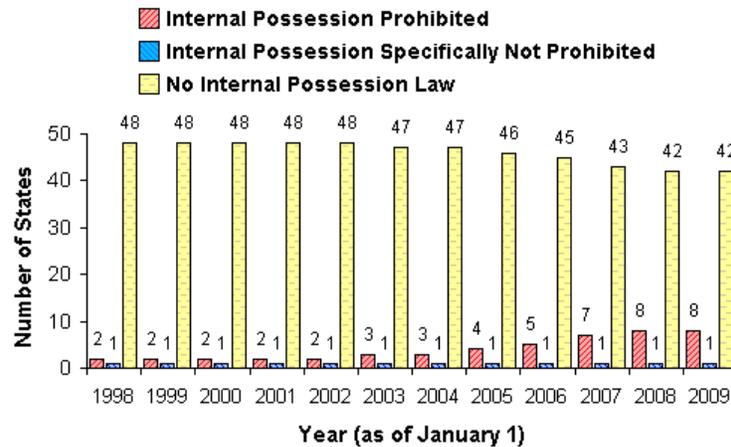
## Prohibition of Internal Possession of Alcohol by Persons Under 21 Years of Age as of January 1, 2009



### Trends in Underage Internal Possession Policies

Six of the eight existing States with underage internal possession statutes as of January 1, 2009, have enacted those laws since 1998. As the chart below illustrates, during the 11-year period between 1998 and 2009, the number of States that prohibit underage internal possession has grown steadily. Since 1998, no additional States have enacted statutes that specifically do not prohibit underage internal possession.

### Distribution of States With Laws Prohibiting Internal Possession of Alcohol by Persons Under 21 Years of Age, January 1, 1998 through January 1, 2009



## References and Further Information

All data for this policy were obtained from the 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 policy 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 page 392.

## 4. UNDERAGE PURCHASE AND ATTEMPTED PURCHASE

### Policy Description

As of January 1, 2009, 46 States and the District of Columbia prohibit minors from purchasing or attempting to purchase alcoholic beverages. A minor who purchases alcoholic beverages can be prosecuted for possession because a sale cannot be completed until there is possession on the part of the purchaser. Although closely linked, purchase and possession are nevertheless separate offenses. A minor who purchases alcoholic beverages is potentially liable for two offenses in jurisdictions that have both prohibitions. See the “[Underage Possession](#)” section of this Report for further discussion.<sup>28</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 law enforcement actions. Most commonly, these actions are checks of merchant compliance or stings to identify merchants who illegally sell alcoholic beverages to minors. This exemption for purchase in the law enforcement context may exist even in States that do not have laws specifically prohibiting underage purchase—in which case, technically, the exemption is to the State’s underage possession law.

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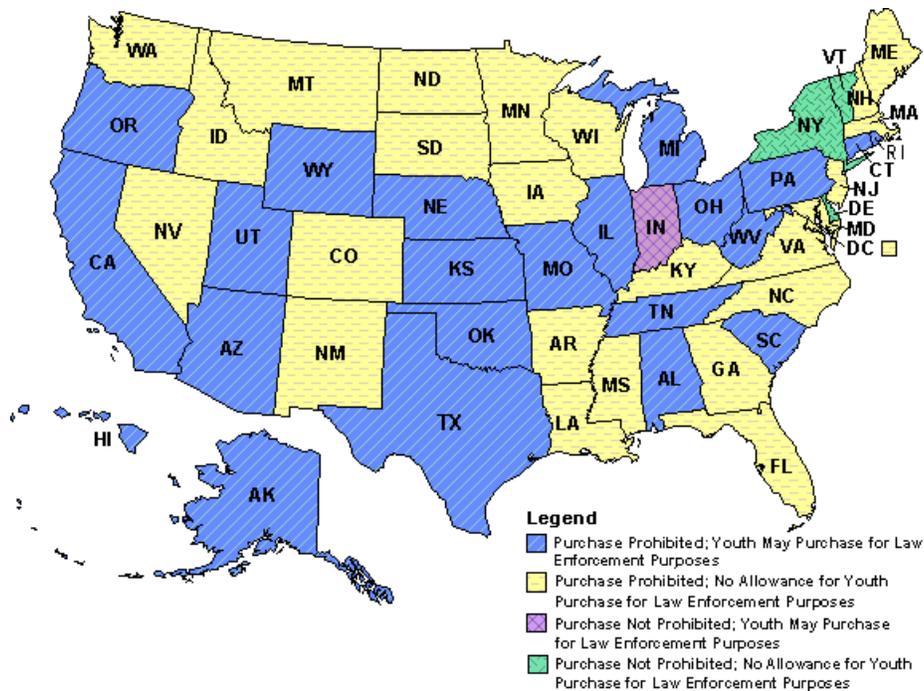
<sup>28</sup> Some States have laws that specifically prohibit both underage purchase and attempted purchase of alcohol. An attempted purchase occurs when a minor takes concrete steps toward committing the offense of purchasing whether or not the purchase is consummated. It is likely that courts in States 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.

## Status of Underage Purchasing Policies

### Underage Purchasing Policies

As of January 1, 2009, 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. 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.

### Underage Purchase of Alcohol for Law Enforcement Purposes as of January 1, 2009

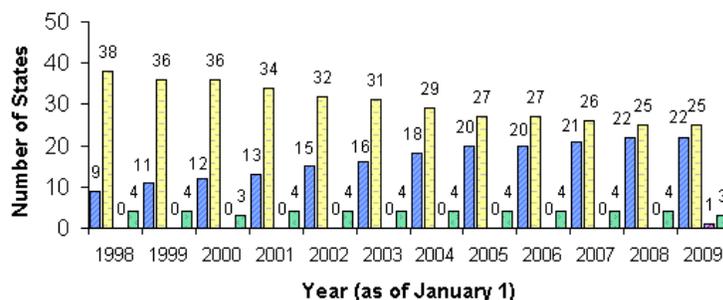


### Trends in Underage Purchasing Policies

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 23 in 2009.

## Underage Purchase of Alcohol for Law Enforcement Purposes, January 1, 1998 Through January 1, 2009

- Purchase Prohibited; Youth May Purchase for Law Enforcement Purposes
- Purchase Prohibited; No Allowance for Youth Purchase for Law Enforcement Purposes
- Purchase Not Prohibited; Youth May Purchase for Law Enforcement Purposes
- Purchase Not Prohibited; No Allowance for Youth Purchase for Law Enforcement Purposes



### References and Further Information

All data for this policy were obtained from the 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 page 392.

## 5. FALSE IDENTIFICATION (“FALSE ID”)

### Policy Description

Alcohol retailers are responsible for ensuring that alcoholic beverages are sold only to persons legally permitted to purchase alcohol. Inspecting government-issued identification (e.g., driver’s license, non-driver identification card, passport, or military identification) is a primary means of verifying that buyers meet minimum age requirements.<sup>29</sup>

Minors may obtain and use apparently valid identification that falsely states their age as 21 or over in an attempt to circumvent this safeguard against illegal sales. Age may be falsified by altering the birth date on a valid identification, obtaining an invalid identification card that appears to be valid, or using someone else’s identification. Current technology, including high

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<sup>29</sup> Government-issued IDs are used for a number of age-related purposes other than the purchase of alcohol: registering to vote, enlisting in the military, entering certain entertainment venues, etc. States have enacted laws regarding the manufacture and use of false IDs for these and other purposes, and in some cases these laws might apply to minors purchasing alcohol. This report confines its analysis to statutes and regulations that specifically address the use of false identification for the purpose of obtaining alcohol.

quality color copiers and printers, has made false IDs easier to fabricate, and the Internet provides ready access to a large number of false identification vendors.

In addition to making it illegal to use a false ID, States have adopted a variety of related legal provisions that can be divided into three basic categories:

- Provisions that target minors who possess and use false identification to obtain alcohol, such as the requirement that the offender's driver's license be revoked or suspended.
- Provisions that target those who supply minors with false IDs by either lending a valid ID or producing false IDs.
- Provisions that assist retailers in avoiding sales to potential buyers who present false identification, such as:
  - Providing incentives to retailers who use electronic scanners that read birth date information digitally encoded on valid identification cards.
  - Issuing distinctive driver's licenses for persons under the age of 21.
  - Granting retailers an affirmative defense in prosecution involving an illegal underage alcohol sale based on the retailers' belief that the minor was of age.
  - Permitting retailers to seize apparently false IDs without fear of prosecution.
  - Giving retailers the right to detain or sue an underage person using false identification to purchase alcohol.

For further discussion of policies pertaining to the purchase of alcohol by minors, see the "[Underage Purchase and Attempted Purchase](#)" section of this Report; of policies that mandate training of servers to detect false identification, the "[Responsible Beverage Service](#)" section of this Report; and of license suspension or revocation, the "[Loss of Driving Privileges for Alcohol Violations by Minors](#)" section of this Report.

## **Status of False ID Policies**

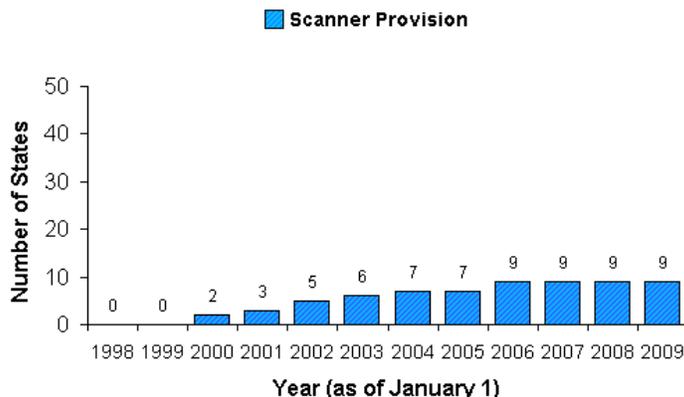
### **Provisions That Target Minors**

As of January 1, 2009, all States and the District of Columbia prohibit minors from using false IDs to obtain alcohol. All but eight States (Delaware, Kansas, Nebraska, Nevada, New Mexico, North Dakota, Vermont, and Wyoming) authorize suspension of minors' driver's licenses for using a false ID in the purchase of alcohol, in all but four cases (Alaska, Illinois, Ohio, and West Virginia) through judicial proceedings. Two States (Arizona and Iowa) allow for both judicial and administrative proceedings for license sanctions.



Hampshire) have been enacted during this time period. Idaho is an exception to the general trend; in 2007, it rescinded its law permitting retailers to seize apparently false IDs.

### Number of States With Scanner Provisions in Their False ID Laws, January 1, 1998 Through January 1, 2009



### References and Further Information

All data for this policy were obtained from the APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled "False Identification for Obtaining 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. Variables are defined on page 392.

## Laws Targeting Underage Drinking and Driving

### 6. YOUTH BLOOD ALCOHOL CONCENTRATION LIMITS (UNDERAGE OPERATORS OF NONCOMMERCIAL MOTOR VEHICLES)

#### Policy Description

The blood alcohol concentration (BAC) limits policy establishes the maximum amount of alcohol a minor can have in his/her bloodstream when operating a motor vehicle. BAC is commonly expressed as a percentage. For instance, a BAC of 0.08 percent means that a person has 8 parts alcohol per 10,000 parts blood in the body. State laws generally specify BAC levels in terms of grams of alcohol per 100 milliliters of blood (often abbreviated as grams per deciliter, or g/dL). BAC levels can be detected by breath, blood, or urine tests. The laws of each jurisdiction specify the preferred or required types of tests used for measurement.

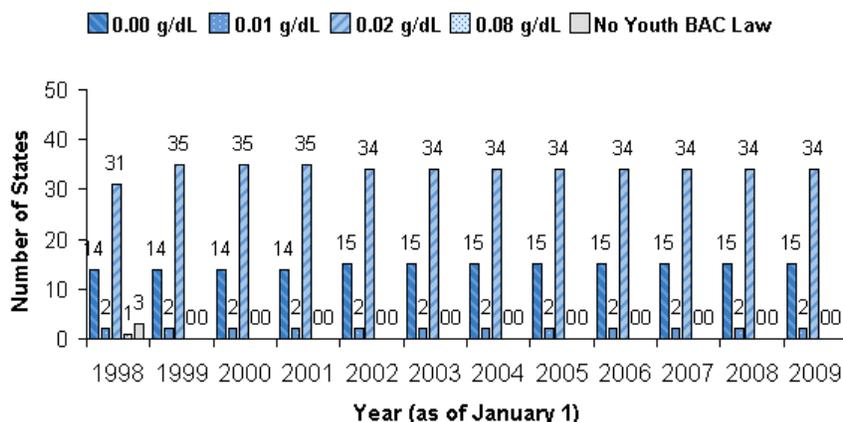
There is strong scientific evidence that as BAC increases, the cognitive and motor skills needed to operate a motor vehicle are increasingly impaired. BAC statutes establish criteria for



### Trends in Youth BAC Limit Policies

Since 1998, all States have had zero tolerance (0.02 g/dL or lower) youth BAC limit laws. In the decade between 1999 and 2009, the number of States mandating specific BAC limits for underage drivers remained constant with the exception of one State, Maryland, which lowered its underage BAC limit from 0.02 to 0.00 g/dL. Prior to 1998, three states (South Carolina, South Dakota, and Wyoming) had no youth BAC limits and one (Mississippi) set the limit to 0.08 g/dL.

#### Distribution of Youth BAC Limit Laws From January 1, 1998, Through January 1, 2009



### References and Further Information

All data for this policy were obtained from the APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “Blood Alcohol Concentration Limits: Youth (Underage Operators of Noncommercial Motor Vehicles).” 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. To see definitions of the variables for this policy, go to page 394.

## 7. LOSS OF DRIVING PRIVILEGES FOR ALCOHOL VIOLATIONS BY MINORS (“USE/LOSE” LAWS)

### Policy Description

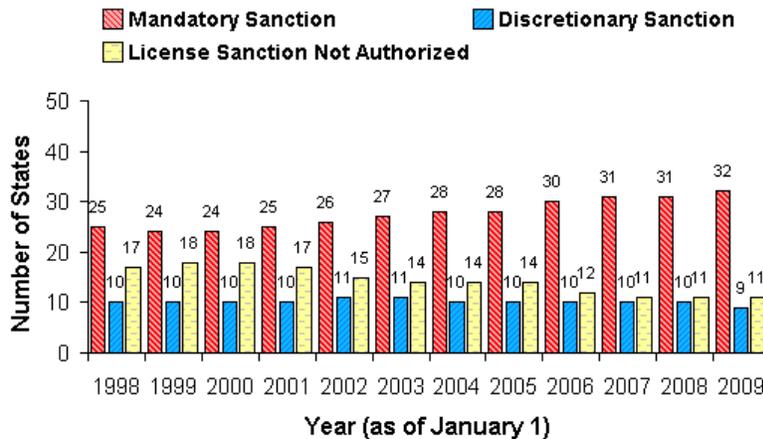
As the name suggests, “use/lose” laws authorize suspension or revocation of driving privileges as a penalty for underage purchase, possession, or consumption of alcoholic beverages. States began enacting them in the mid-1980s to deter underage drinking by imposing a punishment that young people would consider significant: the loss of a driver’s license. In most States, use/lose laws make it mandatory to impose driver’s license sanctions in response to underage alcohol violations. State laws vary as to the type of violation (purchase, possession, or consumption of alcohol) that leads to these sanctions and how long suspensions or revocations stay in effect.



## Trends in Loss of Driving Privileges Policies

Between 1998 and 2009, the number of States that made license suspension or revocation mandatory in cases of underage alcohol violations increased steadily from 25 to 32. During this same time period, the number of jurisdictions with no use/lose laws decreased from 17 to 11, and the number with discretionary authority to impose use/lose sanctions dropped from 10 to 9.

**Distribution of License Suspension/Revocation Procedures for Alcohol Violations by Minors, January 1, 1998 Through January 1, 2009**



### References and Further Information

Data for this policy were obtained from APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws).” 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. To see definitions of the variables for this policy, go to page 394.

## 8. GRADUATED DRIVER’S LICENSES

### Policy Description

Graduated driver licensing (GDL) is a system designed to delay full licensure for teenage automobile drivers while allowing beginners to gain experience under lower-risk conditions. Teenagers are targeted because they are at the highest risk for motor vehicle crashes, including alcohol-related crashes. By imposing restrictions on driving privileges, GDL reduces the chances of teenagers driving while intoxicated.

A fully developed GDL system has three stages: a minimum supervised learner’s period, an intermediate license (once the driving test is passed) that limits unsupervised driving in high-risk

situations, and a full-privilege driver's license available after completion of the first two stages. Beginners must remain in each of the first two stages for set minimum time periods.

The learner's stage has three variables:

- Minimum age at which drivers can operate vehicles in the presence of parents, guardians, or other adults.
- Minimum holding periods during which learner's permits must be held before drivers advance to the intermediate stage of the licensing process.
- Minimum age at which drivers become eligible to drive without adult supervision.

The intermediate stage of GDL law has five variables:

- Minimum age at which drivers become eligible to drive without adult supervision.
- Unsupervised night driving prohibitions.
- Primary enforcement of night driving provisions.
- Passenger restrictions, which set the total number of passengers allowed in vehicles driven by intermediate-stage drivers.
- Primary enforcement of passenger restrictions.

“Primary enforcement” refers to the authority given to law enforcement officers to stop drivers for the sole purpose of investigating potential violations of night driving or passenger restrictions. Law enforcement officers in States without primary enforcement can investigate potential violations of these provisions only as part of an investigation of some other offense. Primary enforcement greatly increases the chance that violators will be detected.

The single variable for the license stage of GDL is the minimum age at which full licensure occurs and both passenger and night driving restrictions are lifted.

### **Status of Graduated Driver Licensing Policies**

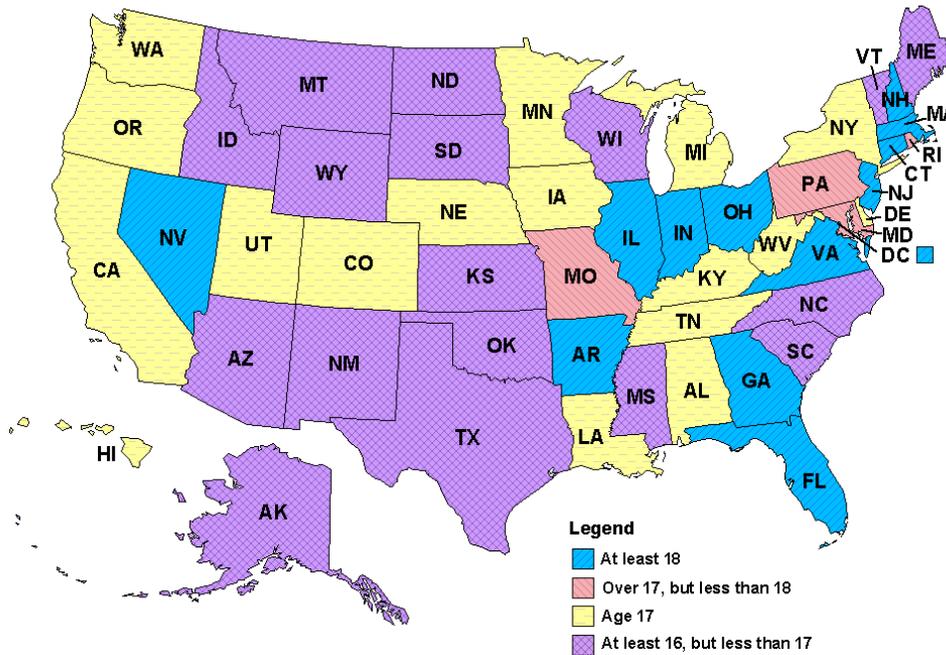
Currently, all 50 States and the District of Columbia have some form of GDL policy, although only 48 jurisdictions have full three-stage criteria. The minimum ages established for each stage and the extent to which the other restrictions are imposed vary across jurisdictions. Arkansas, Kansas, and North Dakota omit the intermediate stage; young drivers are eligible for full licensure upon completion of the learner stage.

Among the most important GDL provisions related to traffic safety is the minimum age for full licensure. Thirteen jurisdictions allow full licensure on the 18th birthday; four jurisdictions permit it at ages above 17 but under 18; and 17 permit it on the 17th birthday. The remaining 17 jurisdictions permit full licensure to those who are under 17 but at least 16 years old.

Another key traffic safety GDL provision is night driving restrictions and their primary enforcement. All but four jurisdictions have night driving restrictions; the hours during which these restrictions apply vary widely among jurisdictions, but fall largely between the hours of 6 p.m. and 1 a.m. Thirty-five jurisdictions have primary enforcement of night driving restrictions.

Passenger restrictions and their primary enforcement affect traffic safety and show variation among States. Forty-one jurisdictions place passenger restrictions on drivers with less than full licensure, and 26 of those have primary enforcement of these restrictions.

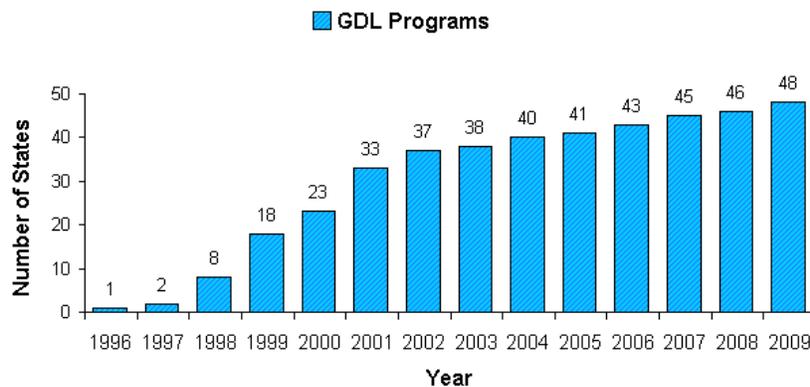
### Minimum Age of Full Driving Privileges Laws as of January 1, 2009



### Trends in Graduated Driver Licensing Policies

Since the mid-1990s, States have steadily enacted three-stage GDL laws. On January 1, 1996, only one State, Maryland, had such a law, but by 2000, 23 jurisdictions had enacted three-stage GDL laws and by 2009, that number had risen to 48.

### Number of States (and District of Columbia) With Three-Stage Graduated Drivers Licensing Policies, July 1, 1996 Through January 1, 2009



## References and Further Information

Legal research for this topic is planned and managed by SAMHSA and conducted under contract by The CDM Group, Inc. Historical data for the years 1996 through 2004 were obtained from “Graduated Driver Licensing Programs and Fatal Crashes of 16 year old Drivers: A National Evaluation” (Baker, S. P., Chen, L.-H., & Li, G.; 2006; National Highway Transportation Safety Administration DOT HS 810 614). Data from January 1, 2005 until December 31, 2008 were obtained from the Insurance Institute for Highway Safety ([http://www.iihs.org/laws/pdf/us\\_licensing\\_systems.pdf](http://www.iihs.org/laws/pdf/us_licensing_systems.pdf)). Data through January 1, 2009 were collected by SAMHSA. To see definitions of the variables for this policy, go to page 394.

## Laws Targeting Alcohol Suppliers

### 9. FURNISHING OF ALCOHOL TO MINORS

#### Policy Description

All States prohibit any type of furnishing alcoholic beverages to minors (including sales, gifts, and other types of transactions, whether commercial or noncommercial), although most include some exceptions. Most underage persons obtain alcohol from adults including parents, older siblings and peers, or strangers solicited to purchase alcohol for the minor. Smaller numbers of youth purchase alcohol for themselves from merchants who fail to comply with laws prohibiting sale to minors or by using false identification (see the “[False Identification](#)” section of this report). These sources increase the availability of alcohol to underage persons, which, in turn, increases underage consumption. Prohibitions and associated sanctions on furnishing to underage persons can be expected to depress rates of furnishing by raising the monetary and social costs of this behavior. Such laws provide a primary deterrent (preventing furnishing) and a secondary deterrent (reducing the chances of persons sanctioned under these laws furnishing in the future).

Two types of exceptions to underage furnishing laws are discussed in this analysis:

- Family exceptions permit parents, guardians, or spouses to furnish alcohol to minors; some States specify that the spouse must be of legal age while others do not.
- Location exceptions permit furnishing alcohol in specified locations and may limit the extent to which family members can furnish minors. No State has an exception for furnishing on private property by anyone other than a family member.

Some States provide sellers and licensees with one or more defenses against a charge of furnishing alcoholic beverages to a minor. A retailer who provides alcohol to a minor will not be found in violation of the furnishing law if he or she can establish one of these defenses. This policy topic tracks one such defense: some States require that the minor who initiated a transaction be charged for possessing or purchasing the alcohol before the retailer can be found in violation of the furnishing law. (Defenses associated with minors using false identification can be found in the “[False Identification](#)” section of this Report.) Many States also have provisions that mitigate or reduce the penalties imposed on retailers if they have participated in responsible beverage service (RBS) programs; see the RBS section of this Report for further discussion.

In some States, furnishing laws are closely associated with laws that prohibit hosting underage drinking parties. These laws target hosts who allow underage drinking on property they own,



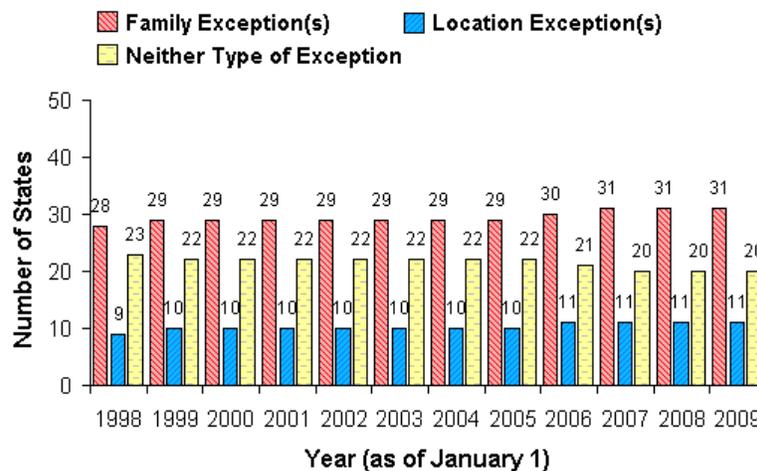
## Affirmative Defense for Sellers and Licensees

As of January 1, 2009, the underage furnishing laws of two States (Michigan and South Carolina) include provisions requiring that the seller/licensee be exonerated of charges of furnishing alcohol to a minor unless the minor involved is charged.

## Trends in Underage Furnishing Policies

State policies prohibiting the furnishing of alcohol to minors have remained stable over the last decade. As of January 1, 1998, all States prohibited underage furnishing. In the years between 1998 and 2009, three States added new family exceptions, one with a location limitation.

### Number of States With Family and Location Exceptions to Prohibition of Furnishing Alcohol to Persons Under Age 21, January 1, 1998 Through January 1, 2009



## References and Further Information

All data for this policy were obtained from APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. See the policy entitled “Furnishing Alcohol to Minors.” 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. To see definitions of the variables for this policy, go to page 395.

## 10. RESPONSIBLE BEVERAGE SERVICE

### Policy Description

Responsible beverage service (RBS) training policies set requirements or incentives for retail alcohol outlet participation in programs that: (1) develop and implement policies and procedures for preventing alcohol sale and service to minors and intoxicated persons, and (2) train licensees, managers, and servers/sellers to implement RBS policies and procedures effectively.

Server/seller training focuses on serving and selling procedures, signs of intoxication, methods for checking age identification, and intervention techniques. Manager training includes the

server/seller training, policy and procedures development, and staff supervision. RBS programs typically have distinct training curricula for on- and off-sale establishments because of the differing characteristics of these retail environments. All RBS programs focus on preventing sale and furnishing to minors.

Responsible beverage service training can be mandatory or voluntary. A program is considered mandatory if State provisions require at least one specified category of individual (e.g., servers/sellers, managers, or licensees) to attend training. States may have either mandatory programs, voluntary programs, or both. For example, a State may make training for new licenses mandatory while also offering voluntary programs for existing licensees. Alternatively, a State may have a basic mandatory program while also offering a more intensive voluntary program that provides additional benefits for licensees choosing to participate in both.

States with voluntary programs usually provide incentives for retailers to participate in RBS training but do not impose penalties for those who decline involvement. Incentives vary by State and include: (1) a defense in dram shop liability lawsuits (cases filed by injured persons against retail establishments that provided alcohol to minors or intoxicated persons who later caused injuries to themselves or third parties); (2) discounts for dram shop liability insurance; (3) mitigation of fines or other administrative penalties for sales to minors or sales to intoxicated persons; and (4) protection against license revocation for sales to minors or intoxicated persons.

See the “[Dram Shop Liability](#)” section of this Report for further discussion of this policy. The “[Furnishing of Alcohol to Minors](#)” section has additional information regarding the prevention of alcohol sales to minors, and the “[False Identification](#)” section includes materials related to age identification policies.

## **Status of Responsible Beverage Service Training Policies**

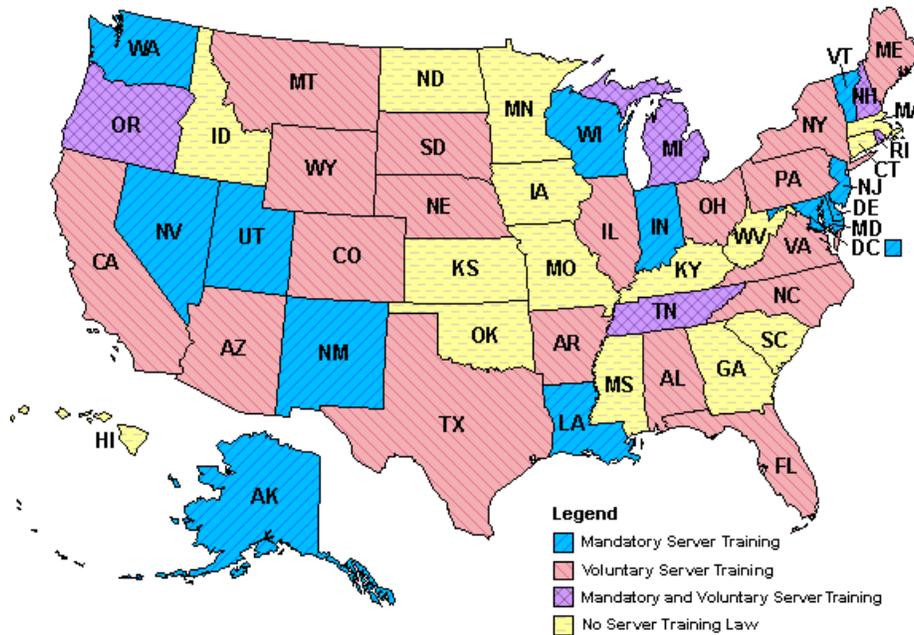
### **Mandatory and Voluntary Responsible Beverage Service Training Provisions**

As of January 1, 2009, 35 States and the District of Columbia have some type of RBS training provision. Out of these, 17 States and the District of Columbia have some form of mandatory provision and 23 States provide for voluntary training. Of the 17 mandatory States, 12 States and the District of Columbia apply their RBS training provisions to both on- and off-sale establishments; 3 States (Michigan, Tennessee, and Washington) apply them to on-premises establishments only; New Jersey limits its provisions to off-sale establishments; and Rhode Island’s provisions make no specification. Twelve of the mandatory States and the District of Columbia apply their provisions to both new and existing establishments, while four States (Michigan, New Hampshire, New Jersey, and Wisconsin) apply them to new establishments only. Five States (Michigan, New Hampshire, Oregon, Rhode Island, and Tennessee) have both mandatory and voluntary provisions.

- Michigan: The mandatory provisions apply to new on-premises establishments; the voluntary provisions apply to existing on-premises establishments.
- New Hampshire: The mandatory provisions apply to new on- and off-premises establishments; the voluntary provisions provide incentives available to all types of establishments.
- Oregon: Both the voluntary and mandatory provisions apply to all types of establishments, with the voluntary provisions offering incentives for participation in both.

- Rhode Island: The mandatory provisions apply to new and existing establishments, but do not specify whether they apply to on-sale establishments, off-sale establishments, or both. The voluntary provisions offer dram shop liability defense incentives and do not specify which types of establishments may participate.
- Tennessee: The mandatory provisions apply to new and existing on-premises establishments. The voluntary provisions offer incentives available to off-premises establishments but do not specify whether the incentives are available to new and/or existing establishments.

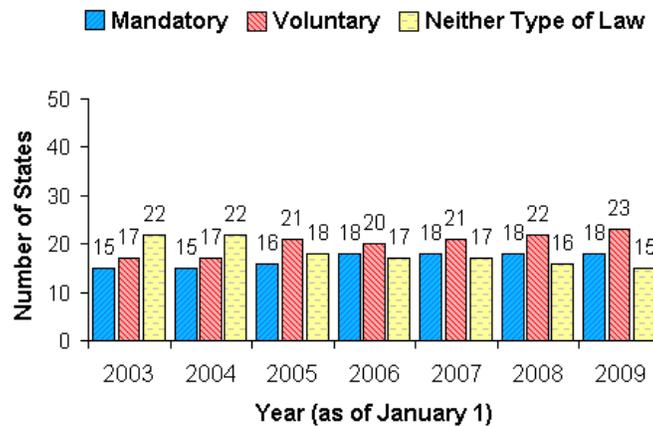
### Responsible Beverage Service Training as of January 1, 2009



### Trends in Responsible Beverage Service Policies

In the years between 2003 and 2009, the number of States with mandatory policies increased from 15 to 18, and the number of States with voluntary policies rose from 17 to 23. The number of States with no RBS training policy decreased from 22 to 15.

## Number of States With Beverage Server Training Laws, January 1, 2003 through January 1, 2009



Note: some jurisdictions have both types of laws

### References and Further Information

All data for this policy were obtained from the APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “Beverage Service Training and Related Practices”. 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. To see definitions of the variables for this policy, go to page 396.

## 11. MINIMUM AGES FOR ON-PREMISES SERVERS AND BARTENDERS

### Policy Description

All States specify a minimum age for employees who serve or dispense alcoholic beverages. Generally, the term “servers” refers to waitpersons, and “bartenders” refers to individuals who dispense alcoholic beverages. These restrictions recognize that underage employees, particularly those who are unsupervised, may lack the maturity and experience to conduct adequate checks of age identification and resist pressure from underage peers to complete illegal sales. States vary widely in terms of minimum age requirements for servers and bartenders. In some States, the minimum age for both types of employees is 21, but others set lower minimum ages, particularly for servers. No State permits underage bartenders while prohibiting underage servers. Some States permit servers or bartenders younger than 21 to work only in certain types of on-premises establishments, such as restaurants, or to serve only certain beverage types, such as beer or wine. Underage servers and bartenders may be allowed only if legal-age managers or supervisors are present when underage persons are serving alcoholic beverages or tending bar.

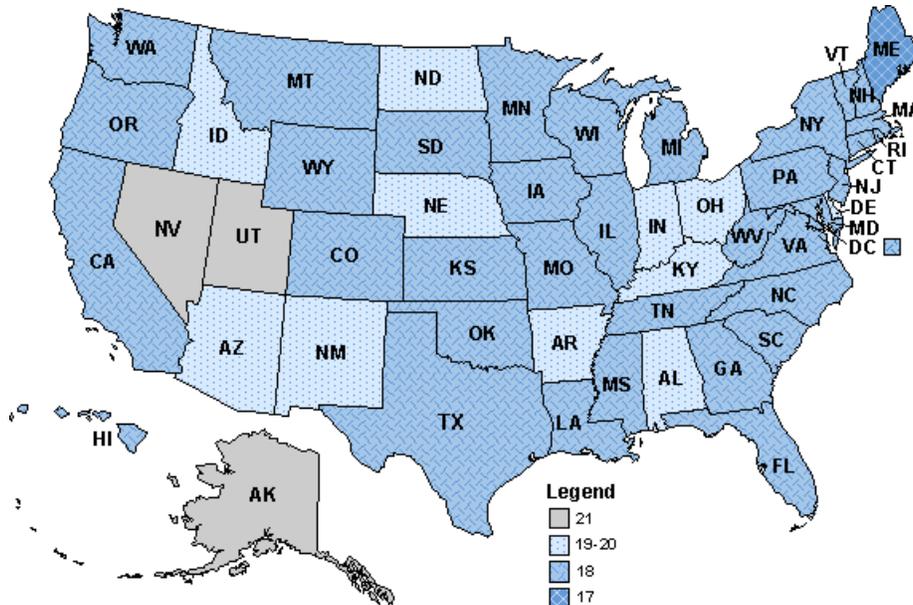
State laws setting a minimum age for employees who sell alcohol at off-premises establishments are described in the “[Minimum Ages for Off-Premises Sellers](#)” section of this Report.

## Status of Age of Server Policies

### Age of Servers

As of January 1, 2009, three States (Alaska, Nevada, and Utah) specify that on-premises alcohol servers must be 21 years of age or older. Only one State (Maine) allows 17-year-olds to be servers. Eleven States specify that servers be at least 19 or at least 20 years old, and the remaining 35 States and the District of Columbia allow 18-year-old servers.

**Minimum Ages for On-Premises Servers as of January 1, 2009**



### Age of Bartenders

Minimum ages for bartenders are generally higher than for servers across the States. Eighteen States and the District of Columbia limit bartending to those aged 21 years or older. Four States (Arizona, Idaho, Kentucky, and Nebraska) specify that bartenders be at least 19 or at least 20 years old. Twenty-four States allow 18-year-olds to bartend, while only one State, Maine, allows 17-year-olds to be bartenders. Minimum ages for serving beer, wine, and distilled spirits are identical in all but three States: Maryland, North Carolina, and Ohio. Maryland and North Carolina require bartenders to be 21 years old to serve spirits, but permit 18-year-olds to dispense beer and wine; Ohio requires bartenders to be 21 years of age to serve wine and distilled spirits, but those 19 years of age and older are allowed to dispense beer.

### Manager or Supervisor Presence

Ten States require that a supervisor or manager be present when an underage seller conducts an alcoholic beverage transaction.

## **Trends in Age of Server Policies**

State policies for ages of servers and bartenders in on-premises establishments have been stable over the last decade. Between 2003 and 2009, no State changed its minimum age requirement for bartenders, but one State (Arkansas) lowered the minimum age for servers from 21 to 19.

## **References and Further Information**

All data for this policy were obtained from the APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “Minimum Ages for On-Premises Servers and Bartenders.” 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. To see definitions of the variables for this policy, go to page 396.

# **12. MINIMUM AGES FOR OFF-PREMISES SELLERS**

## **Policy Description**

Most States have laws that specify minimum ages for employees who sell alcoholic beverages in off-premises establishments such as liquor stores. A small number require sellers to be at least 21 years of age, but most States permit sellers to be younger. Some States allow any person to sell alcohol regardless of age. Other variations across States include minimum age requirements for conducting sales transactions with customers and allowing younger employees to stock coolers with alcohol or bag purchased alcohol. Age restrictions may also vary based on the type of off-premises establishment or type of alcohol being sold. For example, younger persons may be allowed to sell beer but not wine or distilled spirits. Younger persons may also be allowed to sell alcohol in grocery or convenience stores rather than liquor stores. Some States permit younger minimum selling ages only if a manager or supervisor is present.

State laws specifying minimum ages for employees who sell alcoholic beverages for on-premises consumption are described in the “[Minimum Ages for On-Premises Servers and Bartenders](#)” section of this Report.

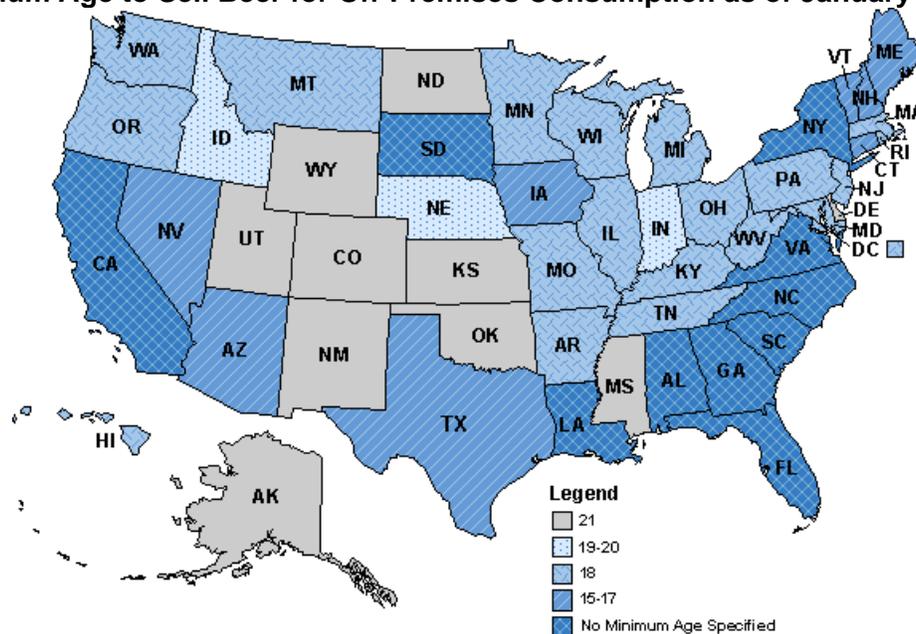
## **Status of Age of Seller Policies**

### **Minimum Age of Sellers and Types of Beverages**

Most jurisdictions specify the same minimum age for sellers of all types of alcoholic beverages. As of January 1, 2009, 10 States specify that off-premises sellers must be 21 years or older. Three States (Idaho, Indiana, and Nebraska) require off-premise sellers to be 19 years or older; 15 States and the District of Columbia have set the minimum age at 18. Four States (Arizona, Maine, Nevada, and New Hampshire) set the minimum age between 16 and 17 years. Four states (California, Georgia, Louisiana, and Virginia) do not specify any minimum age for sellers.

Minimum age requirements in the remaining 14 States vary by type of alcohol, with age requirements generally higher for the sale of distilled spirits and lower for beer. Florida, New York, and North Carolina set a minimum age of 18 for the sale of spirits and have no age minimum for beer or wine. Alabama and South Carolina have a minimum age of 21 years for the sale of spirits but no minimum for beer and wine. Vermont alone sets a minimum age for selling beer (16 years of age) but does not specify a minimum age for selling spirits.

## Minimum Age to Sell Beer for Off-Premises Consumption as of January 1, 2009



### Manager or Supervisor Presence

Thirteen States require that a supervisor or manager be present when an underage seller conducts an alcoholic beverage transaction.

### Trends in Age of Seller Policies

There have been no changes in age of seller policies across States between 2003 and 2009.

### References and Further Information

All data for this policy were obtained from the APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “Minimum Ages for Off-Premises Sellers.” 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. To see definitions of the variables for this policy, go to page 397.

## 13. DRAM SHOP LIABILITY

### Policy Description

Dram shop liability refers to the civil liability faced by commercial alcohol servers for injuries or damages caused by their intoxicated or underage drinking patrons. The analysis in this Report is limited to alcohol service to minors. The typical factual scenario in legal cases arising from dram shop liability involves a licensed retail alcohol outlet that provides alcohol to a minor who, in turn, causes an alcohol-related motor vehicle crash that injures a third party. In States with dram shop liability, the injured third party (“plaintiff”) may be able to sue the retailer (as well as the minor who caused the crash) for monetary damages. Liability comes into play only if an injured

private citizen files a lawsuit. The State's role is to provide a forum for such a lawsuit; the State does not impose a dram-shop-related penalty directly. (This distinguishes dram shop liability from the underage furnishing policy, which results in criminal liability imposed by the State.)

Dram shop liability serves two purposes: to create a disincentive for retailers to serve minors because of the risk of litigation leading to substantial monetary losses, and to allow parties injured as a result of an illegal sale to a minor to gain compensation from those responsible for the injury. Note that the minor causing the injury is the primary and most likely party to be sued. Typically, the retailer is sued through a dram shop claim when the minor does not have the resources to fully compensate the injured party.

Dram shop liability is established by statute or by a State court through "common law" Common law is the authority of State courts to establish rules by which an injured party can seek redress against the person or entity that negligently or intentionally caused injury. Courts have the authority to establish these rules only when the State legislature has not enacted its own statutes, in which case the Courts must follow the legislative dictates (unless found unconstitutional). Thus, dram shop statutes normally take precedence over dram shop common law court decisions. This analysis includes both statutory and common law dram shop liability for each State.

A common law liability designation in a State report signifies that the State allows lawsuits by injured third parties against alcohol retailers for the negligent service or provision of alcohol to a minor. Common law liability assumes the following procedural and substantive rules:

- A negligence standard applies (i.e., the defendant did not act as a reasonable person would be expected to act in like circumstances). Plaintiffs need not show that the defendant acted intentionally, willfully, or with actual knowledge of the minor's underage status.
- Damages are not arbitrarily limited. If negligence is established, the plaintiff receives actual damages and can seek punitive damages.
- Plaintiffs must only establish that the minor was furnished alcohol and that the furnishing contributed to the injury without regard to the minor's intoxicated state at the time of sale.
- Plaintiffs must establish key elements of the lawsuit via "preponderance of the evidence" rather than a more rigorous standard (e.g., "beyond a reasonable doubt" in criminal cases).

A statutory liability designation indicates that the State has a dram shop statute. Two sub-variables can alter common-law rules, limiting the ability of the injured party to make claims:

- Limitations on damages: statutory caps on the total dollar amount that may be recovered through dram shop lawsuits.
- Limits on elements or standards of proof: legislative requirements that plaintiffs prove additional facts or meet a more rigorous standard of proof than would normally apply in common law. These can include:
  - Proof that the retailer knew the minor was underage or that the retailer intentionally or willfully served the minor.
  - Allowing recovery only if the minor was intoxicated at the time of sale or service.
  - Clear and convincing evidence or evidence beyond a reasonable doubt.

Such limitations can greatly diminish a plaintiff's chances of prevailing in a dram shop liability lawsuit, thus reducing the likelihood of a lawsuit being filed. Some States have enacted responsible beverage service (RBS) affirmative defenses, which provide that retailers can avoid liability if they can demonstrate that they implemented RBS programs and that the retailers' staff

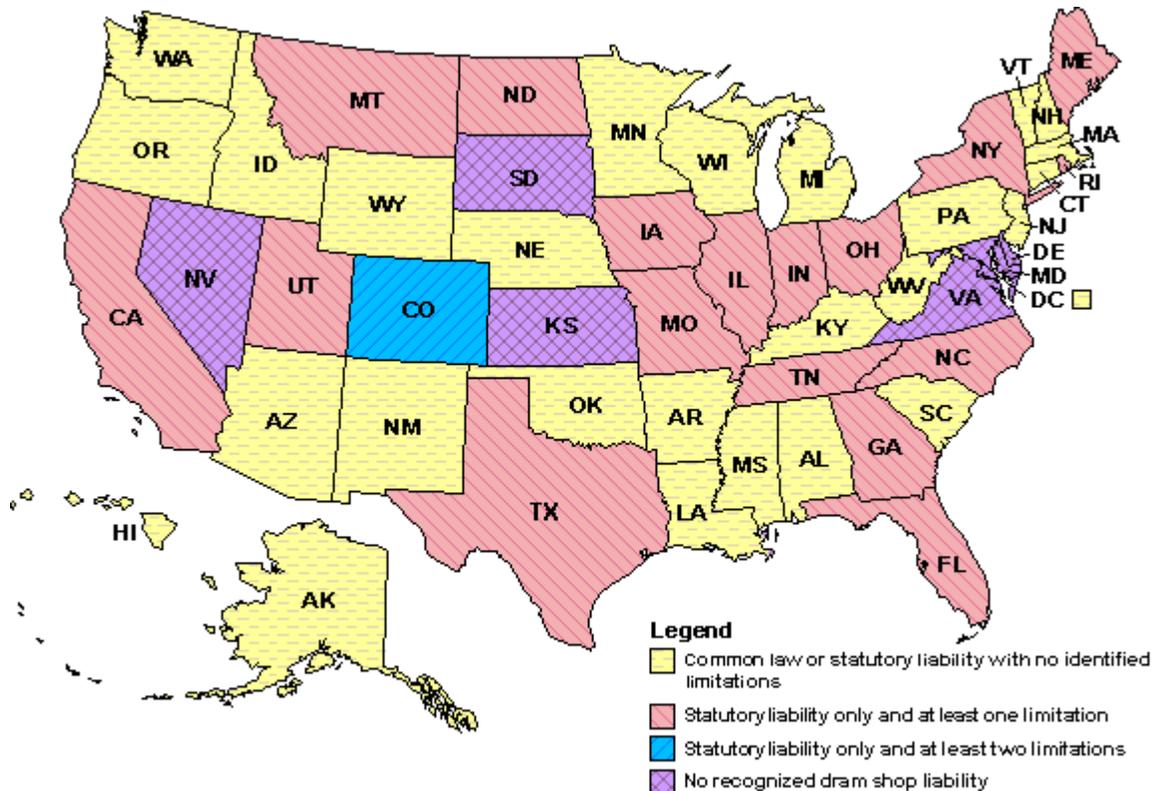
members were following RBS procedures at the time of the incident. See the RBS Training policy topic in this Report for additional information.

Dram shop liability is closely related to the furnishing alcohol to a minor policy, but the two topics are distinct. Retailers who provide alcohol to minors may face fines or other punishment imposed by the State as well as dram shop liability lawsuits filed by parties injured as a result of the same incident. Dram shop liability and social host liability (presented elsewhere in this Report) are identical, except that the former involves lawsuits filed against commercial alcohol retailers and the latter involves lawsuits filed against noncommercial alcohol providers.

### Status of Dram Shop Liability in the 50 States

As of January 1, 2009, 45 jurisdictions impose dram shop liability as a result of statutory or common law or both. The District of Columbia and 26 States have either common law liability or statutory liability with no identified limitation; 9 jurisdictions limit damages that may be recovered from dram shop liability lawsuits; 11 require stricter standards for proof of wrongdoing than for usual negligence; and 2 States provide an RBS defense for alcohol outlets.

#### Common Law/Statutory Dram Shop Liability and Limitations Across the United States



## **Trends in Dram Shop Liability for Furnishing Alcohol to a Minor**

No studies have reliably assessed trends in dram shop liability policies.

### **References and Further Information**

Legal research and data collection for this topic is planned and managed by SAMHSA and conducted under contract by The CDM Group, Inc. To see definitions of the variables for this policy, go to page 397. For further information and background see:

Holder, H., Janes, K., Mosher, J., Saltz, R., Spurr, S. & Wagenaar, A. (1992). Final report: Evaluation of dram shop liability and the reduction of alcohol-related traffic problems. National Highway Traffic Safety Administration DTNH22-87-R-07254.

Holder, H. et al. (1993). Alcoholic beverage server liability and the reduction of alcohol-involved problems. *Journal of Studies on Alcohol*, 54, 23-36.

Mosher, J. et al. (2009). *Liquor liability law*. Newark, NJ: LexisNexis.

## **14. SOCIAL HOST LIABILITY**

### **Policy Description**

Social host liability refers to the civil liability faced by noncommercial alcohol servers for injuries or damages caused by their intoxicated or underage drinking guests. The analysis in this Report does not address social host liability for serving adult guests. The typical factual scenario in legal cases arising from social host liability involves an underage drinking party at which the party host provides alcohol to a minor who in turn injures a third party in an alcohol-related incident (often a motor vehicle crash). In States with social host liability, injured third parties (“plaintiffs”) may be able to sue social hosts (as well as the minor who caused the crash) for monetary damages. Liability comes into play only if injured private citizens file lawsuits. The State’s role is to provide a forum for such lawsuits; the State does not impose social host-related penalties directly. (As discussed below, this distinguishes social host liability from underage furnishing and host party policies, which can result in criminal liability imposed by the State.)

Social host liability serves two purposes: It creates disincentives for social hosts to serve minors due to the risk of litigation and potentially substantial monetary losses, and it allows those injured as a result of illegal furnishing of alcohol to minors to gain compensation from the person(s) responsible for their injuries. Minors causing injuries are the primary and most likely parties to be sued. Typically, social hosts are sued through social host liability claims when minors do not have the resources to fully compensate the injured parties.

Social host liability is established by statute or by a State court through “common law.” Common law refers to the authority of State courts to establish rules by which injured parties can seek redress against persons or entities that negligently or intentionally caused injuries. Courts have the authority to establish these rules only when State legislatures have not enacted their own statutes, in which case the courts must follow legislative dictates (unless found to be

unconstitutional). Thus, social host statutes normally take precedence over social host common law court decisions.

Many States require evidence that social hosts provided alcohol to the underage guest, although others permit liability if social hosts allowed underage guests to drink on the hosts' property even if the hosts did not serve the alcohol. This analysis does not report the States that have adopted this more permissive standard. The analysis includes both statutory and common law social host liability for each State.

A common law liability designation in a State Report signifies that the State allows lawsuits by injured third parties against social hosts for the negligent service or provision of alcohol to minors in noncommercial settings. Common law liability assumes the following procedural and substantive rules:

- A negligence standard applies (i.e., defendants did not act as reasonable persons would be expected to act in similar circumstances). Plaintiffs need not show that defendants acted intentionally, willfully, or with actual knowledge of minors' underage status.
- Damages are not arbitrarily limited. If successful in establishing negligence, plaintiffs receive actual damages and have the possibility of seeking punitive damages.
- Plaintiffs must only establish that minors were furnished with alcohol and that the furnishing contributed to injuries without regard to the minors' intoxicated state at the time of the party.
- Plaintiffs must establish the key elements of lawsuits by "preponderance of the evidence" rather than a more rigorous standard (such as "beyond a reasonable doubt" in criminal cases).

A statutory liability designation indicates that a State has a social host liability statute. Two subvariables alter the common law rules listed above, serving as limitations on the ability of injured parties to make claims:

- Limitations on damages: statutory caps on the total dollar amount that may be recovered through social host lawsuits.
- Limits on elements or standards of proof: legislative requirements that plaintiffs prove additional facts or meet a more rigorous standard of proof than would normally apply in common law. These can include:
  - Proof that hosts had knowledge that minors were underage or proof that social hosts intentionally or willfully served minors.
  - Allowing recovery only if minors were intoxicated at the time of service.
  - Clear and convincing evidence or evidence beyond a reasonable doubt.

Such limitations can greatly diminish plaintiffs' chances of prevailing in a social host liability lawsuit, thus reducing the likelihood of a lawsuit being filed.

Social host liability is closely related to the furnishing alcohol to a minor and host party policy topics, but the three topics are distinct. Social hosts who provide alcohol to minors or allow underage drinking parties on their property may face fines or other punishment imposed by the State as well as social host liability lawsuits filed by injured parties stemming from the same incident. Social host liability and dram shop liability (presented elsewhere in this Report) are identical policies except that the former involves lawsuits brought against noncommercial alcohol retailers, and the latter involves lawsuits filed against commercial alcohol providers.



## 15. HOSTING UNDERAGE DRINKING PARTIES

### Policy Description

Host party laws establish State-imposed liability against individuals (social hosts) responsible for underage drinking events on property they own, lease, or otherwise control. The primary purpose of these laws is to deter underage drinking parties by raising the legal risk for individuals who allow underage drinking events on property they own, lease, or otherwise control. Underage drinking parties pose significant public health risks. They are high-risk settings for binge drinking and associated alcohol problems including impaired driving. Young drinkers are often introduced to heavy drinking behaviors at these events. Law enforcement officials report that, in many cases, underage drinking parties occur on private property, but the adult responsible for the property is not present or cannot be shown to have furnished the alcohol. Host party laws address this issue by providing a legal basis for holding persons responsible for parties on their property whether or not they provided alcohol to minors.

Host part laws often are closely linked to laws prohibiting the furnishing alcohol to minors (analyzed elsewhere in this Report), although laws that prohibit the hosting of underage drinking parties may apply without regard to who furnishes the alcohol. Hosts who allow underage drinking on their property and also supply the alcohol consumed or possessed by the minors may be in violation of two distinct laws: furnishing alcohol to a minor and allowing underage drinking to occur on property they control.

Two general types of liability may apply to those who host underage drinking parties; the first, analyzed here, concerns State-imposed liability. State-imposed liability involves a statutory prohibition that is enforced by the State, generally through criminal proceedings that can lead to sanctions such as fines or imprisonment.

Separately, social host liability (analyzed elsewhere in this Report) involves an action by a private party seeking monetary damages for injuries that result from permitting underage drinking on the host's premises.

Although related, these two forms of liability are distinct. For example, an individual may allow a minor to drink alcohol after which the minor causes a motor vehicle crash that injures an innocent third party. In this situation, the social host may be prosecuted by the State under a criminal statute and face a fine or imprisonment for the criminal violation. In a State that provides for social host civil liability, the injured third party could also sue the host for monetary damages associated with the motor vehicle crash.

State host party laws differ across multiple variables, including:

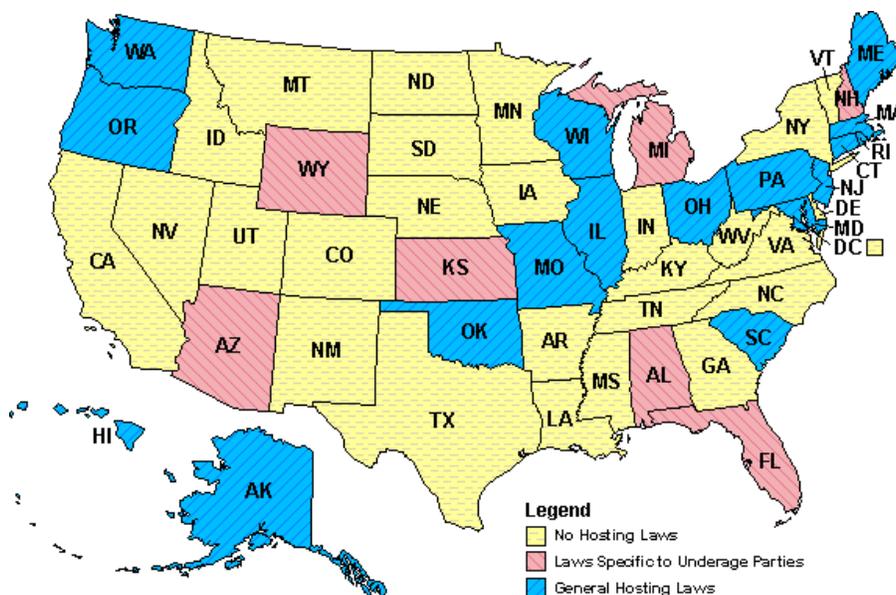
- They may limit their application specifically to underage drinking parties (e.g., by requiring a certain number of minors to be present for the law to take effect) or may prohibit hosts from allowing underage drinking on their property generally, without reference to hosting a party.
- Underage drinking on any of the host's properties may be included, or the laws may restrict their application to residences, out-buildings, and/or outdoor areas.

- The laws may apply only when hosts make overt acts to encourage the party, or they may require only that hosts knew about the party or were negligent in not realizing that parties were occurring (i.e., should have known based on the facts available).
- A defense may be available for hosts who take specific preventive steps to end parties (e.g., contacting police) once they become aware that parties are occurring.
- The laws may require differing types of behavior on the part of the minors at the party (possession, consumption, intent to possess or consume) before a violation occurs.

### Status of Host Party Laws

As of January 1, 2009, 17 jurisdictions have general host party laws, 7 have specific host party laws, and 27 have no laws of either sort. Of the jurisdictions with host party laws, 23 apply to residential property and 19 apply to outdoor property. Eighteen jurisdictions permit negation of violations when the host takes preventive action; 19 require knowledge standards to trigger liability; 3 rely on a negligence standard; and 4 require an overt act on the part of the host to trigger liability. Finally, 4 jurisdictions have family exceptions and 15 have resident exceptions.

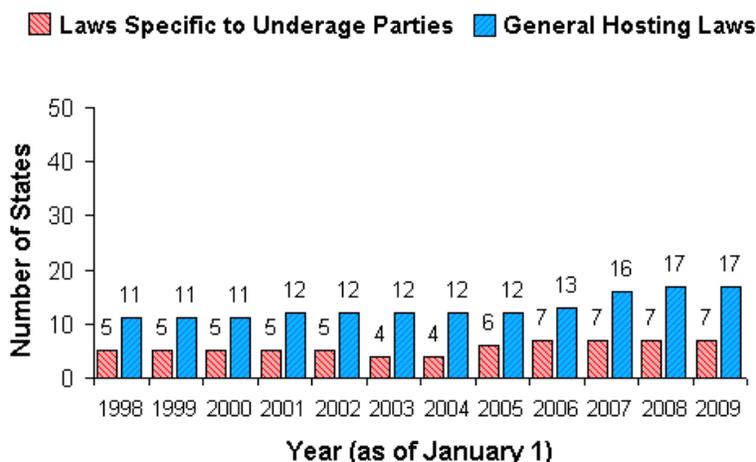
### Prohibitions for Hosting Underage Drinking Parties in the 50 States as of January 1, 2009



### Trends in Host Party Law Policies

During the 11-year period between 1998 and 2009, the number of jurisdictions that enacted specific host party laws rose from 5 to 7, and the number that enacted general host party laws rose from 11 to 17. In 1998, there were 16 host party laws of both types; in 2009, there are 24.

## Number of States With Prohibitions Against Hosting Underage Drinking Parties, January 1, 1998 Through January 1, 2009



### References and Further Information

All data for this policy were obtained from the APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “Prohibitions Against Hosting Underage Drinking Parties.” 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. To see definitions of the variables for this policy, go to page 399.

## 16. DIRECT SALES/SHIPMENTS FROM PRODUCERS TO CONSUMERS (INTERNET SALES)

### Policy Description

State proscriptions against direct sales and shipments of alcohol from producers to consumers date back to the repeal of Prohibition. The initial reason for the proscription was to ensure that the pre-Prohibition-era tied house system (under which producers owned and/or controlled retail outlets directly) did not continue after repeal. Opponents of the tied house system argued that producers who controlled retail outlets permitted unsafe retail practices and failed to respond to community concerns. The alternative that emerged as a result of these concerns was the establishment of a three-tier production and distribution system with separate production, wholesaling, and retail elements. Consequently, producers must distribute products through wholesalers rather than selling directly to retailers or consumers; wholesales must purchase from producers; and consumers must purchase from retailers.

Modern marketing practices, particularly Internet sales that link producers directly to consumers, have led to many States creating laws with exceptions to general mandates that alcohol producers distribute their products through wholesalers. Some States permit producers to ship alcohol to

consumers using a delivery service (usually a common carrier). In some cases, these exceptions are responses to legal challenges by producers arguing that State law unfairly discriminates between in-State and out-of-State producers. They have contended that such processes violate the U.S. Constitution's Interstate Commerce Clause by allowing in-State producers to ship directly to consumers, but barring out-of-State producers from doing so.<sup>30</sup>

One central concern emerging from this controversy involves the possibility that direct sales/shipments (either through Internet sales or sales made by telephone or other remote communication) will increase alcohol availability to underage persons. Young people may attempt to purchase alcohol through direct sales instead of face-to-face sales at retail outlets because they perceive that detection of their underage status is less likely. In response to this concern, several jurisdictions that permit direct sales/shipments have included provisions to deter youth access. These may include requirements that:

- Consumers have face-to-face transactions at producer's places of business (and show valid age identification) before any future shipments to consumers can be made.<sup>31</sup>
- Shippers and/or deliverers verify recipient age, usually by checking recipients' identification.
- Producers/shippers and deliverers obtain permits or licenses or be approved by the State.
- Producers/shippers and deliverers maintain records that must either be reported to State officials or be open for inspection to verify recipients of shipments.
- Direct shipment package labels include statements that package contains alcohol and/or that recipient must be at least 21 years of age.

State laws also vary regarding the types of alcoholic beverages (beer, wine, and distilled spirits) that producers are allowed to sell directly and ship to consumers. This Report does not include direct sales/shipment requirements not related to preventing underage sales.<sup>32</sup>

### **Status of Direct Sales/Shipment Policies**

As of January 1, 2009, 35 States and the District of Columbia permit direct sales/shipments from producers to consumers, and 15 prohibit such transactions. One State (Indiana) requires face-to-face transactions at producers' places of business (and verification of valid age identification) before shipments to the consumer can be made. Of the 35 States permitting direct sales or shipments, 7 require shippers to verify purchaser age, 17 require deliverers to verify recipient age, and 4 require age verification by both shippers and deliverers. Fifteen States and the District of Columbia do not require any age verification.

Labels stating that packages can only be received by persons over the age of 21 years are required by 27 States, 8 require labels stating that packages contains alcohol, and 5 have no labeling requirements related to underage drinking.

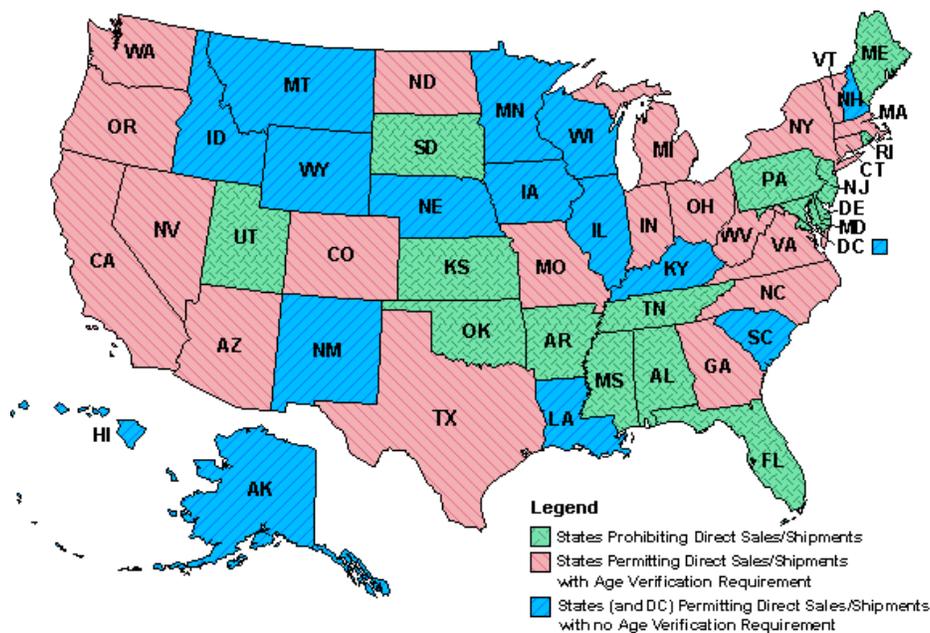
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<sup>30</sup> See, e.g., *Granholm v. Heald*, 544 U.S. 410, 125 S.Ct. 1885 (2005).

<sup>31</sup> Laws that require face-to-face transactions for all sales prior to delivery are treated as prohibitions on direct sales/shipments.

<sup>32</sup> These include caps on amount that can be shipped; laws that permit only small producers to sell directly to consumers; reporting and taxation provisions unrelated to identifying potential underage recipients; and brand registration requirements. In some cases, exceptions are so limited that a State is coded as not permitting direct sales (e.g., shipments are allowed only by boutique historical distilled spirits producers).

## Direct Sales/Shipment Policies and Age Verification Requirements



### Trends in Direct Sales/Shipments Policies

No studies have reliably assessed trends in direct sales/shipment policies.

### References and Further Information

To see definitions of the variables for this policy, go to page 400.

Jurkiewicz, C. and M. Painter (eds.) (2008). *Social and economic control of alcohol: The 21st Amendment in the 21st century*. New York, NY: CRC Press.

Moramarto, M. *The Twenty-First Amendment, Granholm, and the future of the three-tier system*. Working Paper, Social Science Research Network, December 13, 2008. Retrieved February 10, 2009, from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1340198](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1340198)

Norton, E. (2006). The Twenty-First Amendment in the twenty-first century: Reconsidering State liquor controls in light of *Granholm v. Heald*. *Ohio State Law Journal*, 67, 1465-1494.

## 17. KEG REGISTRATION

### Policy Description

Keg registration laws (also called keg tagging laws) require wholesalers or retailers to attach tags, stickers, or engravings with an identification number to kegs exceeding a specified capacity (2- to 8-gallon minimum depending on the State). These laws discourage purchasers from serving underage persons from the keg by allowing law enforcement officers to trace the keg to the purchaser even if he or she is not present at the location where the keg is consumed.

At purchase, retailers are required to record identifying information about the purchaser (e.g., name, address, telephone number, driver's license). In some States, keg laws specifically prohibit destroying or altering the ID tags and provide penalties for doing so. Other States make it a crime to possess unregistered or unlabeled kegs.

Refundable deposits may also be collected for the kegs themselves, the tapper mechanisms used to serve the beer, or both. Deposits are refunded when the kegs and/or tappers are returned with identification numbers intact. These deposits create an incentive for the purchaser to keep track of the whereabouts of the keg and a financial penalty if the keg is not returned.

Some jurisdictions collect information (e.g., location where the keg is to be consumed, tag number of the vehicle transporting the keg) to aid law enforcement efforts, further raising the chances that illegal furnishing to minors will be detected. Some jurisdictions also require retailers to provide warning information at the time of purchase about laws prohibiting service to minors and/or other laws related to the purchase or possession of the keg.

Disposable kegs complicate keg registration laws. Some of these containers meet the capacity definition for a keg but cannot be easily tagged or traced, as they are meant to be disposed of when empty. Most States do not differentiate disposable from nondisposable kegs, although some have modified keg registration provisions to accommodate this container type.

## **Status of Keg Registration Policies**

### **Keg Registration Laws**

The District of Columbia and 30 States require keg registration; 19 States do not require that kegs be registered. Minimum keg sizes subject to keg registration requirements range from 2 to 7.75 gallons. Utah alone prohibits keg sales altogether, making a keg registration law irrelevant.

### **Prohibited Acts**

Eleven States prohibit both the possession of unregistered kegs and the destruction of keg labels. Six States prohibit only the possession of unregistered kegs, seven prohibit only the destruction of keg labels, and six States and the District of Columbia prohibit neither act.

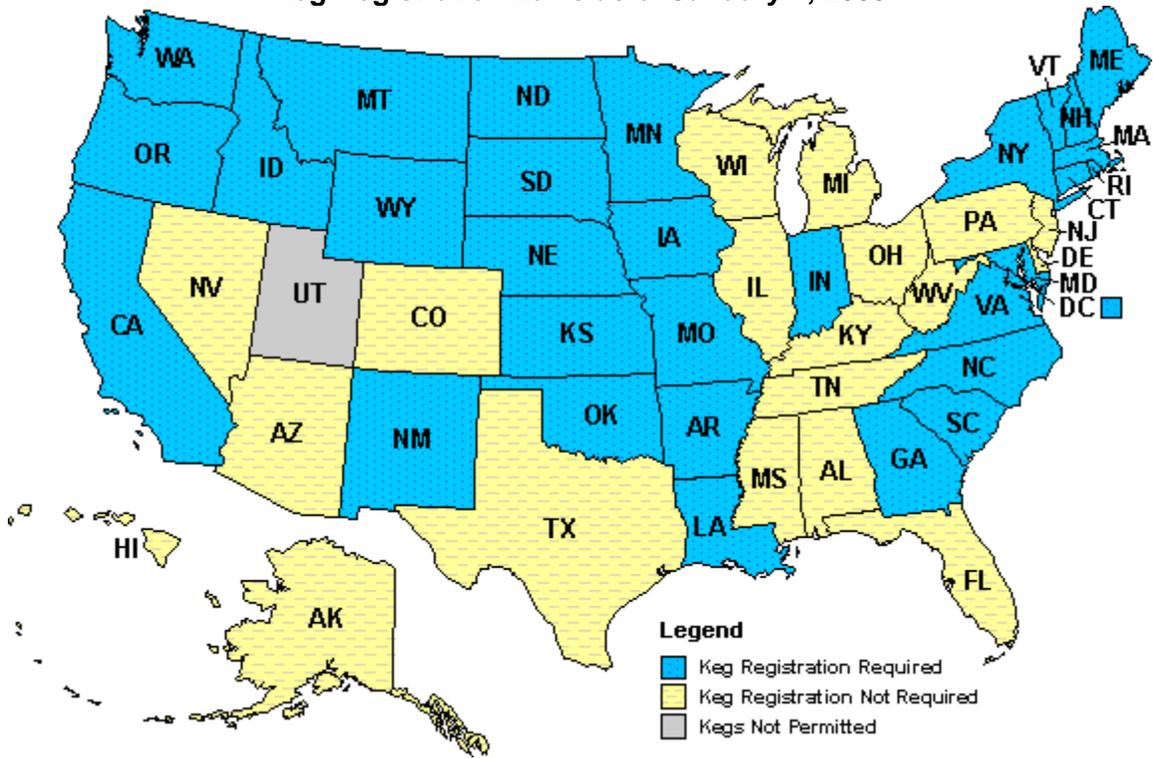
### **Purchaser Information Collected**

All 31 jurisdictions with keg registration laws require retailers to collect some form of purchasers' information. Of these, 27 require purchasers to provide a driver's licenses or other government-issued identification. Six jurisdictions (District of Columbia, Georgia, North Carolina, Oregon, Virginia, and Washington) require purchasers to provide the address at which the keg will be consumed.

### **Warning Information to Purchaser**

Of the 31 jurisdictions with keg registration laws, 23 States and the District of Columbia require that some kind of warning information be presented to purchasers concerning the violation of any laws related to keg registration. Fourteen States and the District of Columbia specify "active" warnings (requiring an action on the part of the purchaser, such as signing a document) and nine States specify "passive" warnings (requiring no action on the part of the purchaser). Seven States do not require that any warning information be given to purchasers.

### Keg Registration Laws as of January 1, 2009



### Trends in Keg Registration Policies

The number of States enacting keg registration laws has risen steadily since 2003, with an increase from 20 to 31 jurisdictions.

### Number of States With Keg Registration Laws, January 1, 2003 Through January 1, 2009

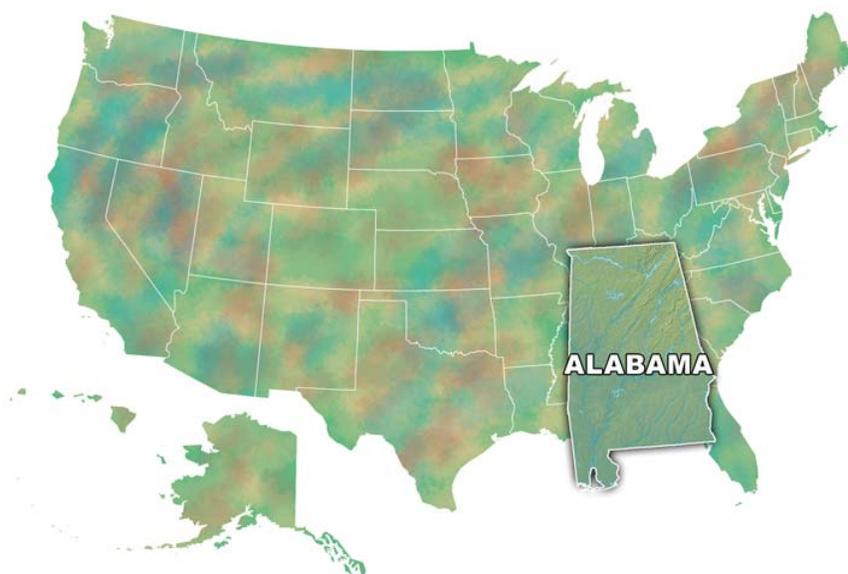


### **References and Further Information**

All data for this policy were obtained from the APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “Keg Registration.” 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. To see definitions of the variables for this policy, go to page 401.

# STATE REPORTS

This section provides State-by-State summaries of the 17 policies described in the preceding section by using the legal variables for each State, thus providing uniform reporting that facilitates cross-State comparison. The policy variables for each State are linked electronically to both the relevant policy summaries and definitions of the relevant variables.



## ALABAMA

### State Profile and Underage Drinking Facts<sup>33</sup>

<b>State Population</b>		4,661,900	
Population-Ages 12-20		587,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	24.1		142,000
Past-Month Binge Alcohol Use	15.2		89,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	8.4		15,000
Past-Month Binge Alcohol Use	4.8		9,000

<sup>33</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Ages 15-17</b>		
Past-Month Alcohol Use	20.9	41,000
Past-Month Binge Alcohol Use	12.8	25,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	41.6	85,000
Past-Month Binge Alcohol Use	27.0	55,000
Underage Alcohol-Related Problems		
<b>Alcohol-Attributable Deaths (under 21)</b>		99
<b>Years of Potential Life Lost (under 21)</b>		5,878
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	21.0	36

## **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

#### *Provisions targeting retailers*

- No statutory affirmative defense: Statutes do not provide an affirmative defense related to retailer’s belief that the minor was 21 years of age or older

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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***

- Minimum: 90 days
- Maximum: 180 days

## **Graduated Driver’s Licenses**

### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement:
  - None with driver education
  - 30 hours without driver education

### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than 3 passengers, excluding parent or guardian
  - There is no primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

#### ***Voluntary beverage service training***

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

#### ***Incentives for training***

- Mitigation of fines or other administrative penalties for sales to minors
- Protection against license revocation for sales to minors

### Minimum Ages for Off-Premises Sellers

- Beer Not specified
- Wine Not specified
- Spirits 21

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

*Notes: A minor employee of an off-premises retail licensee may handle, transport or sell beer or table wine, provided there is an adult employee in attendance at all times.*

### Minimum Ages for On-Premises Sellers

- Beer 19 for servers and 21 for bartenders
- Wine 19 for servers and 21 for bartenders
- Spirits 19 for servers and 21 for bartenders

***Condition(s) that must be met in order for an underage person to sell alcoholic beverages:***

- Manager/supervisor is present

### **Dram Shop Liability**

Statutory liability exists.

### **Social Host Liability**

Statutory liability exists.

### **Host Party Laws**

***Social host law is specifically limited to underage drinking parties:***

- Action by underage guest that triggers violation: possession, consumption
- Property type(s) covered by liability law: residence, other
- Standard for hosts' knowledge or action regarding the party: KNOWLEDGE—host must have actual knowledge of the occurrence
- Preventive action by the host negates the violation (see note)

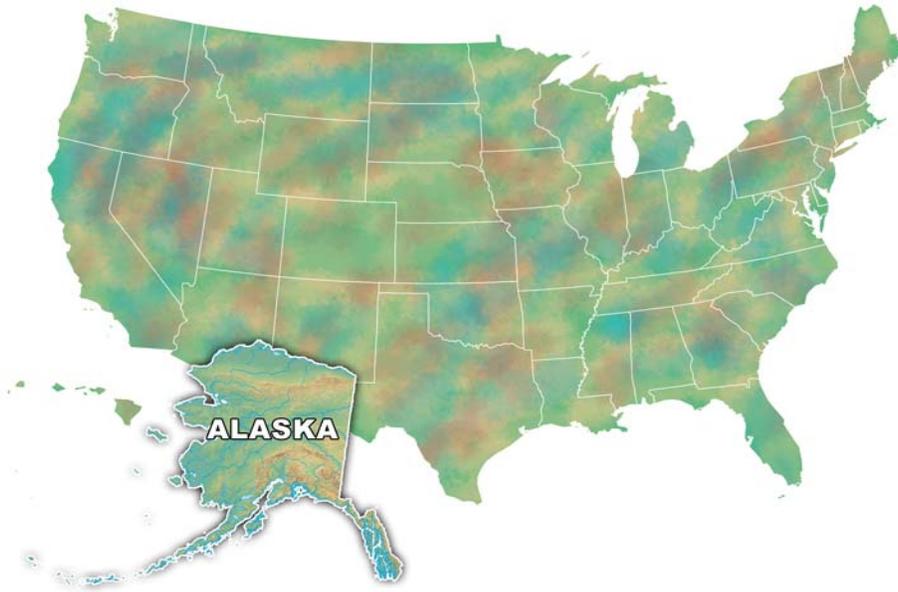
*Notes: Alabama's provision requires that the adult social host be in attendance at the gathering or party in order for a violation to occur. The "preventive action" provision in Alabama requires the prosecution to prove that the host failed to take preventive action.*

### **Direct Sales/Shipments From Producers to Consumers**

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

### **Keg Registration**

Registration is not required.



## ALASKA

### State Profile and Underage Drinking Facts<sup>34</sup>

<b>State Population</b>		686,293	
<b>Population-Ages 12-20</b>		95,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	26.4		25,000
Past-Month Binge Alcohol Use	17.7		17,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	6.8		2,000
Past-Month Binge Alcohol Use	3.3		1,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	24.3		8,000
Past-Month Binge Alcohol Use	15.4		5,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	49.2		15,000
Past-Month Binge Alcohol Use	35.2		11,000

<sup>34</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		17
<b>Years of Potential Life Lost (under 21)</b>		993
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	7.0	1

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location AND EITHER
- Parent/guardian consent OR
- Spouse

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location AND EITHER
- Parent/guardian consent OR
- Spouse

### **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.

*Notes: Although the amendment creating the law enforcement exception was approved in July of 2005, the effective date for the exception was made retroactive to September 27, 2004. See 2005 Alaska Sess. Laws 72.*

### **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 an administrative procedure

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- General affirmative defense: the retailer came to a good faith or reasonable decision that the purchaser was 21 years or older; inspection of an identification card not required
- Retailer has the statutory right to sue a minor who uses a false ID to purchase alcohol for any losses or fines suffered by the retailer as a result of the illegal sale

## **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 age 14 or above
  - Applies to drivers under age 21

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

No Use/Lose law.

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 14
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 40 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 1 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No passengers under 21 except siblings, unless at least one passenger is parent, guardian, or person at least 21 years of age
  - Primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 16 years, 6 months

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location AND EITHER
- Parent/guardian OR
- Spouse

### **Responsible Beverage Service**

#### ***Mandatory beverage service training for licensees, managers, servers***

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

### **Minimum Ages for Off-Premises Sellers**

- Beer 21
- Wine 21
- Spirits 21

### **Minimum Ages for On-Premises Sellers**

- Beer 21 for both servers and bartenders
- Wine 21 for both servers and bartenders
- Spirits 21 for both servers and bartenders

### **Dram Shop Liability**

Statutory liability exists.

### **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Knowledge of underage status

### **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
- Standard for hosts' knowledge or action regarding the party: KNOWLEDGE—host must have actual knowledge of the occurrence
- Exception(s): family

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for beer, wine, and distilled spirits with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: None
- Reporting requirements: None
- Shipping label statement: None

### **Keg Registration**

Registration is not required.



## ARIZONA

### State Profile and Underage Drinking Facts<sup>35</sup>

<b>State Population</b>		6,500,180	
<b>Population-Ages 12-20</b>		799,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	28.3		226,000
Past-Month Binge Alcohol Use	18.1		144,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	8.0		20,000
Past-Month Binge Alcohol Use	4.2		11,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	25.6		70,000
Past-Month Binge Alcohol Use	17.0		47,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	50.3		135,000
Past-Month Binge Alcohol Use	32.4		87,000

<sup>35</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		120
<b>Years of Potential Life Lost (under 21)</b>		7,157
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	28.0	41

## **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.

*Notes: Although Arizona does not prohibit Internal Possession, beginning on May 23, 2002, it has a statutory provision that makes it unlawful, “[f]or a person under the age of twenty-one years to have in the person’s body any spirituous liquor.” Ariz. Rev. Stat. § 4-244.*

### **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 or administrative procedure

#### ***Provisions targeting retailers***

- State provides incentives to retailers who use electronic scanners that read birth dates and other information digitally encoded on valid identification cards
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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 18.

### ***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:***

- Discretionary

### ***Length of suspension/revocation:***

- Minimum: 0 days
- Maximum: 180 days

## **Graduated Driver’s License**

### ***Learner stage***

- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement:
  - None with driver education
  - 30 hours without driver education (10 of which must be at night)

### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one passenger under 18, except for siblings or if accompanied by a parent or legal guardian
  - There is no primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 16 years, 6 months

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

#### ***Voluntary beverage service training:***

- Applies to both on-sale and off-sale establishments
- The law does not specify new or existing outlets

### ***Incentive for training:***

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

### **Minimum Ages for Off-Premises Sellers**

- Beer 16
- Wine 16
- Spirits 16

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

*Notes: Off-sale retailers may employ persons who are at least 16 years of age to check out, if supervised by a person on the premises who is at least 19 years of age, package or carry merchandise, including spirituous liquor, in unbroken packages, for the convenience of the customer of the employer, if the employer sells primarily merchandise other than spirituous liquor.*

### **Minimum Ages for On-Premises Sellers**

- Beer 19 for both servers and bartenders
- Wine 19 for both servers and bartenders
- Spirits 19 for both servers and bartenders

### **Dram Shop Liability**

Statutory liability exists; the courts recognize common law dram shop liability.

*Notes: Dram shop statute does not abrogate claims arising under common law.*

### **Social Host Liability**

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

### **Host Party Laws**

Social host law is specifically limited to underage drinking parties:

- Action by underage guest that triggers violation: possession, consumption
- Property type(s) covered by liability law: residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: NEGLIGENCE—host must have known or should have known of the event's occurrence
- Exception(s): family, resident

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

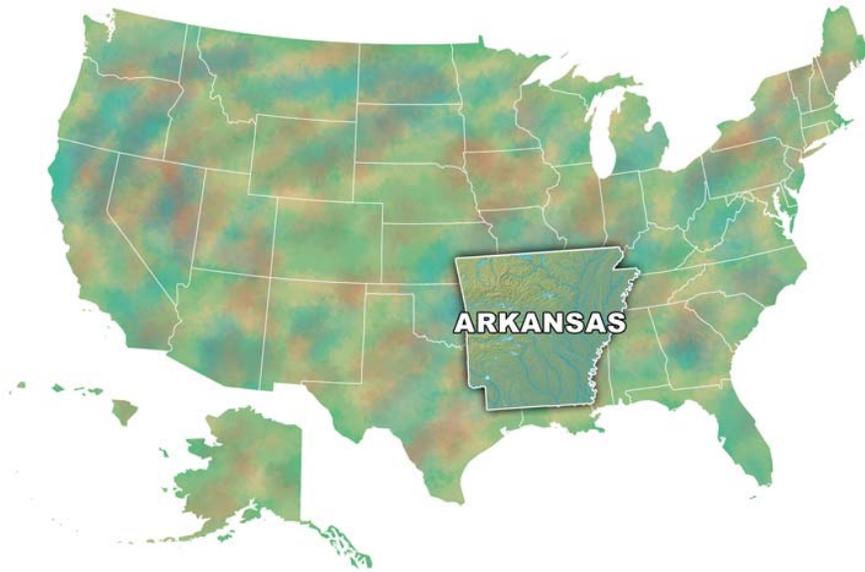
- Age verification requirements: Common carrier must verify age of recipient
- State approval/permit requirements: Producer/shipper must obtain State permit

- Reporting requirements: Common carrier must record/report purchaser's name
- Shipping label statement: Recipient must be 21

*Notes: A licensed domestic farm winery that produces not more than 20,000 gallons of wine in a calendar year may make sales and deliveries of that wine to consumers who order by telephone, mail, fax or through the internet. Farm wineries can deliver such purchases, subject to the rules applicable to the delivery of spirituous liquors by the holder of a retail license having off-sale privileges. An independent contractor or the employee of an independent contractor is deemed to be an employee of the licensee when making a sale or delivery of spirituous liquor for the licensee. Ariz. Rev. Stat. §§ 4-205.04(D), 4-203(J) and Ariz. Admin. Code R19-1-221. The rules governing the retail delivery of spirituous liquor require age verification at the point of delivery and the deliverer recording the recipient's name.*

### **Keg Registration**

Registration is not required.



## ARKANSAS

### State Profile and Underage Drinking Facts<sup>36</sup>

<b>State Population</b>	2,855,390
<b>Population-Ages 12-20</b>	361,000

	Percentage	Number
<b>Ages 12-20</b>		
Past-Month Alcohol Use	27.0	98,000
Past-Month Binge Alcohol Use	19.0	69,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	8.3	10,000
Past-Month Binge Alcohol Use	5.4	6,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	25.5	30,000
Past-Month Binge Alcohol Use	18.1	21,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	45.2	58,000
Past-Month Binge Alcohol Use	32.1	41,000

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<sup>36</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		60
<b>Years of Potential Life Lost (under 21)</b>		3,583
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	19.0	21

## **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 not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is specifically not prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- No statutory affirmative defense: statutes do not provide an affirmative defense related to retailer’s belief that the minor was 21 years of age or older
- Retailer has the authority to detain a minor suspected of using a false ID in connection with the purchase of alcohol

*Notes: Under Ark. Code Ann. § 5-27-503(b), a seller’s detention of a person under 21 for use of false identification “shall not include a physical detention.”*

*The prohibition against attempted use of a false ID for purchasing alcoholic beverages applies to persons less than 21 years of age. Prior to July 31, 2007, the denial of driving privileges as a penalty for violating this prohibition only applied to persons less than 18 years of age. This denial is through a judicial process. Beginning on July 31, 2007, Arkansas added an administrative suspension process for those between 18 to 21 years of age to whom the judicial process does not apply.*

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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

#### ***Authority to impose driver’s license sanction***

- Mandatory

#### ***Length of suspension/revocation:***

- 60 days

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 14
- Minimum learner stage period: 6 months
- There is no minimum supervised driving requirement

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Night driving is not restricted
  - There is no primary enforcement of the night driving rule
- There are no passenger restrictions

#### ***License stage***

- Minimum age to lift restrictions: 18

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian OR
- Spouse

*Notes: Arkansas’ statute regarding furnishing alcohol to any person under 21 years old includes an exception for “family” members, but does not specify which family members.*

## **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 21

## **Minimum Ages for On-Premises Sellers**

- Beer 19 for servers and 21 for bartenders
- Wine 19 for servers and 21 for bartenders
- Spirits 19 for servers and 21 for bartenders

## **Dram Shop Liability**

Statutory liability exists.

## **Social Host Liability**

There is no social host liability.

## **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

## **Direct Sales/Shipments From Producers to Consumers**

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

## **Keg Registration**

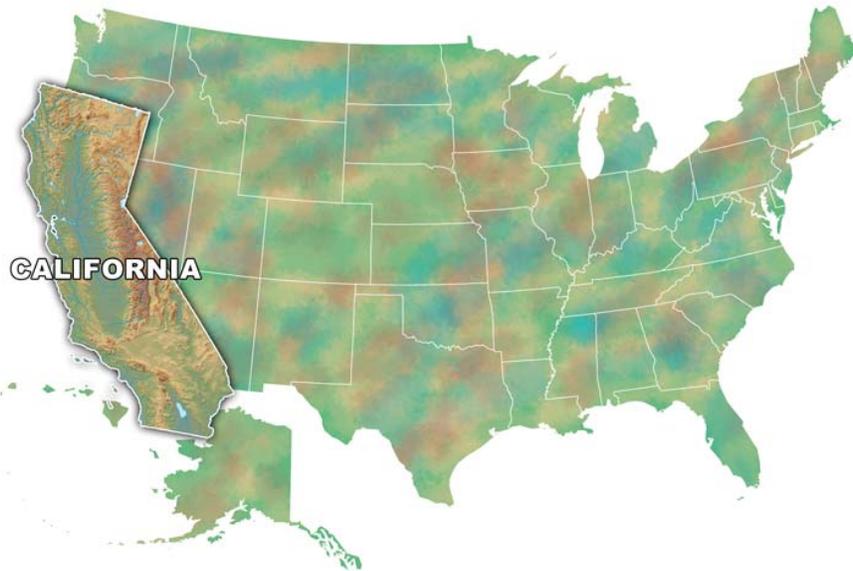
Keg definition: a liquid capacity of more than five gallons.

### ***Prohibited***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$500 or 90 days
- Destroying the label on a keg—max. fine/jail: \$500 or 90 days

### ***Purchaser information collected***

- Purchaser's name and address: verified by a government-issued ID
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit required: \$75
- Provisions do not specifically address disposable kegs



## CALIFORNIA

### State Profile and Underage Drinking Facts<sup>37</sup>

<b>State Population</b>		36,756,666	
<b>Population-Ages 12-20</b>		4,925,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	25.7		1,265,000
Past-Month Binge Alcohol Use	16.7		821,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	5.3		86,000
Past-Month Binge Alcohol Use	3.0		48,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	23.8		392,000
Past-Month Binge Alcohol Use	14.7		242,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	47.0		787,000
Past-Month Binge Alcohol Use	31.7		531,000

<sup>37</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		539
<b>Years of Potential Life Lost (under 21)</b>		31,905
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	20.0	121

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location OR
- Parent/guardian consent OR
- Spouse

*Notes: California’s “Any Private Location” exception excludes possession in motor vehicles. California’s statute regarding possession of alcohol by a person under the age of 21 years includes an exception for “responsible adult relative” but does not specify which relatives are included.*

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

### **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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Retailers are permitted to seize apparently false IDs
- 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: 0.01
  - BAC at or above the limit 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

#### ***Authority to impose driver’s license sanction:***

- Mandatory

#### ***Length of suspension/revocation:***

- 365 days

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 11 p.m.
  - There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No passengers under 20, unless accompanied by a parent, guardian, instructor or licensed driver over 25
  - There is no primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

## **Responsible Beverage Service**

### ***Voluntary beverage service training***

- The law does not specify on- or off-sale establishments
- The law does not specify new or existing outlets

### ***Incentive for training***

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

## **Minimum Ages for Off-Premises Sellers**

- Beer Not specified
- Wine Not specified
- Spirits Not specified

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

## **Minimum Ages for On-Premises Sellers**

- Beer 18 for servers and 21 for bartenders
- Wine 18 for servers and 21 for bartenders
- Spirits 18 for servers and 21 for bartenders

## **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Minor must be obviously intoxicated at time of service.

## **Social Host Liability**

There is no social host liability.

*Notes: Cantor v. Anderson (1981) held that although social hosts are precluded from liability under Cal. Civ. Code 1714, a social host may be sued under common law if the host knows that a guest has an exceptional mental or physical condition that renders her/him particularly susceptible to alcohol.*

## **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

## **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

***Age verification requirements***

- None

***State approval/permit requirements***

- Producer/shipper must obtain State permit

***Reporting requirements***

- None

***Shipping label statement***

- Contains alcohol
- Recipient must be 21

**Keg Registration**

Keg definition: 6 gallons or more.

***Prohibited***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$1000 or 6 months

***Purchaser information collected***

- Purchaser's name and address: verified by a government-issued ID
- Warning information to purchaser: not required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## COLORADO

### State Profile and Underage Drinking Facts<sup>38</sup>

<b>State Population</b>	4,939,456
<b>Population-Ages 12-20</b>	574,000

	Percentage	Number
<b>Ages 12-20</b>		
Past-Month Alcohol Use	32.8	188,000
Past-Month Binge Alcohol Use	21.4	123,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	8.1	16,000
Past-Month Binge Alcohol Use	3.9	8,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	31.5	59,000
Past-Month Binge Alcohol Use	19.3	36,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	60.7	113,000
Past-Month Binge Alcohol Use	42.4	79,000

<sup>38</sup>Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		73
<b>Years of Potential Life Lost (under 21)</b>		4,397
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	19.0	18

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location AND
- Parent/guardian presence and consent

*Notes: POSSESSION: Colorado's exception requires the knowledge and consent of the owner of the private property when minors possess alcohol (in addition to the consent and presence of a parent or guardian).*

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location AND
- Parent/guardian presence and consent

*Notes: CONSUMPTION: Colorado's exception requires the knowledge and consent of the owner of the private property when minors consume alcohol (in addition to the consent and presence of a parent or guardian).*

### **Internal Possession by Minors**

Internal possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location AND
- Parent/guardian presence and consent

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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

***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Retailers are permitted to seize apparently false IDs
- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid

- Retailer has the authority to detain a minor suspected of using a false ID in connection with the purchase of alcohol

*Notes: In Colorado, the license revocation period for a first conviction of obtaining or attempting to obtain an alcoholic beverage by misrepresentation of age is twenty-four hours of public service, if ordered by the court, or three months.*

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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:***

- Minimum: Not specified
- Maximum: 90 days

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 12 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - For first 6 months—no passengers under 21 unless immediate family member
  - Second 6 months—only one passenger under 21 who is not immediate family
  - There is no primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location AND
- Parent/guardian (details not specified)

### **Responsible Beverage Service**

#### ***Voluntary beverage service training***

- The law does not specify on- or off-sale establishments
- The law does not specify new or existing outlets

#### ***Incentive for training***

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

### **Minimum Ages for Off-Premises Sellers**

- Beer 21
- Wine 21
- Spirits 21

*Notes: Although employees must be at least 21 years of age to sell malt, vinous, or spirituous liquors in a retail liquor store, employees at least 18 years of age may sell fermented malt beverages containing not more than 3.2 percent alcohol by weight in establishments where fermented malt beverages are sold at retail in containers for off-premises consumption.*

### **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

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

*Notes: Persons under 21 years of age employed to sell or dispense malt, vinous, or spirituous liquors are required to be supervised by another person who is on premise and has attained 21 years of age.*

### **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$150,000
- Limitations on elements/standards of proof: Knowledge of underage status

### **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$150,000
- Limitations on elements/standards of proof: Knowledge of underage status

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

#### ***Age verification requirements:***

- Common carrier must verify age of recipient

#### ***State approval/permit requirements***

- Producer/shipper must obtain State permit

#### ***Reporting requirements:***

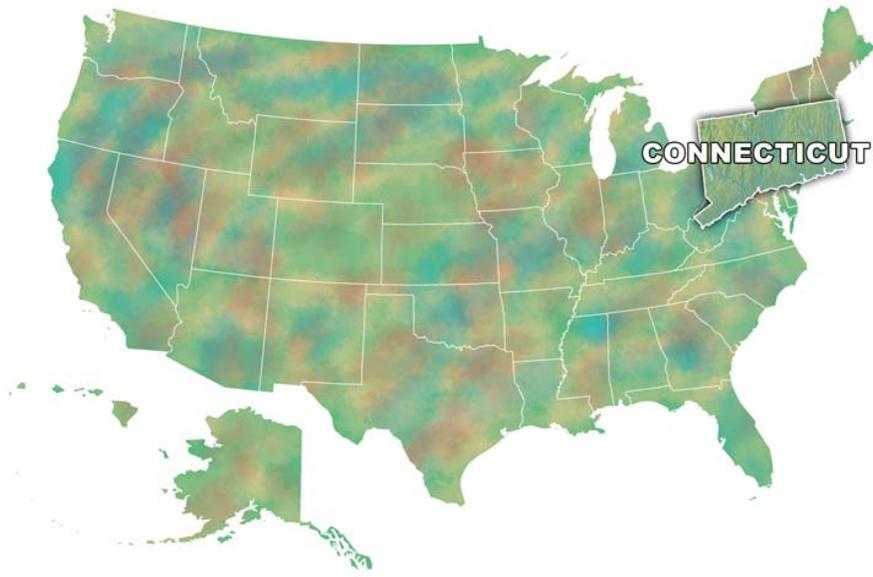
- Producer must record/report purchaser's name

#### ***Shipping label statement***

- Contains alcohol
- Recipient must be 21

### **Keg Registration**

Registration is not required.



## CONNECTICUT

### State Profile and Underage Drinking Facts<sup>39</sup>

<b>State Population</b>		3,501,252	
<b>Population-Ages 12-20</b>		425,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	32.3		137,000
Past-Month Binge Alcohol Use	23.5		100,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	5.9		8,000
Past-Month Binge Alcohol Use	2.8		4,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	32.3		51,000
Past-Month Binge Alcohol Use	22.5		35,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	60.7		78,000
Past-Month Binge Alcohol Use	47.1		61,000

<sup>39</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>	34
<b>Years of Potential Life Lost (under 21)</b>	1,976
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	22.0
	8

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location OR
- Parent/guardian presence and consent OR
- Spouse

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

### **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

#### ***Provisions targeting retailers***

- State provides incentives to retailers who use electronic scanners that read birth dates and other information digitally encoded on valid identification cards
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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 possession

### ***Authority to impose driver’s license sanction:***

- Mandatory

### ***Length of suspension/revocation:***

- 30 days

## **Graduated Driver’s License**

### ***Learner stage***

- Minimum entry age: 16
- Minimum learner stage period:
  - 4 months —with driver education
  - 6 months—without driver education
- Minimum supervised driving requirement: 40 hours

### ***Intermediate stage***

- Minimum age: 16 years, 4 months
- Unsupervised night driving:
  - Prohibited after 11 p.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - First 6 months—limited to one parent, instructor, or licensed adult who is at least 20 years old
  - Second 6 months—expands to include immediate family
  - Primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 18
- Passenger restrictions expire 12 months after issuance of intermediate license
- Unsupervised night driving restrictions remain until age 18

*Notes: A parent or guardian of any applicant less than 18 to whom a learner’s permit is issued on or after August 1, 2008 shall attend two hours of safe driving instruction with such applicant.*

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian OR
- Spouse

## **Responsible Beverage Service**

No beverage service training requirement.

### **Minimum Ages for Off-Premises Sellers**

- Beer 15
- Wine 18
- Spirits 18

### **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

## **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$250,000.
- Limitations on elements/standards of proof: Minor must be intoxicated at time of service.
- The courts recognize common law dram shop liability

*Notes: A common law cause of action is not precluded by the dram shop statute. Under common law, the limitations on damages may be avoided.*

## **Social Host Liability**

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
- Preventive action by the host negates the violation (see note)
- Exception(s): family

*Notes: The “preventive action” provision in Connecticut requires the prosecution to prove that the host failed to take preventive action.*

## **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

### ***Age verification requirements***

- Producer must verify age of purchaser: ID check is required at some point prior to delivery.
- Common carrier must verify age of recipient: ID check required at some point prior to delivery.

### ***State approval/permit requirements***

- Producer/shipper must obtain State permit
- State must approve common carrier

### ***Reporting requirements***

- Producer must record/report purchaser's name
- Common carrier must record/report purchaser's name

### ***Shipping label statement***

- Contains alcohol
- Recipient must be 21

## **Keg Registration**

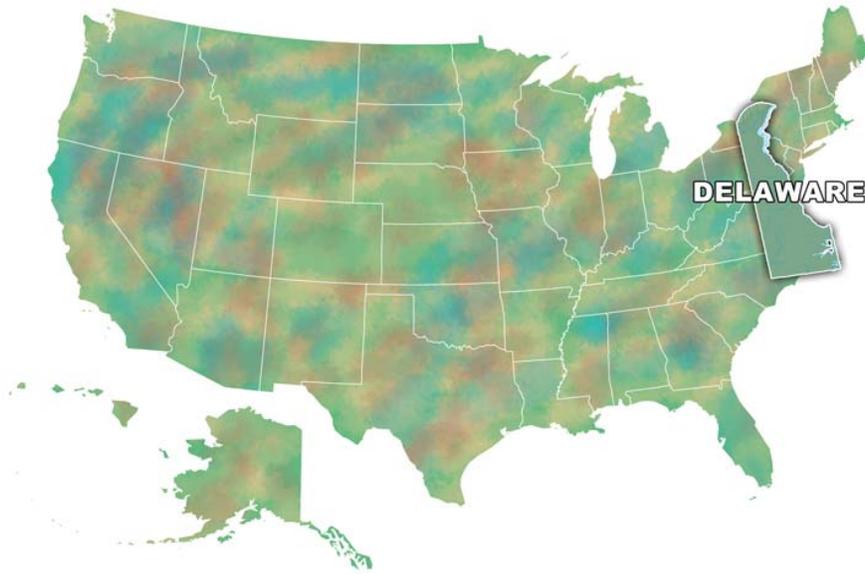
Keg definition: 6 gallons or more.

### ***Prohibited***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$500 or 3 months

### ***Purchaser information collected***

- Purchaser's name and address: verified by a government-issued ID
- Warning information to purchaser: passive—no purchaser action required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## DELAWARE

### State Profile and Underage Drinking Facts<sup>40</sup>

<b>State Population</b>	873,092	
<b>Population-Ages 12-20</b>	106,000	
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	29.1	31,000
Past-Month Binge Alcohol Use	19.8	21,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	5.9	2,000
Past-Month Binge Alcohol Use	2.0	1,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	24.3	9,000
Past-Month Binge Alcohol Use	14.3	5,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	55.2	20,000
Past-Month Binge Alcohol Use	41.7	15,000

<sup>40</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		12
<b>Years of Potential Life Lost (under 21)</b>		725
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	12.0	3

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND EITHER
- Parent/guardian OR
- Spouse

*Notes: Delaware’s exception includes “members of the same family” and allows possession if in “private home of any of said members.” Del. Code Ann. tit. 4, § 904.*

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND EITHER
- Parent/guardian OR
- Spouse

*Notes: Delaware’s exception includes “members of the same family” and allows consumption if in “private home of any of said members.” Del. Code Ann. tit. 4, § 904.*

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

*Notes: Although Delaware does not prohibit Internal Possession, it has a statutory provision that makes it an offense for “[w]hoever, being under the age of 21 years, has alcoholic liquor in his or her possession at any time, or consumes or is found to have consumed alcoholic liquor.” Del. Code Ann. tit. 4, § 904.*

### **Underage Purchase of Alcohol**

Purchase is NOT prohibited and there is no specific allowance for youth purchase for law enforcement purposes.

*Notes: Delaware does not have a statute that specifically prohibits purchase, but it does prohibit “obtaining” alcohol in connection with making a false statement. See Del. Code Ann. tit. 4, § 904(b).*

### **False Identification for Obtaining Alcohol**

#### ***Provision(s) targeting minors***

- Use of a false ID to obtain alcohol is a criminal offense
- No driver’s license suspension procedure

### ***Provisions targeting retailers***

- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid

*Notes: Although Del. Admin. Code § 2 2000 2215 states that “persons under 21 years of age have noted on their licenses ‘Under 21,’” research revealed no Delaware statute or regulation expressly requiring distinguishing licenses for persons under 21 years of age. This requirement is probably the result of an uncodified administrative decision not published in the Code of Delaware Regulations. The Distinguishing Licenses provision for Delaware is therefore not included.*

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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 possession
- Underage consumption

### ***Authority to impose driver’s license sanction***

- Mandatory

### ***Length of suspension/revocation:***

- 30 days

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 16
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 10 p.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - One passenger, except for immediate family members
  - Primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND EITHER
- Parent/guardian OR
- Spouse

*Notes: Delaware's exception includes "members of the same family" and allows furnishing if in the "private home of any of said members." See Del. Code Ann. tit. 4, § 904.*

### **Responsible Beverage Service**

***Mandatory beverage service training for licensees, managers, servers:***

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

### **Minimum Ages for Off-Premises Sellers**

- Beer 21
- Wine 21
- Spirits 21

### **Minimum Ages for On-Premises Sellers**

- Beer 19 for servers and 21 for bartenders
- Wine 19 for servers and 21 for bartenders
- Spirits 19 for servers and 21 for bartenders

### **Dram Shop Liability**

There is no dram shop liability.

### **Social Host Liability**

There is no social host liability.

### **Host Party Laws**

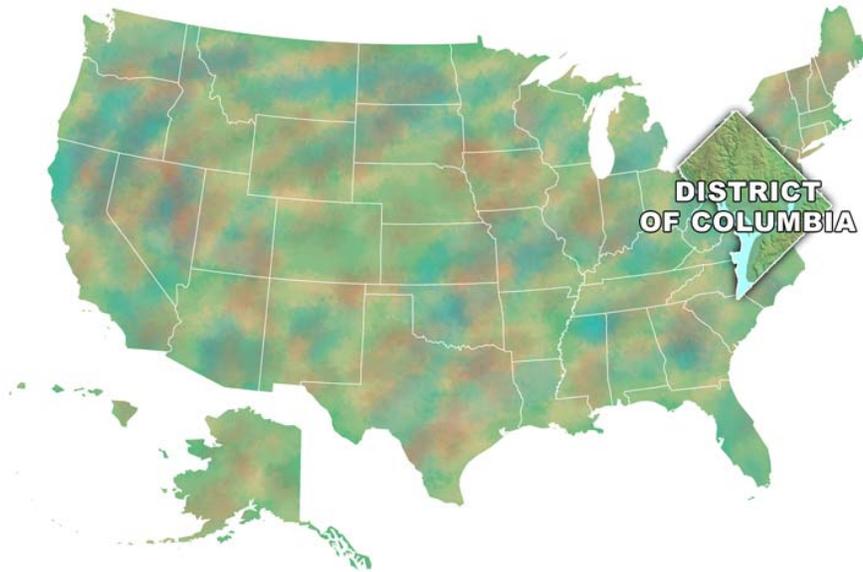
No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

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

### **Keg Registration**

Registration is not required.



## DISTRICT OF COLUMBIA

### State Profile and Underage Drinking Facts<sup>41</sup>

<b>State Population</b>	591,833	
<b>Population-Ages 12-20</b>	63,000	
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	32.7	20,000
Past-Month Binge Alcohol Use	22.7	14,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	5.2	1,000
Past-Month Binge Alcohol Use	1.9	000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	23.5	5,000
Past-Month Binge Alcohol Use	14.1	3,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	58.0	15,000
Past-Month Binge Alcohol Use	43.2	11,000

<sup>41</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		23
<b>Years of Potential Life Lost (under 21)</b>		1,353
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	0.0	0

## **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 and there is NO ALLOWANCE for youth 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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid

*Notes: The District of Columbia defines a “valid identification document” as “an official identification issued by an agency of government (local, state, Federal, or foreign) containing, at a minimum, the name, date of birth, signature, and photograph of the bearer.” See D.C. Code Ann. § 25-101(53). D.C. Code Ann. § 25-783(b) requires licensed establishments to “take steps reasonably necessary to ascertain” whether any person to whom an alcoholic beverages is served is of legal drinking age, and further provides that “[a]ny person who supplies a valid identification document showing his or her age to be the legal drinking age shall be deemed to be of legal drinking age.”*

## **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: 40 hours—Must log additional 10 hours of nighttime driving at intermediate stage with driver over 21

#### ***Intermediate stage***

- Minimum age: 16 years, 6 months
- Unsupervised night driving:
  - Prohibited September – June after 11 p.m. on Sunday – Thursday; 12:01 a.m. on Saturday – Sunday\
  - Prohibited July – August after 12:01 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - First 6 months, one licensed driver at least 21, and any parent or sibling
  - After 6 months, no more than 2 passengers under 21 (except parents or siblings) until age 18
  - Primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 18

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

#### ***Mandatory beverage service training for managers:***

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

### **Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

### **Minimum Ages for On-Premises Sellers**

- Beer 18 for servers and 21 for bartenders
- Wine 18 for servers and 21 for bartenders
- Spirits 18 for servers and 21 for bartenders

### **Dram Shop Liability**

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

### **Social Host Liability**

There is no social host liability.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

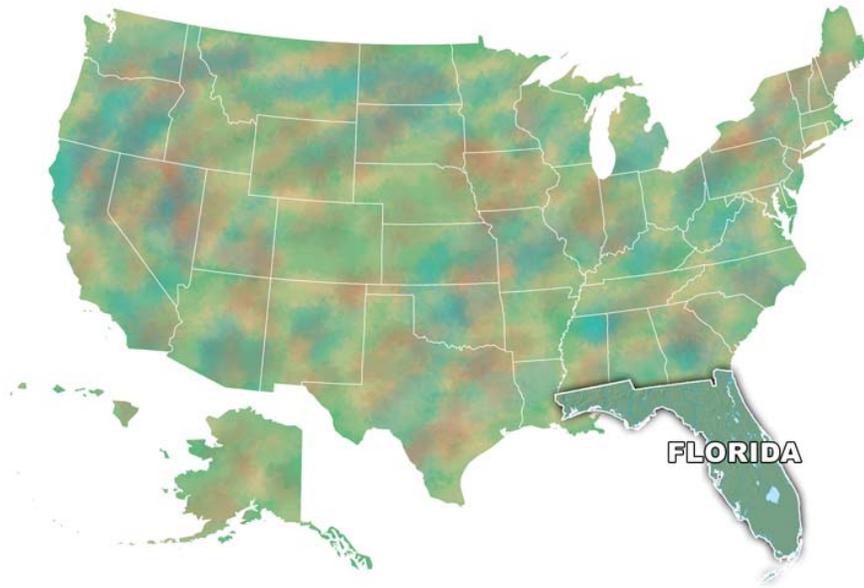
### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for beer, wine, and distilled spirits with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: None
- Reporting requirements: None
- Shipping label statement: None

### **Keg Registration**

- Keg definition: 4 gallons or more.
- Purchaser information collected:
  - Purchaser's name and address verified by a government-issued ID
  - Address where keg will be consumed
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit: not required
- Provisions specifically address disposable kegs



## FLORIDA

### State Profile and Underage Drinking Facts<sup>42</sup>

<b>State Population</b>	18,328,340	
<b>Population-Ages 12-20</b>	2,134,000	
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	27.9	595,000
Past-Month Binge Alcohol Use	17.6	376,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	6.8	45,000
Past-Month Binge Alcohol Use	2.9	19,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	25.1	184,000
Past-Month Binge Alcohol Use	15.4	113,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	49.0	366,000
Past-Month Binge Alcohol Use	32.7	244,000

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<sup>42</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		271
<b>Years of Potential Life Lost (under 21)</b>		16,118
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	21.0	107

## **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 not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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 18.

#### ***Type(s) of violation leading to driver’s license suspension, revocation, or denial:***

- Underage purchase
- Underage possession

***Authority to impose driver’s license sanction***

- Mandatory

***Length of suspension/revocation***

- Minimum: 180 days
- Maximum: 365 days

**Graduated Driver’s License**

***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 12 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 11 p.m. for drivers age 16
  - Prohibited after 1 a.m. for drivers age 17
  - Primary enforcement of the night driving rule
- There are no passenger restrictions

***License stage***

- Minimum age to lift restrictions: 18

**Laws Targeting Alcohol Suppliers**

**Furnishing of Alcohol to Minors**

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

**Responsible Beverage Service**

***Voluntary beverage service training***

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

***Incentives for training***

- Mitigation of fines or other administrative penalties for sales to minors
- Protection against license revocation for sales to minors

**Minimum Ages for Off-Premises Sellers**

- Beer Not specified
- Wine Not specified
- Spirits 18

### **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

### **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Willful and unlawful service to minor

### **Social Host Liability**

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

*Notes: Common law liability rests on violation of a criminal social host statute.*

### **Host Party Laws**

Social host law is specifically limited to underage drinking parties:

- Action by underage guest that triggers violation: possession, consumption
- Property type(s) covered by liability law: residence
- Standard for hosts' knowledge or action regarding the party: KNOWLEDGE—host must have actual knowledge of the occurrence
- Preventive action by the host negates the violation (see note)

*Notes: The “preventive action” provision in Florida requires the prosecution to prove that the host failed to take preventive action.*

### **Direct Sales/Shipments From Producers to Consumers**

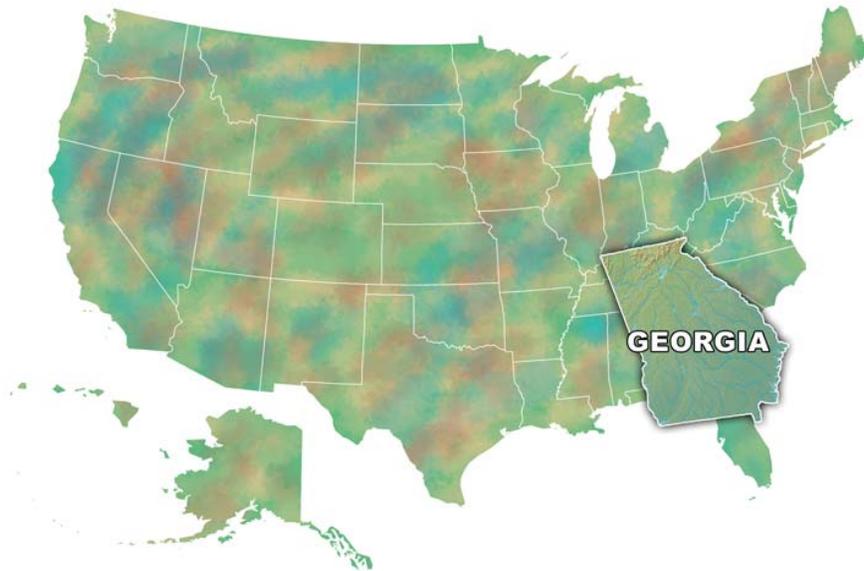
Direct sales/shipments from producers to consumers are not permitted.

*Notes: Although current law suggests that direct shipments of alcoholic beverages are prohibited, the Florida Department of Business and Professional Regulation's informal policy allows out-of-state wineries to make direct shipments of wine to Florida consumers. Florida statutes that purport to ban direct shipments are not being enforced pursuant to a stipulation entered into by the State in a law suit challenging the Constitutionality of the law. Fla. Stat. Ann. §§ 561.54, 561.545.*

*[http://www.flsenate.gov/data/Publications/2006/Senate/reports/interim\\_reports/pdf/2006-146rilong.pdf](http://www.flsenate.gov/data/Publications/2006/Senate/reports/interim_reports/pdf/2006-146rilong.pdf)*

### **Keg Registration**

Registration is not required.



## GEORGIA

### State Profile and Underage Drinking Facts<sup>43</sup>

<b>State Population</b>		9,685,744	
<b>Population-Ages 12-20</b>		1,234,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use		23.6	292,000
Past-Month Binge Alcohol Use		14.4	178,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use		5.0	19,000
Past-Month Binge Alcohol Use		1.2	4,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use		20.7	91,000
Past-Month Binge Alcohol Use		12.3	54,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use		43.2	182,000
Past-Month Binge Alcohol Use		28.3	119,000

<sup>43</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		156
<b>Years of Potential Life Lost (under 21)</b>		9,322
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	19.0	45

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian’s home AND
- Parent/guardian presence and consent

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Retailers are permitted to seize apparently false IDs
- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid

*Notes: In Georgia, the prohibition against furnishing to a minor does not apply when a retailer has been provided with “proper identification,” defined as “any document issued by a governmental agency containing a description of the person, such person’s photograph, or both, and giving such person’s date of birth.” When a reasonable or prudent person could reasonably be in doubt as to whether a customer is of legal drinking age, the retailer has a duty to request to see and to be furnished with proper identification in order to verify the customer’s age, and the failure to make such request and verification in the case of an underage person may be considered by the trier of fact in determining whether the retailer furnishing the alcoholic beverage did so knowingly. See Ga. Code Ann. § 3-3-23(d), (h).*

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit:
  - BAC at or above the limit 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

#### ***Authority to impose driver’s license sanction:***

- Mandatory

#### ***Length of suspension/revocation:***

- Minimum: 180 days
- Maximum: 180 days

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 12 months
- Minimum supervised driving requirement: 40 hours—6 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - First 6 months, immediate family only
  - Second 6 months, no more than one passenger under 21 who is not immediate family
  - After 1 year, no more than 3 passengers under 21 who are not immediate family
  - There is no primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 18

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian’s home AND
- Parent/guardian (details not specified)

## **Responsible Beverage Service**

No beverage service training requirement.

## **Minimum Ages for Off-Premises Sellers**

- Beer Not specified
- Wine Not specified
- Spirits Not specified

## **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

## **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Service with knowledge that customer was a minor and would soon be operating a motor vehicle.

*Notes: Consumption, not the sale or furnishing or serving, is the proximate cause of an injury.*

## **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Service with knowledge that customer was a minor and would soon be operating a motor vehicle.

*Notes: Consumption, not the furnishing or serving, is the proximate cause of an injury.*

## **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

## **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: Producer must verify age of purchaser
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: Producer must record/report purchaser's name
- Shipping label statement: Contains alcohol and Recipient must be 21

*Notes: Wineries that hold a Federal basic wine manufacturing permit, regardless of whether they are licensed by the State of Georgia, may also ship wines directly to consumers. The consumer must purchase the wine while physically present on the premises of the winery, and the winery must verify that the consumer is of the age to do so. Ga. Code Ann. § 3-6-32.*

## **Keg Registration**

Keg definition: more than 2 gallons.

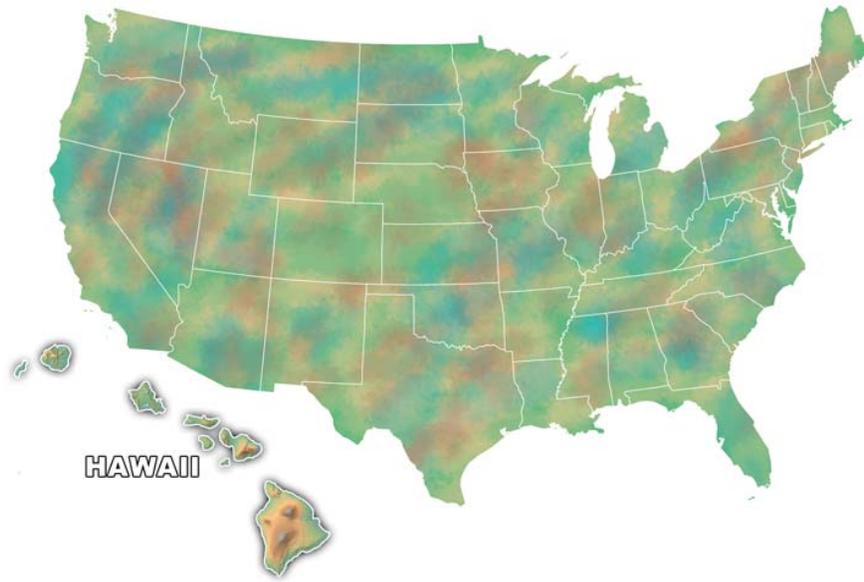
### ***Prohibited***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$1000 or 12 months
- Destroying the label on a keg—max. fine/jail: \$1000 or 12 months

### ***Purchaser information collected***

- Purchaser's name and address: verified by a government-issued ID
- Address where keg will be consumed
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit: not required
- Provisions do not specifically address disposable kegs

*Notes: Although Georgia does not require a retailer to record the number of a keg purchaser's ID, it does require the retailer to record the form of identification presented by the purchaser, as well as the purchaser's name, address, and date of birth.*



## HAWAII

### State Profile and Underage Drinking Facts<sup>44</sup>

<b>State Population</b>		1,288,198	
<b>Population-Ages 12-20</b>		143,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	23.4		34,000
Past-Month Binge Alcohol Use	16.0		23,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	4.7		2,000
Past-Month Binge Alcohol Use	2.1		1,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	22.4		11,000
Past-Month Binge Alcohol Use	14.8		7,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	44.5		20,000
Past-Month Binge Alcohol Use	32.4		15,000

<sup>44</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		11
<b>Years of Potential Life Lost (under 21)</b>		687
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	17.0	3

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

*Notes: Although Hawaii does not prohibit Internal Possession, beginning on June 19, 2006, it has a statutory provision that states that, “[n]o minor shall consume or purchase liquor and no minor shall consume or have liquor in the minor’s possession or custody in any public place, public gathering, or public amusement, at any public beach or public park, or in any motor vehicle on a public highway” and that “‘consume’ or ‘consumption’ includes the ingestion of liquor.” Haw. Rev. Stat. § 281-101.5.*

### **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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- General affirmative defense: the retailer came to a good faith or reasonable decision that the purchaser was 21 years or older; inspection of an identification card not required

*Notes: In Hawaii, the retailer has a defense to a charge of furnishing to a minor if, in making the sale or allowing the consumption of liquor by a minor, the retailer was misled by the appearance of the minor and the attending circumstances into honestly believing that the minor was of legal age, and if the retailer can prove that he or she acted in good faith.*

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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***

- Minimum: 180 days
- Maximum: Not specified

Use/lose penalties apply to minors under age 18:

#### ***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***

- Discretionary

#### ***Length of suspension/revocation***

- Minimum: 180 days
- Maximum: Not specified

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours – 10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 11 p.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:

- No more than one passenger under 18, except household members, unless accompanied by parent or guardian
- Primary enforcement of the passenger restriction rule

**License stage**

- Minimum age to lift restrictions: 17

**Laws Targeting Alcohol Suppliers**

**Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian (details not specified)

**Responsible Beverage Service**

No beverage service training requirement

**Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

*Notes: Liquor can be sold by persons 18 to 20 years of age only in licensed establishments where selling or serving the intoxicating liquor is part of the minor’s employment, and where there is proper supervision of these minor employees to ensure that the minors shall not consume the intoxicating liquor.*

**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

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

*Notes: Liquor can be sold or served by persons 18 to 20 years of age only in licensed establishments where selling or serving the intoxicating liquor is part of the minor’s employment, and where there is proper supervision of these minor employees to ensure that the minors shall not consume the intoxicating liquor. Persons below the age of 18 years may sell or serve liquor in individually specified licensed establishments found to be otherwise suitable by the liquor commission in which an approved program of job training and employment for dining*

*room waiters and waitresses is being conducted in cooperation with the University of Hawaii, the state community college system, or a federally sponsored personnel development and training program, under arrangements that ensure proper control and supervision of employees.*

### **Dram Shop Liability**

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

### **Social Host Liability**

Statutory liability exists.

*Notes: Defendant must be 21 years or older to be held liable.*

### **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
- Exception(s): family

### **Direct Sales/Shipments From Producers to Consumers**

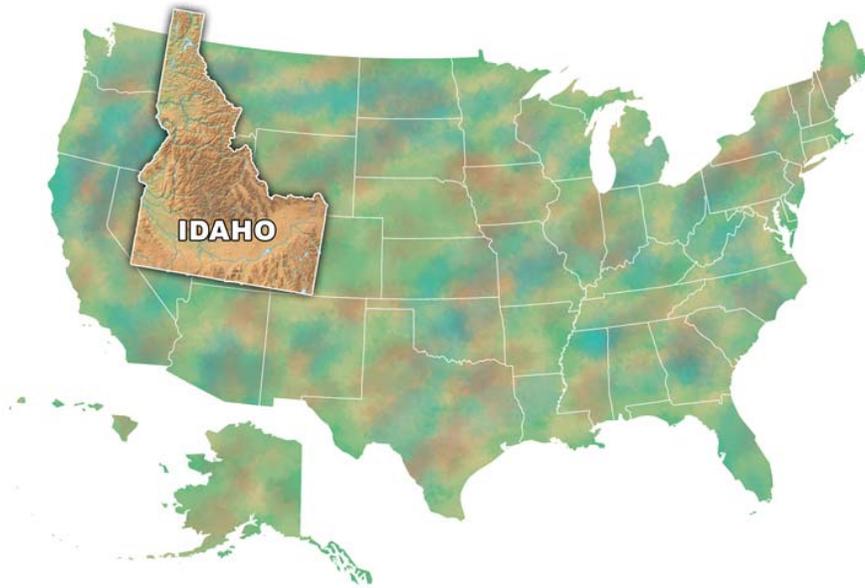
Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: None
- Shipping label statement: Contains alcohol and Recipient must be 21

*Notes: Any adult may obtain a State permit to receive one shipment of beer, wine or distilled spirits per year for personal use from outside the State, not to exceed five gallons. Only one permit is allowed per household.*

### **Keg Registration**

Registration is not required



## IDAHO

### State Profile and Underage Drinking Facts<sup>45</sup>

<b>State Population</b>		1,523,816	
<b>Population-Ages 12-20</b>		194,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use		21.5	42,000
Past-Month Binge Alcohol Use		15.5	30,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use		6.1	4,000
Past-Month Binge Alcohol Use		1.6	1,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use		22.1	14,000
Past-Month Binge Alcohol Use		17.1	11,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use		37.6	23,000
Past-Month Binge Alcohol Use		28.9	18,000

<sup>45</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		24
<b>Years of Potential Life Lost (under 21)</b>		1,405
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	29.0	13

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND
- Parent/guardian presence and consent

*Notes: Idaho’s exceptions relate specifically to the possession of beer or wine.*

### **Underage Consumption of Alcohol**

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

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

*Notes: Although Idaho does not prohibit Internal Possession, beginning on July 1, 2000, it has a statutory provision that makes it unlawful “[f]or any person under the age of twenty-one (21) years to purchase, attempt to purchase, possess, serve, dispense, or consume beer, wine or other alcoholic liquor” such that “[a] person shall also be deemed to “possess” alcohol that has been consumed by the person, without regard to the place of consumption.” Idaho Code § 23-949.*

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- No statutory affirmative defense: statutes do not provide an affirmative defense related to retailer’s belief that the minor was 21 years of age or older

*Notes: As of March 8, 2007, retailers are only required to deliver documents to law enforcement that have been lost or voluntarily surrendered; however, when presented with identification*

*documents that appear to be mutilated, altered, or fraudulent, they must contact law enforcement and refuse service.*

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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:***

- Minimum: Not specified
- Maximum: 365 days

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 15
- Unsupervised night driving:
  - No unsupervised driving ½ hour after sunset
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - Any licensee under 17 shall have no more than one passenger under 17, except relatives
  - Primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 16
- Passenger restrictions expire 6 months after issuance of license
- Unsupervised night driving restrictions remain until age 16

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

No beverage service training requirement.

### **Minimum Ages for Off-Premises Sellers**

- Beer 19
- Wine 19
- Spirits 19

### **Minimum Ages for On-Premises Sellers**

- Beer 19 for both servers and bartenders
- Wine 19 for both servers and bartenders
- Spirits 19 for both servers and bartenders

### **Dram Shop Liability**

Statutory liability exists.

### **Social Host Liability**

Statutory liability exists.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: Producer and common carrier must record/report purchaser's name
- Shipping label statement: Contains alcohol and recipient must be 21

### **Keg Registration**

Keg definition: 7.75 gallons or more.

#### ***Prohibited:***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$1000 or 6 months

#### ***Purchaser information collected***

- Purchaser's name and address
- Warning information to purchaser: not required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## ILLINOIS

### State Profile and Underage Drinking Facts<sup>46</sup>

<b>State Population</b>		12,901,563	
<b>Population-Ages 12-20</b>		1,647,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use		28.1	462,000
Past-Month Binge Alcohol Use		19.4	319,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use		6.2	32,000
Past-Month Binge Alcohol Use		2.8	15,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use		26.2	148,000
Past-Month Binge Alcohol Use		17.5	99,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use		50.8	282,000
Past-Month Binge Alcohol Use		37.0	206,000

<sup>46</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		207
<b>Years of Potential Life Lost (under 21)</b>		12,272
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	32.0	52

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND
- Parent/guardian presence and consent

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND
- Parent/guardian presence and consent

### **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 an administrative 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***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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***

- Discretionary

### ***Length of suspension/revocation:***

- Minimum: 0 days
- Maximum: 365 days

## **Graduated Driver’s License**

### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 9 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 10 p.m.—11 p.m. on Friday and Saturday
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one passenger under 20, except for siblings and children
  - Primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 18
- Passenger restrictions expire 12 months after issuance of license
- Unsupervised night driving restrictions remain until age 18

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

#### ***Voluntary beverage service training:***

- Applies to both on-sale and off-sale establishments
- The law does not specify new or existing outlets

### **Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

### **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

### **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$45,000 limit for injury to person or property and \$55,000 limit for loss of means of support. Both amounts indexed to inflation rate since 1998.

### **Social Host Liability**

There is no social host liability.

### **Host Party Laws**

The state has two Host Party Laws. Social host law is not specifically limited to underage drinking parties:

- Action by underage guest that triggers violation: consumption
- Property type(s) covered by liability law: residence
- Standard for hosts' knowledge or action regarding the party: KNOWLEDGE—host must have actual knowledge of the occurrence
- Exception(s): family

*Notes: Until August 31, 2007, under 235 Ill. Comp. Stat. 5/6-16(a-1), a person committed a social host offense if one was a parent or guardian and permitted one's residence to be used by an underage invitee of one's child or ward in a manner that violated the statute. An offense under 235 Ill. Comp. Stat. 5/6-16(a-1) was deemed to have occurred if a parent or guardian knowingly authorized, enabled, or permitted the prohibited use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence. Thus, the "preventive action" provision in Illinois required the prosecution to prove that the host failed to take preventive action. This preventive action provision was eliminated as of August 31, 2007. The prohibition continues to be limited to parents and guardians.*

## **Host Party Laws**

The state has two Host Party Laws. Social host law is not specifically limited to underage drinking parties:

- Action by underage guest that triggers violation: consumption
- Property type(s) covered by liability law: other
- Standard for hosts' knowledge or action regarding the party: OVERT ACT—host must have actual knowledge and commit an act that contributes to the occurrence

*Notes: Under 235 Ill. Comp. Stat. 5/6-16(d), a person commits a social host offense by renting a hotel or motel room for the purpose of or with the knowledge that such room be used for the consumption of alcoholic liquor by underage persons.*

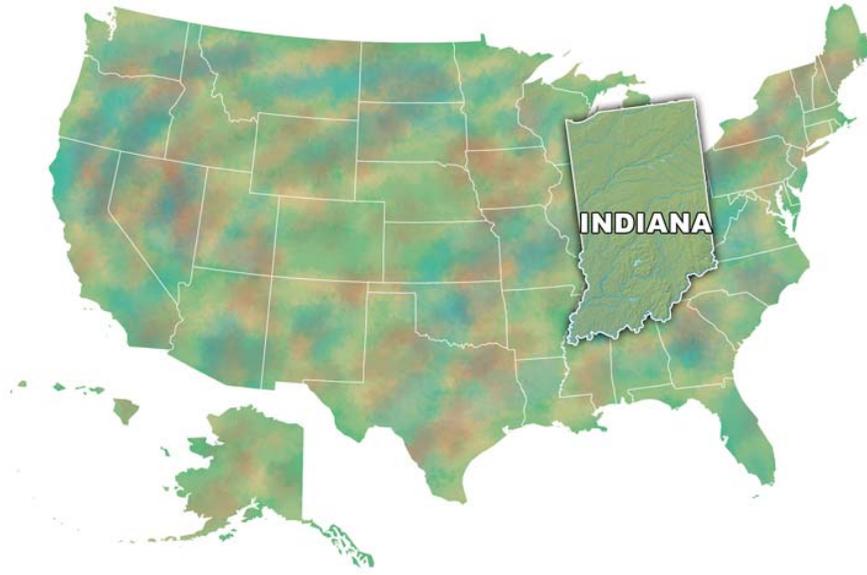
## **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: Producer and common carrier must record/report purchaser's name
- Shipping label statement: Contains alcohol and Recipient must be 21

## **Keg Registration**

Registration is not required.



## INDIANA

### State Profile and Underage Drinking Facts<sup>47</sup>

<b>State Population</b>		6,376,792	
<b>Population-Ages 12-20</b>		826,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	25.1		207,000
Past-Month Binge Alcohol Use	17.7		146,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	5.2		14,000
Past-Month Binge Alcohol Use	2.0		5,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	23.4		65,000
Past-Month Binge Alcohol Use	16.3		45,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	45.1		128,000
Past-Month Binge Alcohol Use	33.5		95,000

<sup>47</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		100
<b>Years of Potential Life Lost (under 21)</b>		6,006
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	24.0	39

## **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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- General affirmative defense: the retailer came to a good faith or reasonable decision that the purchaser was 21 years or older; inspection of an identification card not required

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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

***Authority to impose driver’s license sanction***

- Mandatory

***Length of suspension/revocation***

- Minimum: 90 days
- Maximum: 365 days

**Graduated Driver’s License**

***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 2 months
- There is no minimum supervised driving requirement

***Intermediate stage***

- Minimum age: 16 years, 30 days
- Unsupervised night driving:
  - Prohibited after 11 p.m. on weekdays
  - Prohibited after 1 a.m. on Saturday and Sunday
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No passengers, unless accompanied by parent or a licensed driver at least 21 years old
  - Primary enforcement of the passenger restriction rule

***License stage***

- Minimum age to lift restrictions: 18
- Passenger restrictions expire 90 days after issuance of intermediate license
- Unsupervised night driving restrictions remain until age 18

**Laws Targeting Alcohol Suppliers**

**Furnishing of Alcohol to Minors**

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

**Responsible Beverage Service**

***Mandatory beverage service training for licensees, managers, servers:***

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

**Minimum Ages for Off-Premises Sellers**

- Beer 19
- Wine 19
- Spirits 19

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

#### **Minimum Ages for On-Premises Sellers**

- Beer 19 for servers and 21 for bartenders
- Wine 19 for servers and 21 for bartenders
- Spirits 19 for servers and 21 for bartenders

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

#### **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Knowledge of intoxication.

#### **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Knowledge of intoxication.

#### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

#### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Consumer must make at least one trip to producer's place of business to verify age before any direct shipments are permitted.

#### ***Age verification requirements***

- Producer must verify age of purchaser
- Common carrier must verify age of recipient

#### ***State approval/permit requirements***

- Producer/shipper must obtain State permit
- State must approve common carrier

#### ***Reporting requirements***

- Producer must record/report purchaser's name

#### ***Shipping label statement***

- Contains alcohol
- Recipient must be 21

*Notes: Brewers who manufacture not more than 20,000 barrels of beer in a single calendar year may ship up to one-half barrel of beer directly to Indiana consumers without being subject to the restrictions placed on wine shipments. Ind. Code § 7.1-3-2-7*

## **Keg Registration**

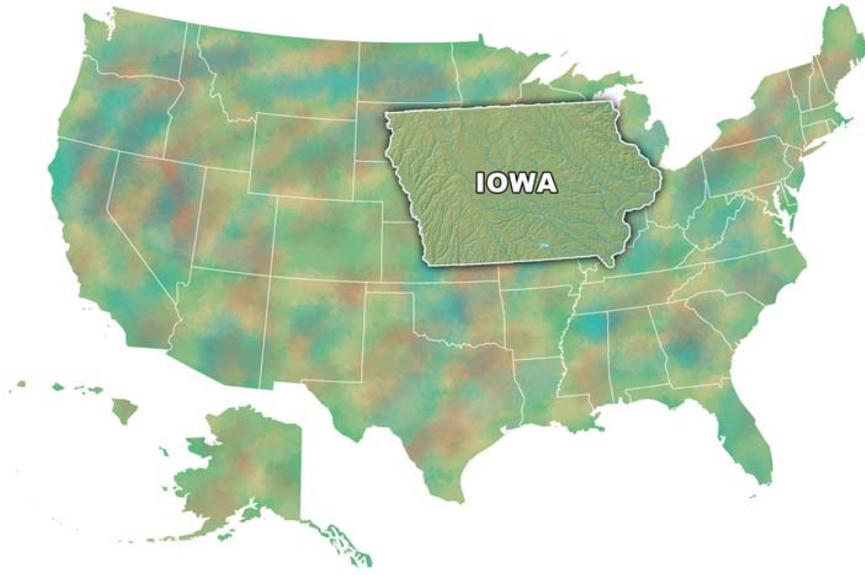
Keg definition: at least 7 3/4 gallons.

### ***Prohibited***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$1000

### ***Purchaser information collected***

- Purchaser's name and address—verified by a government-issued ID
- Warning information to purchaser: not required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## IOWA

### State Profile and Underage Drinking Facts<sup>48</sup>

<b>State Population</b>		3,002,555	
<b>Population-Ages 12-20</b>		373,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	29.6		110,000
Past-Month Binge Alcohol Use	21.2		79,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	5.6		7,000
Past-Month Binge Alcohol Use	2.3		3,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	26.4		33,000
Past-Month Binge Alcohol Use	17.9		22,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	55.2		71,000
Past-Month Binge Alcohol Use	42.0		54,000

<sup>48</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		36
<b>Years of Potential Life Lost (under 21)</b>		2,154
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	16.0	11

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND
- Parent/guardian presence and consent

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

*Notes: CONSUMPTION: Iowa law does not specifically prohibit consumption of alcohol by persons under 21. Iowa does, however, have a general statute prohibiting the use or consumption of alcohol by any person in a public place. In addition, Iowa law provides that if a child, defined as a person under 18 years of age, is found to have violated the general prohibition against consumption of alcohol in a public place, the child's driver's license or operating privilege may be suspended or revoked for a period of one year. For more information, see Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws).*

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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 or administrative procedure

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Retailers are permitted to seize apparently false IDs
- General affirmative defense: the retailer came to a good faith or reasonable decision that the purchaser was 21 years or older; inspection of an identification card not required

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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 18.

#### ***Type(s) of violation leading to driver’s license suspension, revocation, or denial***

- Underage purchase
- Underage consumption

#### ***Authority to impose driver’s license sanction***

- Discretionary

#### ***Length of suspension/revocation***

- 365 days

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 14
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 20 hours—2 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12:30 a.m.
  - Primary enforcement of the night driving rule
- There are no passenger restrictions

#### ***License stage***

- Minimum age to lift restrictions: 17

*Notes: In addition to the supervised driving requirement at the learner’s stage, Iowa requires an intermediate license holder to complete 10 hours of supervised driving with two of these hours being at night.*

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND
- Parent/guardian (details not specified)

## **Responsible Beverage Service**

No beverage service training requirement.

## **Minimum Ages for Off-Premises Sellers**

- Beer 16
- Wine 16
- Spirits 18

## **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

## **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Server should have known that minor was intoxicated or was going to become intoxicated.

## **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Social host should have known that minor was intoxicated or was going to become intoxicated.

## **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

## **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: None
- Reporting requirements: None
- Shipping label requirements: Contains alcohol

*Notes: Direct sales/shipments permitted only for wineries in States that afford Iowa wineries a reciprocal shipping privilege.*

## **Keg Registration**

Keg definition: at least 5 gallons.

Prohibited:

- Destroying the label on a keg—max. fine/jail: \$625 or 30 days

### ***Purchaser information collected:***

- Purchaser's name and address: verified by a government-issued ID
- Warning information to purchaser: passive—no purchaser action required
- Deposit: not required
- Provisions specifically address disposable kegs



## KANSAS

### State Profile and Underage Drinking Facts<sup>49</sup>

<b>State Population</b>		2,802,134
<b>Population-Ages 12-20</b>		356,000
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	30.0	107,000
Past-Month Binge Alcohol Use	21.2	75,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	8.0	9,000
Past-Month Binge Alcohol Use	3.4	4,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	26.8	33,000
Past-Month Binge Alcohol Use	19.2	23,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	53.1	65,000
Past-Month Binge Alcohol Use	39.1	48,000

<sup>49</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		47
<b>Years of Potential Life Lost (under 21)</b>		2,834
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	31.0	21

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

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

*Notes: Kansas has an exception permitting persons under 21 years of age to possess alcohol but the exception applies only to cereal malt beverages (defined as any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but not including any such liquor which is more than 3.2 percent ABW).*

### **Underage Consumption of Alcohol**

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

*Notes: Kansas has an exception permitting persons under 21 years of age to consume alcohol but the exception applies only to cereal malt beverages (defined as any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but not including any such liquor which is more than 3.2 percent ABW).*

### **Internal Possession by Minors**

Internal possession is prohibited—no explicit exceptions noted in the law.

*Notes: Kansas has an exception permitting persons under 21 years of age to possess or consume alcohol but the exception applies only to cereal malt beverages (defined as any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but not including any such liquor which is more than 3.2 percent ABW).*

### **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
- No driver's license suspension procedure

#### ***Provision(s) targeting suppliers***

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

### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.0
  - BAC at or above the limit 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***

- 30 days

## **Graduated Driver’s License**

### ***Learner stage***

- Minimum entry age: 14
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Night driving is not restricted
- There are no passenger restrictions

### ***License stage***

- Minimum age to lift restrictions: 16

*Notes: Kansas has a “restricted license” which allows unsupervised 15 year olds to drive to and from school or work using the most direct route possible. They must have completed driver’s education, held an instruction permit for 6 months, completed 25 hours of supervised driving with an additional 25 hours of driving prior to age 16, and obtained parental consent. They must not operate the vehicle with nonsibling minor passengers.*

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

*Notes: Kansas has an exception permitting the furnishing by a parent or legal guardian to a child or ward but the exception only applies to cereal malt beverages (defined as any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but not including any liquor which is more than 3.2 percent ABW).*

### **Responsible Beverage Service**

No beverage service training requirement.

### **Minimum Ages for Off-Premises Sellers**

- Beer 21
- Wine 21
- Spirits 21

### **Minimum Ages for On-Premises Sellers**

- Beer 18 for servers and 21 for bartenders
- Wine 18 for servers and 21 for bartenders
- Spirits 18 for servers and 21 for bartenders

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

### **Dram Shop Liability**

There is no dram shop liability.

### **Social Host Liability**

There is no social host liability.

### **Host Party Laws**

Social host law is specifically limited to underage drinking parties:

- Action by underage guest that triggers violation: possession, consumption
- 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
- Exception(s): family, resident

*Notes: As of May 24, 2007, Kansas's "unlawful hosting" provision applies to possession or consumption by minors, which is any person under 21 years of age. Prior to May 24, 2007,*

*Kansas's "unlawful hosting" provision only applied to possession or consumption by persons under the age of 18.*

**Direct Sales/Shipments From Producers to Consumers**

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

**Keg Registration**

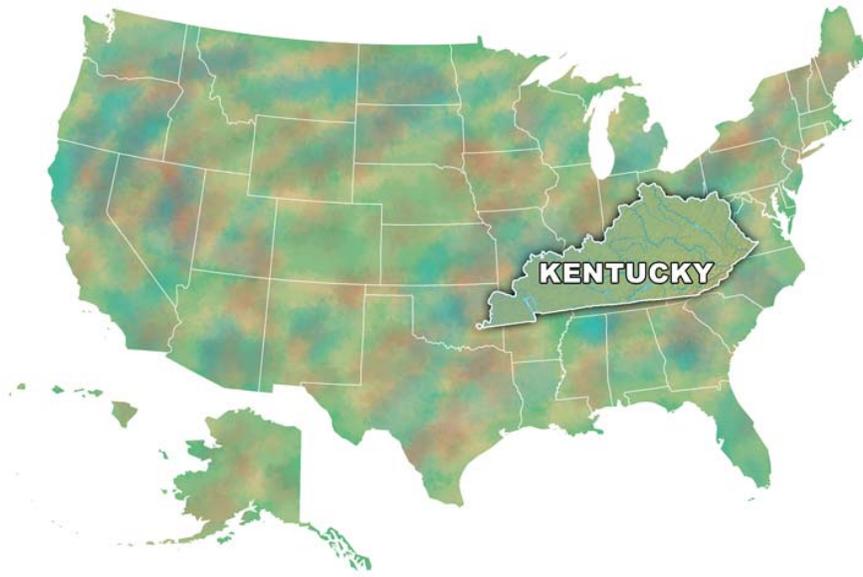
Keg definition: 4 or more gallons.

***Prohibited***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$1000 or 6 months
- Destroying the label on a keg—max. fine/jail: \$1000 or 6 months

***Purchaser information collected***

- Purchaser's name and address: verified by a government-issued ID
- Warning information to purchaser: not required
- Deposit: not required
- Provisions specifically address disposable kegs



## KENTUCKY

### State Profile and Underage Drinking Facts<sup>50</sup>

<b>State Population</b>	4,269,245	
<b>Population-Ages 12-20</b>	508,000	
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	26.7	136,000
Past-Month Binge Alcohol Use	17.9	91,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	5.5	9,000
Past-Month Binge Alcohol Use	2.6	4,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	22.4	40,000
Past-Month Binge Alcohol Use	16.0	29,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	51.4	87,000
Past-Month Binge Alcohol Use	34.4	58,000

<sup>50</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		75
<b>Years of Potential Life Lost (under 21)</b>		4,453
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	9.0	13

## **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 not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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

#### ***Provisions targeting retailers***

- Underage licenses are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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”)**

No use/lose law.

## **Graduated Driver's License**

### ***Learner stage***

- Minimum entry age: 16
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 60 hours—10 of which must be at night

### ***Intermediate stage***

- Minimum age: 16 years, 6 months
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one passenger under 20, unless supervised by instructor
  - There is no primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian (details not specified)

### **Responsible Beverage Service**

No beverage service training requirement.

### **Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 20
- Spirits 20

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

*Notes: Although 20 years of age is the minimum age requirement to sell alcoholic beverages at both off-sale and on-sale establishments, 18-year-olds may stock, arrange displays, accept payment for, and sack malt beverages by the package, under the supervision of a person 20 years of age or older.*

### **Minimum Ages for On-Premises Sellers**

- Beer 20 for both servers and bartenders
- Wine 20 for both servers and bartenders
- Spirits 20 for both servers and bartenders

### **Dram Shop Liability**

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

### **Social Host Liability**

There is no social host liability.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

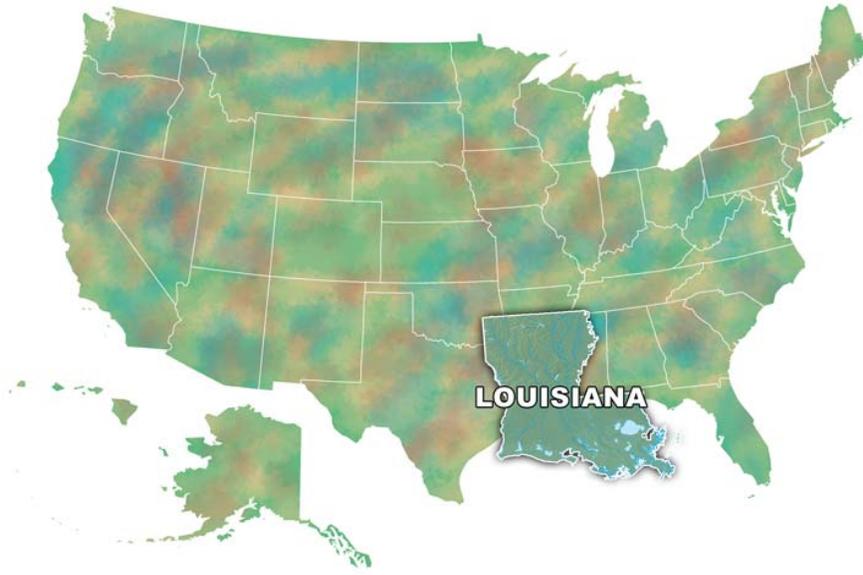
Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: Producer/shipper must obtain State permit and State must approve common carrier
- Reporting requirements: None
- Shipping label statement: None

*Notes: Kentucky's laws permitted direct wine shipments provided the customer purchased the wine at the producer's place of business. This provision was ruled unconstitutional as violating the U.S. Constitution's interstate commerce clause. The remainder of the statutory scheme was upheld. Cherry Hill Vineyards, LLC v. Hudgins (W.D.Ky. 2006) 488 F.Supp.2d 601, affirmed by Cherry Hill Vineyards, LLC v. Lilly, 553 F.3d 423, 424+ (6th Cir.(Ky.) Dec 24, 2008) (NO. 07-5128).*

### **Keg Registration**

Registration is not required.



## LOUISIANA

### State Profile and Underage Drinking Facts<sup>51</sup>

<b>State Population</b>		4,410,796	
<b>Population-Ages 12-20</b>		584,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	29.5		172,000
Past-Month Binge Alcohol Use	17.5		102,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	7.5		14,000
Past-Month Binge Alcohol Use	4.3		8,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	27.7		53,000
Past-Month Binge Alcohol Use	16.6		32,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	51.0		105,000
Past-Month Binge Alcohol Use	30.2		62,000

<sup>51</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		123
<b>Years of Potential Life Lost (under 21)</b>		7,300
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	23.0	34

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence OR
- Parent/guardian presence and consent OR
- Spouse

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence OR
- Parent/guardian presence and consent OR
- Spouse

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid

*Notes: In Louisiana, beginning January 1, 2000, and thereafter, special identification cards issued to applicants less than twenty-one years of age shall contain a highly visible distinctive color to clearly indicate that the card has been issued to an applicant less than twenty-one years of age. Special identification cards are to be accepted as valid identification of the person to whom it was issued but does not enable the person to whom it is issued to operate a motor vehicle. La. Rev. Stat. Ann. § 40:1321.*

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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***

- Minimum: 90 days
- Maximum: 365

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 35 hours

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 11 p.m.
  - Primary enforcement of the night driving rule
- There are no passenger restrictions

#### ***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian OR
- Spouse

## **Responsible Beverage Service**

### ***Mandatory beverage service training for managers, servers:***

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

### **Minimum Ages for Off-Premises Sellers**

- Beer Not specified
- Wine Not specified
- Spirits Not specified

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

### **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

### **Dram Shop Liability**

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

### **Social Host Liability**

There is no social host liability.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

Permitted for wine with the following restrictions:

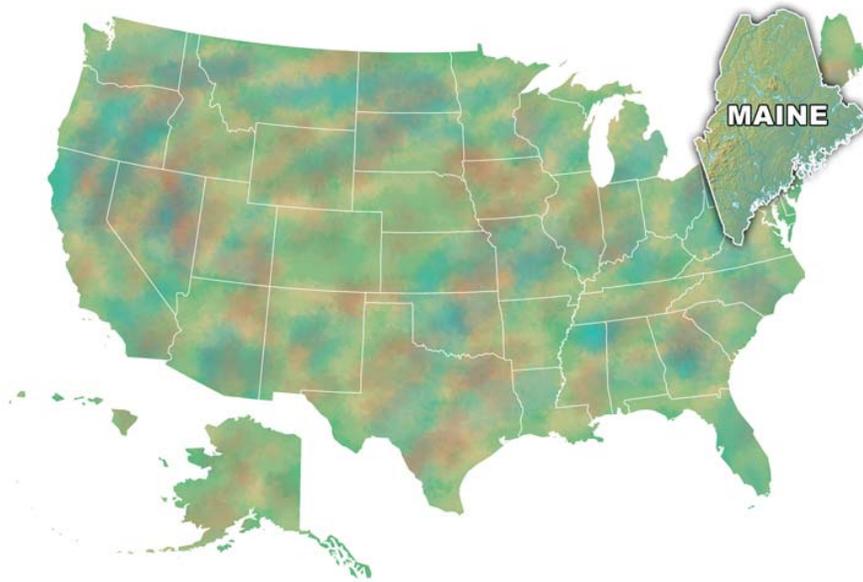
- Age verification requirements: None
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: Producer and common carrier must record/report purchaser's name
- Shipping label statement: Contains alcohol and Recipient must be 21

### **Keg Registration**

Keg definition: 4 or more gallons.

### ***Purchaser information collected:***

- Purchaser's name and address: verified by a government-issued ID
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit: not required
- Provisions do not specifically address disposable kegs



## MAINE

### State Profile and Underage Drinking Facts<sup>52</sup>

<b>State Population</b>		1,316,456	
<b>Population-Ages 12-20</b>		162,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	30.8		50,000
Past-Month Binge Alcohol Use	20.5		33,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	6.3		3,000
Past-Month Binge Alcohol Use	2.9		2,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	29.0		15,000
Past-Month Binge Alcohol Use	16.3		9,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	54.9		31,000
Past-Month Binge Alcohol Use	40.6		23,000

<sup>52</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		14
<b>Years of Potential Life Lost (under 21)</b>		853
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	28.0	5

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND
- Parent/guardian presence

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND
- Parent/guardian presence

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Retailers are permitted to seize apparently false IDs
- No statutory affirmative defense: statutes do not provide an affirmative defense related to retailer's belief that the minor was 21 years of age or older

*Notes: In Maine, the Provisions Targeting Suppliers apply to acts prohibited by minors. The more general laws that address adults are not collected here as they are not specific to the lending, transfer, sale, or production of false identification for a minor's obtaining alcoholic beverages.*

## **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”)**

No Use/Lose law.

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 35 hours—5 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - Immediate family members only, unless accompanied by licensed driver who is at least 20 years old
  - Primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 16 years, 180 days

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND
- Parent/guardian (details not specified)

### **Responsible Beverage Service**

#### ***Voluntary beverage service training:***

- The law does not specify on- or off-sale establishments
- The law does not specify new or existing outlets

#### ***Incentive for training:***

- Defense in dram shop liability lawsuits

### **Minimum Ages for Off-Premises Sellers**

- Beer 17
- Wine 17
- Spirits 17

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

### **Minimum Ages for On-Premises Sellers**

- Beer 17 for both servers and bartenders
- Wine 17 for both servers and bartenders
- Spirits 17 for both servers and bartenders

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

### **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$250,000 plus medical care and treatment costs.

*Notes: 28-A MRSA 2515 includes a responsible beverage service defense.*

### **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$250,000 plus medical care and treatment costs.

### **Host Party Laws**

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

- Action by underage guest that triggers violation: possession, consumption
- 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
- Exception(s): family

### **Direct Sales/Shipments From Producers to Consumers**

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

### **Keg Registration**

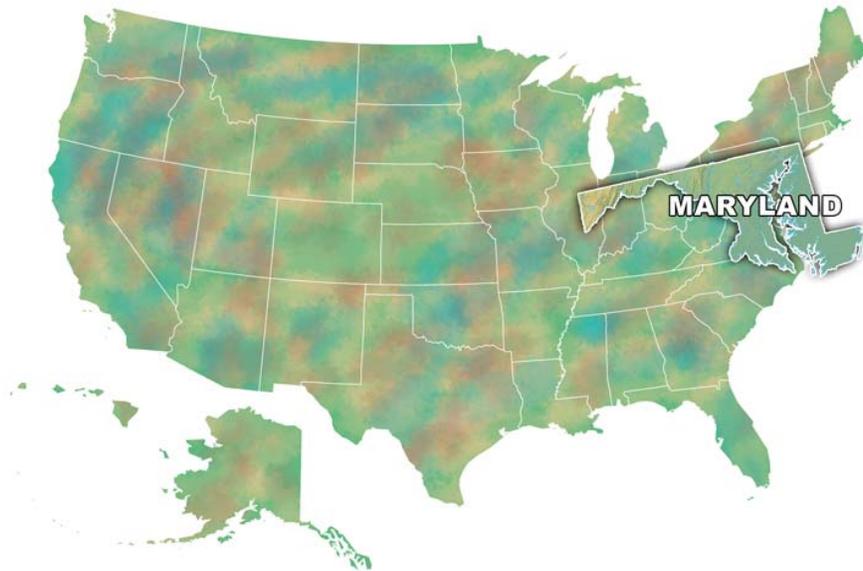
Keg definition: at least 7.75 gallons.

#### ***Prohibited***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$500
- Destroying the label on a keg—max. fine/jail: \$1000 or 6 months

#### ***Purchaser information collected***

- Purchaser's name and address
- Warning information to purchaser: passive—no purchaser action required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## MARYLAND

### State Profile and Underage Drinking Facts<sup>53</sup>

<b>State Population</b>		5,633,597	
<b>Population-Ages 12-20</b>		711,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use		27.3	194,000
Past-Month Binge Alcohol Use		17.0	121,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use		6.0	15,000
Past-Month Binge Alcohol Use		2.9	7,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use		23.6	54,000
Past-Month Binge Alcohol Use		15.5	36,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use		53.7	125,000
Past-Month Binge Alcohol Use		33.6	78,000

<sup>53</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		99
<b>Years of Potential Life Lost (under 21)</b>		5,869
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	15.0	16

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian consent

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and youth cannot 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

#### *Provisions targeting retailers*

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid

*Notes: In Maryland, a licensee or employee of the licensee may not be found guilty of underage furnishing if the person establishes to the satisfaction of the jury or the court sitting as a jury that the person used due caution to establish that the person under 21 years of age was not, in fact, a person under 21 years of age if a nonresident of the State. This constitutes a general affirmative. In contrast, if the person is a resident of the State of Maryland, the licensee or employee of the licensee may accept, as proof of a person's age, the person's driver's license or identification card as provided for in the Maryland Vehicle Law. In addition, beginning October 1, 2006, the licensee or employee of the licensee may accept, as proof of a person's age, a United States military identification card. See Md. Ann. Code, Art. 2B, § 12-108(a)(3)(ii)-(iii).*

## **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 18.

### ***Type(s) of violation leading to driver’s license suspension, revocation, or denial***

- Underage possession

### ***Authority to impose driver’s license sanction***

- Discretionary

### ***Length of suspension/revocation***

- Minimum: 30 days
- Maximum: 90 days

## **Graduated Driver’s License**

### ***Learner stage***

- Minimum entry age: 15 years, 9 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 60 hours—10 of which must be at night

### ***Intermediate stage***

- Minimum age: 16 years, 3 months
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No passengers under 18, except relatives
  - There is no primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 17 years, 9 months
- Passenger restrictions expire 151 days after issuance of intermediate license
- Unsupervised night driving restrictions remain until age 17 years and 9 months if full licensure is obtained

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND EITHER
- Parent/guardian OR
- Spouse

*Notes: Maryland’s exception allows furnishing of alcohol to minors by members of their “immediate family” when the alcoholic beverage is furnished and consumed “in a private residence or within the curtilage of the residence.” See Md. Code Ann., Crim. Law § 10-117(c)(1) beginning October 1, 2002, and Md. Ann. Code 1957 art. 27, § 401A(c)(1) prior to October 1, 2002.*

## **Responsible Beverage Service**

### ***Mandatory beverage service training for licensees, managers:***

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

### **Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 21

*Notes: Maryland statutes allow for exceptions by specific localities within Maryland that may have more or less restrictive laws on the age to sell or serve alcoholic beverages.*

### **Minimum Ages for On-Premises Sellers**

- Beer 18 for both servers and bartenders
- Wine 18 for both servers and bartenders
- Spirits 18 for servers and 21 for bartenders

*Notes: Maryland statutes allow for exceptions by specific localities within Maryland that may have more or less restrictive laws on the age to sell or serve alcoholic beverages.*

### **Dram Shop Liability**

There is no dram shop liability.

### **Social Host Liability**

There is no 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, consumption
- 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
- Exception(s): family

### **Direct Sales/Shipments From Producers to Consumers**

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

### **Keg Registration**

Keg definition: at least 4 gallons.

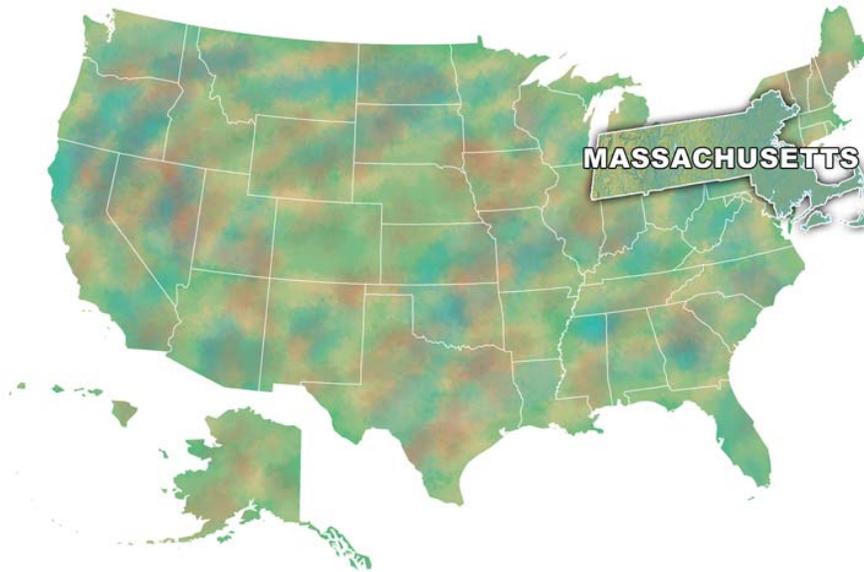
#### ***Prohibited:***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$500 (\$1000 if repeat violation)
- Destroying the label on a keg—max. fine/jail: \$500 (\$1000 if repeat violation)

***Purchaser information collected:***

- Purchaser's name and address: verified by a government-issued ID
- Warning information to purchaser: not required
- Deposit: not required
- Provisions specifically address disposable kegs

*Notes: Although Maryland does not require a retailer to record the number of a keg purchaser's ID, it does require that the purchaser's name and address be recorded as they appear on the purchaser's identification. Effective July 1, 2008, retailers in Prince George's County must also record the purchaser's identification number.*



## MASSACHUSETTS

### State Profile and Underage Drinking Facts<sup>54</sup>

<b>State Population</b>		6,497,967	
<b>Population-Ages 12-20</b>		796,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use		33.2	264,000
Past-Month Binge Alcohol Use		23.5	187,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use		4.5	11,000
Past-Month Binge Alcohol Use		1.5	4,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use		31.0	80,000
Past-Month Binge Alcohol Use		19.8	51,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use		60.2	173,000
Past-Month Binge Alcohol Use		46.1	133,000

<sup>54</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		55
<b>Years of Potential Life Lost (under 21)</b>		3,274
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	35.0	24

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian presence and consent

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and youth cannot 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***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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”)**

The state has two 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 possession

***Authority to impose driver's license sanction***

- Mandatory

***Length of suspension/revocation***

- 90 days

Use/lose penalties apply to minors under age 21.

***Type(s) of violation leading to driver's license suspension, revocation, or denial***

- Underage purchase

***Authority to impose driver's license sanction***

- Mandatory

***Length of suspension/revocation***

- 180 days

**Graduated Driver's License**

***Learner stage***

- Minimum entry age: 16
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement:
  - 40 hours
  - 30 hours of supervised driving if applicant completes driver skills program

***Intermediate stage***

- Minimum age: 16 years, 6 months
- Unsupervised night driving:
  - Prohibited after 12:30 a.m.
  - Primary enforcement of the night driving rule—Exception: secondary enforcement between 12:30 a.m. and 1:00 a.m. and between 4:00 a.m. and 5:00 a.m.
- Passenger restrictions exist:
  - No unrelated passengers under 18, unless supervised by licensed driver over 21
  - Primary enforcement of the passenger restriction rule

***License stage***

- Minimum age to lift restrictions: 18
- Passenger restrictions expire 6 months after issuance of intermediate license
- Unsupervised night driving restrictions remain until full licensure is obtained

**Laws Targeting Alcohol Suppliers**

**Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian OR
- Spouse

## **Responsible Beverage Service**

No beverage service training requirement.

## **Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

## **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

## **Dram Shop Liability**

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

## **Social Host Liability**

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
- Exception(s): family

## **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: Common carrier must verify age of recipient
- State approval/permit requirements: Producer/shipper must obtain State permit; State must approve common carrier.
- Reporting requirements: Producer and common carrier must record/report purchaser's name
- Shipping label statement: Contains alcohol and Recipient must be 21

*Notes: Current law provides that a winery that produces 30,000 gallons of wine or more may obtain a direct shipment only if the winery has not contracted with or has not been represented by a Massachusetts wholesaler licensed for the preceding 6 months. There is no such requirement on wineries producing less than 30,000 gallons, which includes all wineries in the state of Massachusetts. This provision was ruled unconstitutional in a Federal District Court on November 19, 2008, and has been appealed to the 1st Circuit U.S. Court of Appeals.*

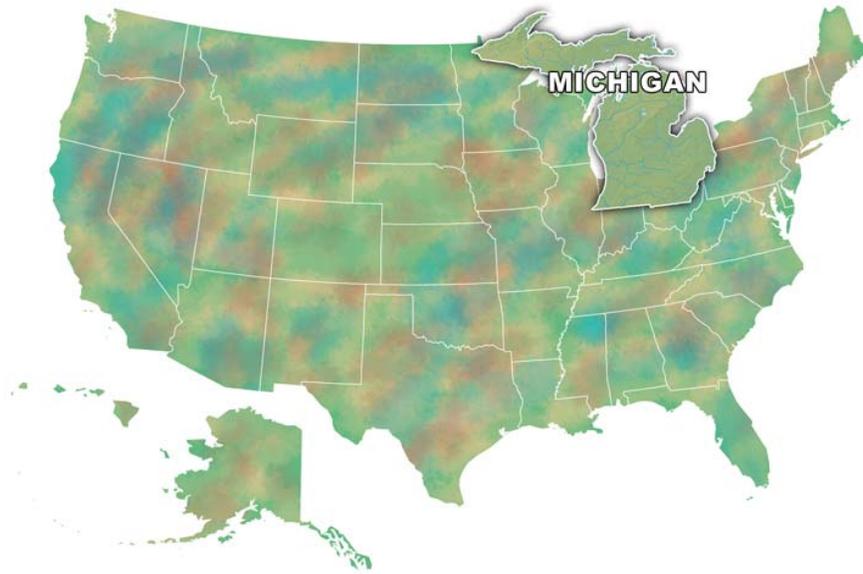
## **Keg Registration**

Keg definition: more than 2 gallons.

### ***Purchaser information collected:***

- Purchaser's name and address
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit required: \$5
- Provisions do not specifically address disposable kegs

*Notes: The deposit provisions in Massachusetts require that a purchaser pay the following: (a) a container fee of not less than \$10.00 for each keg having a capacity of six or more gallons and of not less than \$1.00 for each container having a capacity of less than six gallons; and (b) a registration fee of \$10.00 for each keg having a capacity of six or more gallons and of \$4.00 for each keg having a capacity of less than six gallons. The comparison tables display the minimum required amount.*



## MICHIGAN

### State Profile and Underage Drinking Facts<sup>55</sup>

<b>State Population</b>		10,003,422	
<b>Population-Ages 12-20</b>		1,323,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	28.7		380,000
Past-Month Binge Alcohol Use	19.0		252,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	6.3		27,000
Past-Month Binge Alcohol Use	2.7		12,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	24.7		111,000
Past-Month Binge Alcohol Use	15.5		70,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	55.1		241,000
Past-Month Binge Alcohol Use	39.0		171,000

<sup>55</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		143
<b>Years of Potential Life Lost (under 21)</b>		8,565
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	27.0	48

## **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 prohibited—no explicit exceptions noted in the law.

### **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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid

*Notes: Prior to July 1, 2003, Michigan's operator's licenses and official state personal identification cards issued to a person who at the time of application was 20-1/2 years of age or less, indicated that the cardholder was less than 21 years of age.*

## **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”)**

No Use/Lose law.

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 14 years, 9 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - Primary enforcement of the night driving rule
- There are no passenger restrictions

#### ***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited—no explicit exceptions noted in the law. There is an affirmative defense if the minor is not charged.

### **Responsible Beverage Service**

#### ***Mandatory beverage service training for managers, servers:***

- Applies only to on-sale establishments
- Applies only to new outlets

#### ***Voluntary beverage service training***

- Applies only to on-sale establishments
- Applies only to existing outlets

#### ***Incentives for training***

- Defense in dram shop liability lawsuits
- Discounts in dram shop liability insurance

### **Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

### **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

### **Dram Shop Liability**

Statutory liability exists.

### **Social Host Liability**

Statutory liability exists. The courts recognize common law social host liability.

*Notes: The common law affirms that the statute applies to social hosts.*

### **Host Party Laws**

Social host law is specifically limited to underage drinking parties:

- Action by underage guest that triggers violation: possession, consumption
- 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
- Preventive action by the host negates the violation (see note)
- Exception(s): family, resident

*Notes: Michigan's social host statute does not apply if all individuals attending the social gathering are members of the same household or immediate family, or if a minor's use, consumption, or possession of an alcoholic beverage is for religious purposes. The "preventive action" provision in Michigan allows the prosecution to establish guilt by proving that the host failed to take preventive action.*

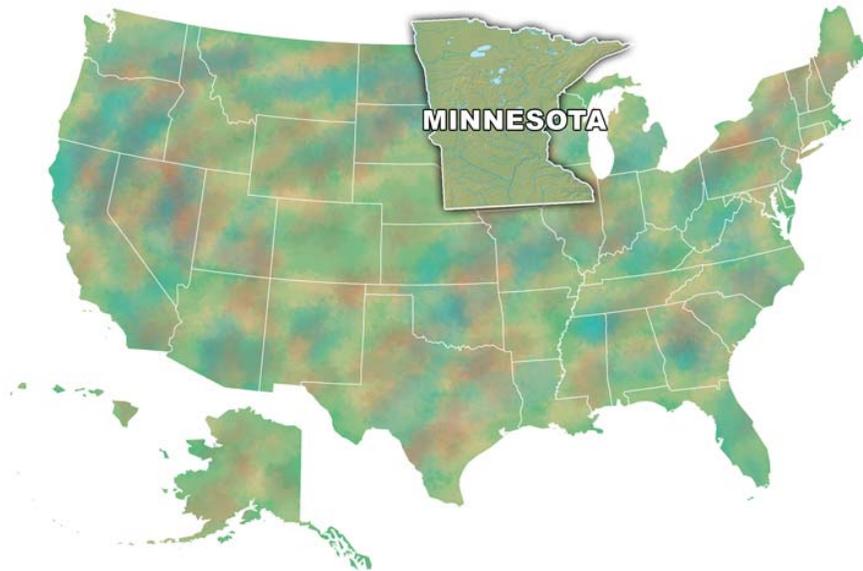
### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: Producer and common carrier must verify age of purchaser
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: Producer must record/report purchaser's name
- Shipping label statement: Contains alcohol and Recipient must be 21

### **Keg Registration**

Registration is not required.



## MINNESOTA

### State Profile and Underage Drinking Facts<sup>56</sup>

<b>State Population</b>		5,220,393	
<b>Population-Ages 12-20</b>		629,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	29.9		188,000
Past-Month Binge Alcohol Use	21.9		138,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	6.3		13,000
Past-Month Binge Alcohol Use	3.7		8,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	27.0		61,000
Past-Month Binge Alcohol Use	18.4		42,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	58.2		114,000
Past-Month Binge Alcohol Use	45.3		88,000

<sup>56</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		63
<b>Years of Potential Life Lost (under 21)</b>		3,741
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	22.0	17

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian’s home

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian’s home AND
- Parent/guardian consent

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

*Notes: Although Minnesota does not prohibit Internal Possession, it has a statutory provision that makes it unlawful “[f]or any person under the age of 21 years to consume any alcoholic beverages” and further defines “consume” to “[include] the ingestion of an alcoholic beverage and the physical condition of having ingested an alcoholic beverage.” Minn. Stat. § 340A.503.*

### **Underage Purchase of Alcohol**

Purchase is prohibited and youth cannot 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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Retailers are permitted to seize apparently false IDs
- 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”)**

No Use/Lose law.

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 30 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - For first 6 months, no more than one unrelated passenger under 20
  - For second 6 months, no more than 3 unrelated passengers under 20
  - Primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 17
- Passenger restrictions expire 12 months after obtaining intermediate license
- Unsupervised night driving restrictions expire 6 months after issuance of intermediate license

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian’s home AND
- Parent/guardian (details not specified)

### **Responsible Beverage Service**

No beverage service training requirement.

### **Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

*Notes: In Minnesota, the minimum permitted age to sell 3.2 percent malt liquors for off-premises consumption is not specified.*

### **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

*Notes: Prior to July 1, 2007, minors who had reached the age of 17 could be employed to provide waiter or waitress service in rooms or areas where the presence of 3.2 percent “malt liquor” was incidental to food service or preparation. Minnesota defines “3.2 percent malt liquor” as any beer, ale, or other malt beverage containing not more than 3.2 percent alcohol by weight. Beginning on July 1, 2007, minors who have reached the age of 16 may be so employed.*

### **Dram Shop Liability**

Statutory liability exists. The courts recognize common law dram shop liability.

*Notes: Minn. Stat. 340A.801(6) states that nothing “precludes common law tort claims against any person 21-years-old or older who knowingly provides or furnishes alcoholic beverages to a person under the age of 21 years.”*

### **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Knowingly or recklessly serving alcohol to a minor or permitting consumption by a minor.
- The courts recognize common law dram shop liability

*Notes: Minn. Stat. 340A.801(6) states that nothing “precludes common law tort claims against any person 21-years-old or older who knowingly provides or furnishes alcoholic beverages to a person under the age of 21 years.”*

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: None
- Reporting requirements: None
- Shipping label statement: Contains alcohol and recipient must be 21

## **Keg Registration**

Keg definition: not less than 7 gallons.

### ***Prohibited:***

- Destroying the label on a keg—max. fine/jail: \$1000 or 90 days

### ***Purchaser information collected***

- Verified by a government-issued ID
- Warning information to purchaser: passive—no purchaser action required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## MISSISSIPPI

### State Profile and Underage Drinking Facts<sup>57</sup>

<b>State Population</b>	2,938,618	
<b>Population-Ages 12-20</b>	407,000	
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	22.4	91,000
Past-Month Binge Alcohol Use	15.4	63,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	5.6	7,000
Past-Month Binge Alcohol Use	2.8	4,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	20.8	27,000
Past-Month Binge Alcohol Use	12.1	15,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	38.5	58,000
Past-Month Binge Alcohol Use	29.2	44,000

<sup>57</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		73
<b>Years of Potential Life Lost (under 21)</b>		4,391
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	23.0	28

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location OR
- Parent/guardian presence and consent

*Notes: Mississippi's Parent/Guardian exception applies to those persons at least 18 years old and only for possession of light wine or beer. The Location exception is not limited to persons between 18 and 21, and only applies to alcoholic beverages, not including light wine or beer.*

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

*Notes: Mississippi permits persons between 18 and 21 to consume light wine or beer with the consent and in the presence of their parents or legal guardians.*

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and youth cannot 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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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

### ***Authority to impose driver’s license sanction***

- Mandatory

### ***Length of suspension/revocation***

- Minimum: Not specified
- Maximum: 90 days

## **Graduated Driver’s License**

### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- There is no minimum supervised driving requirement

### ***Intermediate stage***

- Minimum age: 15 years, 6 months
- Unsupervised night driving:
  - Prohibited after 10 p.m.
  - Primary enforcement of the night driving rule
- There are no passenger restrictions

### ***License stage***

- Minimum age to lift restrictions: 16

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian OR
- Spouse

### **Responsible Beverage Service**

No beverage service training requirement.

### **Minimum Ages for Off-Premises Sellers**

- Beer 21
- Wine 21
- Spirits 21

**Minimum Ages for On-Premises Sellers**

- Beer 18 for servers and 21 for bartenders
- Wine 18 for servers and 21 for bartenders
- Spirits 18 for servers and 21 for bartenders

**Dram Shop Liability**

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

**Social Host Liability**

There is no social host liability.

**Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

**Direct Sales/Shipments From Producers to Consumers**

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

**Keg Registration**

Registration is not required.



## MISSOURI

### State Profile and Underage Drinking Facts<sup>58</sup>

<b>State Population</b>		5,911,605	
<b>Population-Ages 12-20</b>		747,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	28.7		214,000
Past-Month Binge Alcohol Use	20.2		151,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	4.9		11,000
Past-Month Binge Alcohol Use	1.7		4,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	25.5		66,000
Past-Month Binge Alcohol Use	17.8		46,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	53.3		137,000
Past-Month Binge Alcohol Use	39.1		101,000

<sup>58</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		117
<b>Years of Potential Life Lost (under 21)</b>		6,950
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	26.0	51

## **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 not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is prohibited—no explicit exceptions noted in the law.

### **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***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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

### ***Authority to impose driver's license sanction***

- Mandatory

### ***Length of suspension/revocation***

- 30 days

*Notes: Although Missouri does not authorize a Use/Lose penalty for all underage consumption, a law that became effective on August 28, 2005 imposes the mandatory license sanction on an underage person who “has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person’s blood.” See Mo. Rev. Stat. §§ 311.325(1), 577.500(2).*

## **Graduated Driver’s License**

### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 40 hours—10 of which must be at night

### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 1 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - First 6 months, no more than one unrelated passenger under 19
  - After 6 months, no more than 3 unrelated passengers under 19
  - Primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 17 years, 11 months

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian (details not specified)

### **Responsible Beverage Service**

No beverage service training requirement.

### **Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

### **Minimum Ages for On-Premises Sellers**

- Beer 18 for servers and 21 for bartenders
- Wine 18 for servers and 21 for bartenders
- Spirits 18 for servers and 21 for bartenders

### **Dram Shop Liability**

Statutory liability exists.

*Notes: Only on-sale premises can be held liable.*

### **Social Host Liability**

There is no 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, consumption
- 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
- Preventive action by the host negates the violation (see note)
- Exception(s): family

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: Common carrier must verify age of recipient
- State approval/permit requirements: Producer/shipper must obtain State permit; State must approve common carrier
- Reporting requirements: Common carrier must record/report purchaser's name
- Shipping label statement: Contains alcohol and Recipient must be 21

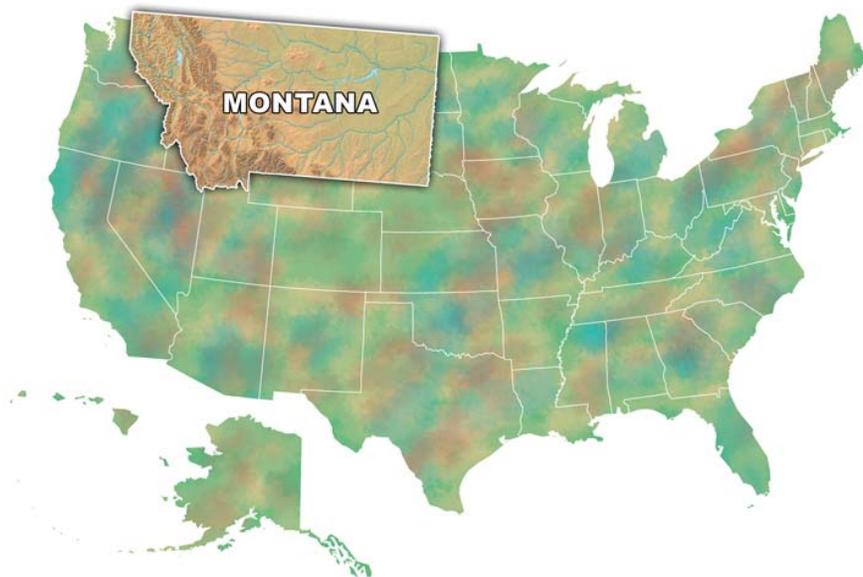
### **Keg Registration**

Keg definition: 4 gallons or more.

#### ***Purchaser information collected***

- Purchaser's name and address: verified by a government-issued ID
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit required: \$50
- Provisions specifically address disposable kegs

*Notes: Although Missouri does not require a retailer to record the number of a keg purchaser's ID, it does require the retailer to record the form of identification presented by the purchaser, as well as the purchaser's name, address, and date of birth.*



## MONTANA

### State Profile and Underage Drinking Facts<sup>59</sup>

<b>State Population</b>		967,440	
<b>Population-Ages 12-20</b>		119,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	34.7		41,000
Past-Month Binge Alcohol Use	25.7		31,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	9.4		4,000
Past-Month Binge Alcohol Use	4.5		2,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	33.6		13,000
Past-Month Binge Alcohol Use	25.3		10,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	59.1		24,000
Past-Month Binge Alcohol Use	45.7		19,000

<sup>59</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		19
<b>Years of Potential Life Lost (under 21)</b>		1,126
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	34.0	12

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian consent

*Notes: The parental exception to Montana’s possession statute only applies to alcohol supplied and consumed in a “nonintoxicating quantity.” In Montana, “intoxicating quantity” is a quantity “sufficient to produce ... a blood, breath, or urine alcohol concentration in excess of 0.05 ... or substantial or visible mental or physical impairment.” Mont. Code Ann. §§ 16-6-305, 45-5-624.*

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian consent

*Notes: The parental exception only applies to alcohol supplied and consumed in a “nonintoxicating quantity.” In Montana, “intoxicating quantity” is a quantity “sufficient to produce ... a blood, breath, or urine alcohol concentration in excess of 0.05 ... or substantial or visible mental or physical impairment.” See Mont. Code Ann. §§ 16-6-305, 45-5-624.*

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and youth cannot 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***

- 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: 0.02
  - BAC at or above the limit 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 18.

#### ***Type(s) of violation leading to driver’s license suspension, revocation, or denial***

- Underage possession
- Underage consumption

#### ***Authority to impose driver’s license sanction***

- Mandatory

#### ***Length of suspension/revocation***

- 30 days

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 14 years, 6 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 15
- Unsupervised night driving:
  - Prohibited after 11 p.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - For first 6 months, no more than one unrelated passenger under 18 unless supervised by a driver at least 18 years old
  - For second 6 months, no more than 3 unrelated passengers under 18 unless supervised by a driver at least 18 years old
  - Primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 16

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian (details not specified)

## **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

## **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

## **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$250,000 non-economic damages and \$250,000 punitive damages.

## **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$250,000 non-economic damages and \$250,000 punitive damages.

## **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

## **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for beer and wine with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: None
- Shipping label statement: None

*Notes: An out-of-state brewer or winery desiring to ship beer or wine to an individual in Montana shall register with the Montana Department of Revenue. An individual seeking to receive such a shipment for personal consumption must obtain a Connoisseur's License. The Licensee must forward to the out-of-state brewer or winery a distinctive address label, provided by the Department, clearly identifying any package shipped as a legal direct-shipment package to the holder of a Connoisseur's License. Mont. Code Ann. §§ 16-4-901, 16-4-903, 16-4-906.*

## **Keg Registration**

Keg definition: not less than 7 gallons.

### ***Prohibited:***

- Destroying the label on a keg—max. fine/jail: \$500 or 6 months

### ***Purchaser information collected:***

- Purchaser's name and address: verified by a government-issued ID
- Warning information to purchaser: passive—no purchaser action required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## NEBRASKA

### State Profile and Underage Drinking Facts<sup>60</sup>

<b>State Population</b>		1,783,432	
<b>Population-Ages 12-20</b>		228,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	30.5		70,000
Past-Month Binge Alcohol Use	20.3		46,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	7.3		5,000
Past-Month Binge Alcohol Use	4.3		3,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	28.0		21,000
Past-Month Binge Alcohol Use	17.8		13,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	54.4		44,000
Past-Month Binge Alcohol Use	37.6		30,000

<sup>60</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		26
<b>Years of Potential Life Lost (under 21)</b>		1,528
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	27.0	14

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian’s home

*Notes: Nebraska makes an exception for persons who are at least sixteen years old to carry alcohol from licensed establishments when they are accompanied by any person who is not a minor.*

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian’s home

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

*Notes: Although Nebraska does not prohibit Internal Possession, beginning on April 4, 2001, it has statutory provisions that state that “...no minor may...consume, or have in his or her possession or physical control any alcoholic liquor...” and that “[c]onsume means knowingly and intentionally drinking or otherwise ingesting alcoholic liquor.” Neb. Rev. St. §§ 53-103, 53-180.02.*

### **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
- No driver’s license suspension procedure

#### ***Provision(s) targeting suppliers***

- It is a criminal offense to manufacture or distribute a false ID

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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”)**

No Use/Lose law.

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement:
  - None with driver education
  - 50 hours without (10 of which must be at night)

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one unrelated passenger under 19
  - There is no primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 17
- Passenger restrictions expire 6 months after issuance of intermediate license
- Unsupervised night driving restrictions remain until age 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

#### ***Voluntary beverage service training:***

- The law does not specify on- or off-sale establishments
- The law does not specify new or existing outlets

### **Minimum Ages for Off-Premises Sellers**

- Beer 19
- Wine 19
- Spirits 19

### **Minimum Ages for On-Premises Sellers**

- Beer 19 for both servers and bartenders
- Wine 19 for both servers and bartenders
- Spirits 19 for both servers and bartenders

### **Dram Shop Liability**

- There is statutory dram shop liability.

### **Social Host Liability**

- There is statutory social host liability.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for beer, wine, and distilled spirits with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: None
- Shipping label statement: None

### **Keg Registration**

Keg definition: 5 or more gallons.

### ***Prohibited***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$500 or 3 months
- Destroying the label on a keg—max. fine/jail: \$500 or 3 months

### ***Purchaser information collected:***

- Purchaser's name and address—verified by a government-issued ID
- Warning information to purchaser: passive—no purchaser action required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## NEVADA

### State Profile and Underage Drinking Facts<sup>61</sup>

<b>State Population</b>		2,600,167	
<b>Population-Ages 12-20</b>		300,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	25.8		77,000
Past-Month Binge Alcohol Use	17.7		53,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	6.2		7,000
Past-Month Binge Alcohol Use	2.9		3,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	23.6		25,000
Past-Month Binge Alcohol Use	17.0		18,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	51.4		46,000
Past-Month Binge Alcohol Use	36.0		32,000

<sup>61</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		40
<b>Years of Potential Life Lost (under 21)</b>		2,369
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	23.0	12

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location OR
- Parent/guardian presence OR
- Spouse presence

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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
- No driver's license suspension 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***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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 18.

#### ***Type(s) of violation leading to driver’s license suspension, revocation, or denial***

- Underage purchase
- Underage possession

#### ***Authority to impose driver’s license sanction***

- Mandatory

#### ***Length of suspension/revocation***

- 90 days minimum
- 730 days maximum

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 10 p.m.
  - There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No unrelated passengers under 18
  - There is no primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 18
- Passenger restrictions expire after 6 months
- Unsupervised night driving restrictions remain until age 18

*Notes: Driver’s education course requirement for persons under 18 - exception: If a drivers education course is not offered within a 30-mile radius of a person’s residence, the person may instead complete an additional 50 hours of supervised driving. [Nev. Stat. Ann. § 483.2521]*

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian (details not specified)

### **Responsible Beverage Service**

#### ***Mandatory beverage service training for servers/sellers:***

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

*Notes: Although the effective date of Nevada's enacting legislation establishing a beverage service training program was June 17, 2005 (see 2005 Nev. Stat. 497), by its terms the program will not be fully implemented and enforceable until July 1, 2007 (with a 30-day grace period). The applicability of Nevada's "alcoholic beverage awareness program" to off-sale retailers is limited to establishments in counties whose populations are 400,000 or more. In addition, the applicability to both on and off-sale retailers is limited to establishments located in a jurisdiction that: (a) is located in a county whose population is 100,000 or more; or (b) is located in a county whose population is less than 100,000, if the governing body of the jurisdiction has, by the affirmative vote of a majority of its members, agreed to be bound by the provisions of section 9 of the act.*

### **Minimum Ages for Off-Premises Sellers**

- Beer 16
- Wine 16
- Spirits 16

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

### **Minimum Ages for On-Premises Sellers**

- Beer 21 for both servers and bartenders
- Wine 21 for both servers and bartenders
- Spirits 21 for both servers and bartenders

### **Dram Shop Liability**

There is no dram shop liability.

### **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: Actual damages, punitive damages, and attorney's fees and costs
- Limitations on elements/standards of proof: Knowingly serving a minor or allowing a minor to consume alcohol on premises that social host controls

**Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

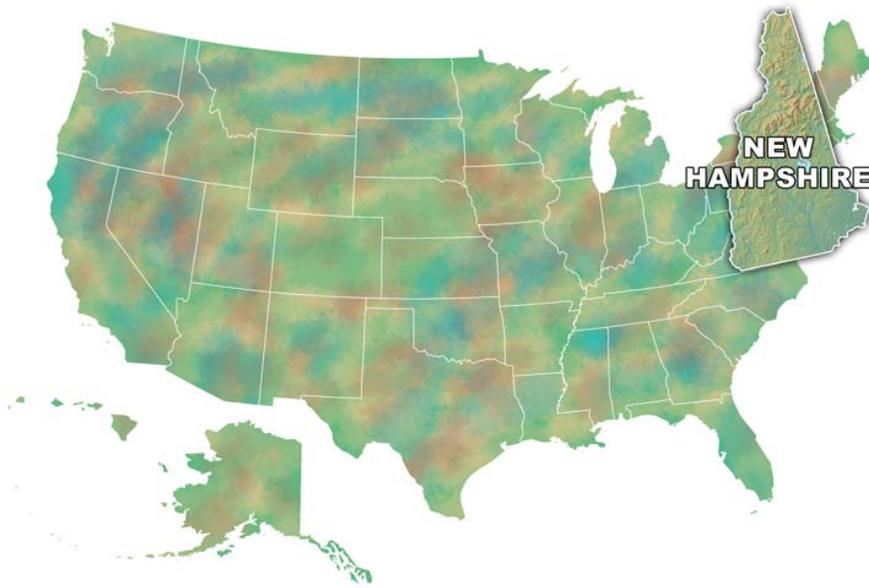
**Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for beer, wine, and distilled spirits with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: Producer and common carrier must record/report purchaser's name
- Shipping label statement: Contains alcohol-applies to internet orders

**Keg Registration**

Registration is not required.



## NEW HAMPSHIRE

### State Profile and Underage Drinking Facts<sup>62</sup>

<b>State Population</b>		1,315,809	
<b>Population-Ages 12-20</b>		169,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	33.6		57,000
Past-Month Binge Alcohol Use	24.2		41,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	4.5		2,000
Past-Month Binge Alcohol Use	1.7		1,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	30.5		17,000
Past-Month Binge Alcohol Use	20.4		12,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	64.2		37,000
Past-Month Binge Alcohol Use	49.1		28,000

<sup>62</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		12
<b>Years of Potential Life Lost (under 21)</b>		686
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	27.0	7

## **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 not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is prohibited—no explicit exceptions noted in the law.

### **Underage Purchase of Alcohol**

Purchase is prohibited and NO ALLOWANCE for youth 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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid
- Retailers have the right to sue a minor who uses a false ID to purchase alcohol for any losses or fines suffered by the retailer as a result of the illegal sale

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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

### ***Authority to impose driver’s license sanction***

- Discretionary

### ***Length of suspension/revocation***

- Minimum: 90 days
- Maximum: 365 days

*Notes: Although New Hampshire does not authorize a Use/Lose penalty for all underage consumption, a law that became effective on January 1, 2003, imposes a discretionary license sanction on minors who are “intoxicated by consumption of an alcoholic beverage,” and provides that an alcohol concentration “of .02 or more shall be prima facie evidence of intoxication.” See N.H. Rev. Stat. Ann. §§ 179:10(I), 263:56-b.*

## **Graduated Driver’s License**

### ***Learner stage***

- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: none
- Minimum supervised driving requirement: 20 hours

### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 1 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No unrelated passengers under 25, unless accompanied by driver over 25
  - Primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 18
- Passenger restrictions expire after 6 months
- Unsupervised night driving restrictions remain until age 18

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

## **Responsible Beverage Service**

### ***Mandatory beverage service training for managers:***

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

### ***Voluntary beverage service training***

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

### ***Incentives for training***

- Defense in dram shop liability lawsuits
- Mitigation of fines or other administrative penalties for sales to minors

## **Minimum Ages for Off-Premises Sellers**

- Beer 16
- Wine 16
- Spirits 16

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

*Notes: To act as a cashier in a selling capacity, a minor is required to be at least 16 years of age, providing a person at least 18 years of age is in attendance and is designated in charge of the employees and business.*

## **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

## **Dram Shop Liability**

Statutory liability exists.

*Notes: N.H. Rev. Stat. § 507-F:6 includes a responsible beverage service defense.*

## **Social Host Liability**

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

## **Host Party Laws**

Social host law is specifically limited to underage drinking parties:

- Action by underage guest that triggers violation: intention, possession, consumption
- Property type(s) covered by liability law: residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: OVERT ACT—host must have actual knowledge and commit an act that contributes to the occurrence

- Preventive action by the host negates the violation (see note)
- Exception(s): family

*Notes: In New Hampshire, an “underage alcohol house party” means a gathering of five or more people under the age of 21 at any occupied structure, dwelling, or curtilage, where at least one person under the age of 21 unlawfully possesses or consumes an alcoholic beverage. A person is guilty of a misdemeanor if he or she owns or has control of the occupied structure, dwelling, or curtilage where an underage alcohol house party is held and he or she knowingly commits an overt act in furtherance of the occurrence of the underage alcohol house party knowing persons under the age of 21 possess or intend to consume alcoholic beverages. The “preventive action” provision in New Hampshire allows the defendant to avoid criminal liability by establishing, as an affirmative defense, that he or she took preventive action with respect to the underage alcohol house party.*

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for beer, wine, and distilled spirits with the following restrictions:

#### ***Age verification requirements***

- None.

#### ***State approval/permit requirements***

- Producer/shipper must obtain State permit
- State must approve common carrier—All shipments from direct shippers into the State shall be made by a licensed carrier. Unlicensed common carriers shall only deliver alcohol within NH which has been shipped by holders of NH direct shipper permits.

#### ***Reporting requirements***

- Common carrier must record/report purchaser’s name

#### ***Shipping label statement***

- Contains alcohol and Recipient must be 21

### **Keg Registration**

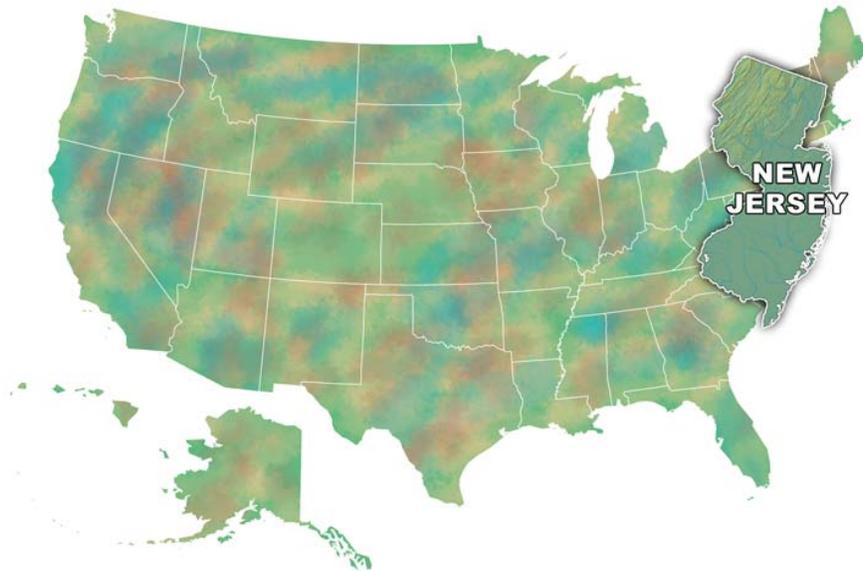
Keg definition: more than 7 gallons.

#### ***Prohibited:***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$1000
- Destroying the label on a keg—max. fine/jail: \$1000

#### ***Purchaser information collected:***

- Purchaser’s name and address—verified by a government-issued ID
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit: not required
- Provisions do not specifically address disposable kegs



## NEW JERSEY

### State Profile and Underage Drinking Facts<sup>63</sup>

<b>State Population</b>		8,682,661	
<b>Population-Ages 12-20</b>		1,056,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	29.9		316,000
Past-Month Binge Alcohol Use	18.9		199,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	6.6		22,000
Past-Month Binge Alcohol Use	2.0		7,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	28.4		111,000
Past-Month Binge Alcohol Use	18.6		73,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	55.8		183,000
Past-Month Binge Alcohol Use	36.6		120,000

<sup>63</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		83
<b>Years of Potential Life Lost (under 21)</b>		4,686
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	13.0	14

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.01
  - BAC at or above the limit 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

***Authority to impose driver's license sanction***

- Mandatory
- Length of suspension/revocation: 180 days

**Graduated Driver's License**

***Learner stage***

- Minimum entry age: 16
- Minimum learner stage period: 6 months
- There is no minimum supervised driving requirement

***Intermediate stage***

- Minimum age: 17
- Unsupervised night driving:
  - Prohibited after 12:01 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one unrelated passenger under 21, unless one other passenger is at least 21
  - Primary enforcement of the passenger restriction rule

***License stage***

- Minimum age to lift restrictions: 18

**Laws Targeting Alcohol Suppliers**

**Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian (details not specified)

**Responsible Beverage Service**

***Mandatory beverage service training for licensees, managers:***

- Applies only to off-sale establishments
- Applies only to new outlets

**Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

**Minimum Ages for On-Premises Servers and Bartenders**

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

### **Dram Shop Liability**

Statutory liability exists.

### **Social Host Liability**

There is no social host liability.

*Notes: Comonile v. Maybee (1994) held that a social host who serves excessive amounts of alcoholic beverages to a visibly intoxicated minor, knowing the minor is about to drive a car on the public highways, may be liable to a third party injured in an automobile accident.*

### **Host Party Laws**

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

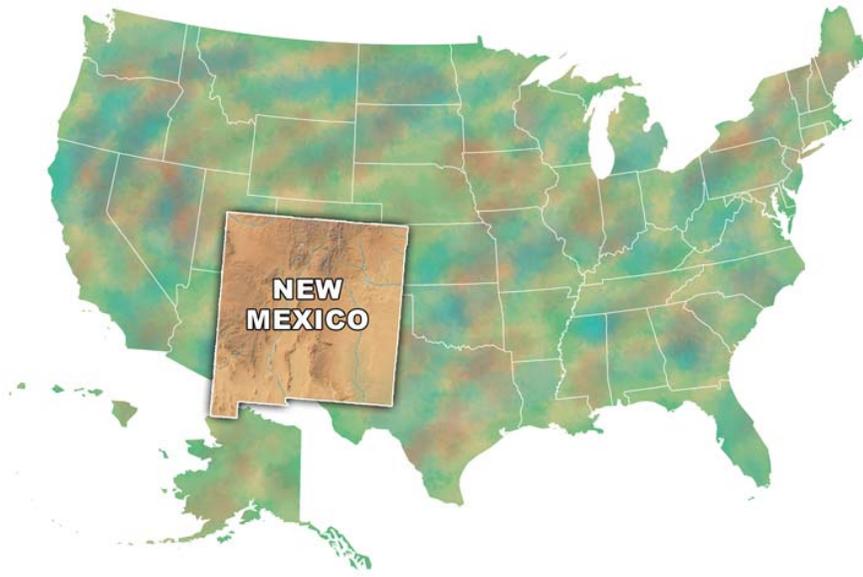
- Action by underage guest that triggers violation: consumption
- Property type(s) covered by liability law: residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: OVERT ACT—host must have actual knowledge and commit an act that contributes to the occurrence
- Exception(s): family

### **Direct Sales/Shipments From Producers to Consumers**

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

### **Keg Registration**

Registration is not required.



## NEW MEXICO

### State Profile and Underage Drinking Facts<sup>64</sup>

<b>State Population</b>		1,984,356	
<b>Population-Ages 12-20</b>		258,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	28.3		73,000
Past-Month Binge Alcohol Use	18.8		49,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	7.6		6,000
Past-Month Binge Alcohol Use	4.3		4,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	25.2		22,000
Past-Month Binge Alcohol Use	17.1		15,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	51.0		45,000
Past-Month Binge Alcohol Use	34.4		30,000

<sup>64</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		47
<b>Years of Potential Life Lost (under 21)</b>		2,800
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	21.0	12

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location AND EITHER
- Parent/guardian presence and consent OR
- Spouse

*Notes: POSSESSION: In New Mexico beginning July 1, 2004, possession of alcoholic beverages by a person under 21 is specifically allowed when “a parent, legal guardian or adult spouse of a minor serves alcoholic beverages to that minor on real property, other than licensed premises, under the control of the parent, legal guardian or adult spouse.”*

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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
- No driver’s license suspension procedure

#### ***Provision(s) targeting suppliers***

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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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 18.

Type(s) of violation leading to driver’s license suspension, revocation, or denial:

- Underage purchase
- Underage possession

#### ***Authority to impose driver’s license sanction***

- Discretionary
- Length of suspension/revocation: 90 days

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 15 years, 6 months
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one unrelated passenger under 21
  - Primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 16 years, 6 months

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location AND EITHER
- Parent/guardian OR
- Spouse

## **Responsible Beverage Service**

### ***Mandatory beverage service training for managers, servers:***

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

## **Minimum Ages for Off-Premises Sellers**

- Beer 21
- Wine 21
- Spirits 21

## **Minimum Ages for On-Premises Servers and Bartenders**

- Beer 19 for servers and 21 for bartenders
- Wine 19 for servers and 21 for bartenders
- Spirits 19 for servers and 21 for bartenders

## **Dram Shop Liability**

Statutory liability exists.

*Notes: Limitations on damages in N.M. Stat. Ann. § 41-11-1(I) held unconstitutional by the New Mexico Supreme Court.*

## **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Alcohol must be provided recklessly in disregard of the rights of others, including the social guest.

*Notes: Limitations on damages in N.M. Stat. Ann. § 41-11-1(I) held unconstitutional by the New Mexico Supreme Court.*

## **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

## **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: State must approve common carrier
- Reporting requirements: None
- Shipping label statement requirements: Recipient must be 21

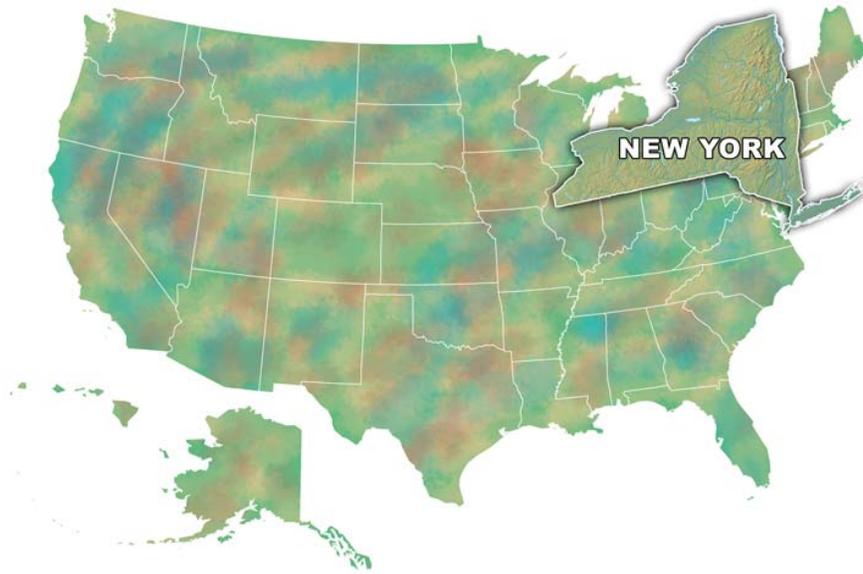
*Notes: Direct sales/shipments permitted only for wineries in States that afford New Mexico wineries a reciprocal shipping privilege.*

## **Keg Registration**

Keg definition: more than 6 gallons.

### ***Purchaser information collected:***

- Purchaser's name and address—verified by a government-issued ID
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit: not required
- Provisions do not specifically address disposable kegs



## NEW YORK

### State Profile and Underage Drinking Facts<sup>65</sup>

<b>State Population</b>		19,490,297	
<b>Population-Ages 12-20</b>		2,432,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use		32.0	779,000
Past-Month Binge Alcohol Use		20.8	507,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use		7.8	59,000
Past-Month Binge Alcohol Use		2.9	22,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use		29.4	242,000
Past-Month Binge Alcohol Use		18.6	152,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use		55.7	478,000
Past-Month Binge Alcohol Use		38.8	333,000

<sup>65</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		194
<b>Years of Potential Life Lost (under 21)</b>		11,499
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	23.0	42

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian consent

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is NOT prohibited and there is NO ALLOWANCE for youth purchase for law enforcement purposes.

*Note: New York does not have a statute that specifically prohibits purchase, but it does prohibit purchasing or attempting to purchase alcohol by using false evidence of age. See N.Y. Alco. Bev. Cont. Law § 65-b.*

### **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

#### ***Provisions targeting retailers***

- State provides incentives to retailers who use electronic scanners that read birth dates and other information digitally encoded on valid identification cards
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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”)**

No Use/Lose law.

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 16
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 20 hours

#### ***Intermediate stage***

- Minimum age: 16 years, 6 months
- Unsupervised night driving:
  - Prohibited after 9 p.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than 2 unrelated passengers under 21, unless accompanied by parent or instructor
  - Primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 17

*Notes: New York has certain regional restrictions that apply to the 5 boroughs of New York City and Nassau, Suffolk, Westchester, Rockland & Putnam counties. These restrictions are not provided here. The New York DMV will issue a limited-use junior license to a junior driver (under 18) who passes a road test during the first six months (i.e., within the mandatory 6-month holding period) after the learner permit was issued. A limited-use junior license allows the junior driver to drive without supervision between 5 a.m. and 9 p.m. and within specific geographical boundaries for purposes related to school, employment, medical care, or childcare. This would then convert to an intermediate stage license at the end of the mandatory 6-month holding period.*

## Laws Targeting Alcohol Suppliers

### Furnishing of Alcohol to Minors

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

### Responsible Beverage Service

#### *Voluntary beverage service training:*

- Applies to both on-sale and off-sale establishments
- The law does not specify new or existing outlets

#### *Incentive for training:*

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

*Notes: In certain proceedings to revoke, cancel or suspend a retail license based on furnishing to a minor, it can be an affirmative defense that at the time of the violation the person who committed the alleged violation held a valid certificate of completion or renewal from an entity authorized to give and administer an alcohol training awareness program, and that the licensee had diligently implemented and complied with all of the provisions of the approved training program. The licensee is required to prove each element of the affirmative defense by a preponderance of the credible evidence. N.Y. Alco. Bev. Cont. Law § 65(6).*

### Minimum Ages for Off-Premises Sellers

- Beer Not specified
- Wine Not specified
- Spirits 18

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

### Minimum Ages for On-Premises Servers and Bartenders

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

### Dram Shop Liability

Statutory liability exists subject to the following conditions:

- Limitations on damages: Only actual damages allowed

### Social Host Liability

Statutory liability exists subject to the following conditions:

- Limitations on damages: Only actual damages allowed

## **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

## **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: Common carrier must verify age of recipient at point of delivery
- State approval/permit requirements:
  - Producer/shipper must obtain State permit
  - State must approve common carrier
- Reporting requirements: Producer and common carrier must record/report purchaser's name
- Shipping label requirements:
  - Package contains alcohol
  - Recipient must be 21

*Notes: Direct sales/shipments permitted only for wineries in States that afford New York wineries a reciprocal shipping privilege.*

## **Keg Registration**

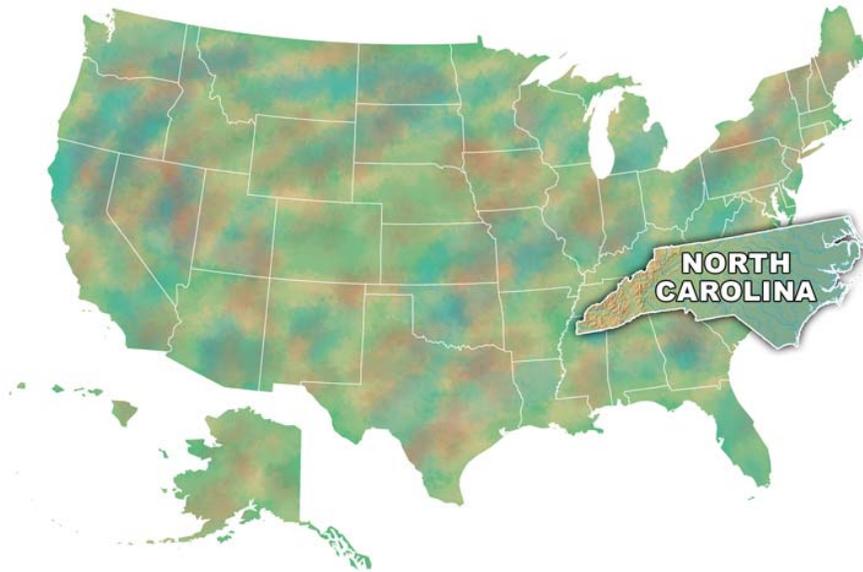
Keg definition: 4 or more gallons.

### ***Prohibited:***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$450
- Destroying the label on a keg—max. fine/jail: \$450

### ***Purchaser information collected:***

- Purchaser's name and address—verified by a government-issued ID
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit required: \$50
- Provisions do not specifically address disposable kegs



## NORTH CAROLINA

### State Profile and Underage Drinking Facts<sup>66</sup>

<b>State Population</b>		9,222,414
<b>Population-Ages 12-20</b>		1,111,000
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	23.8	265,000
Past-Month Binge Alcohol Use	14.9	166,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	3.6	13,000
Past-Month Binge Alcohol Use	1.7	6,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	24.5	90,000
Past-Month Binge Alcohol Use	14.5	54,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	41.9	161,000
Past-Month Binge Alcohol Use	27.5	106,000

<sup>66</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		154
<b>Years of Potential Life Lost (under 21)</b>		9,166
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	20.0	51

## **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 prohibited—no explicit exceptions noted in the law.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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

#### ***Provisions targeting retailers***

- State provides incentives to retailers who use electronic scanners that read birth dates and other information digitally encoded on valid identification cards
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Retailers are permitted to seize apparently false IDs
- 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

### ***Authority to impose driver’s license sanction***

- Mandatory
- Length of suspension/revocation: 365 days

## **Graduated Driver’s License**

### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 12 months
- There is no minimum supervised driving requirement

### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 9 p.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one unrelated passenger under 21
  - If a related passenger is under 21, then no unrelated passengers under 21
  - Primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 16 years, 6 months

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

#### ***Voluntary beverage service training:***

- The law does not specify on- or off-sale establishments
- The law does not specify new or existing outlets
- Incentive for training: Defense in dram shop liability lawsuits

### **Minimum Ages for Off-Premises Sellers**

- Beer      Not specified
- Wine      Not specified
- Spirits    18

### **Minimum Ages for On-Premises Servers and Bartenders**

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

### **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$500,000 total award to all injured parties per occurrence.

### **Social Host Liability**

There is no social host liability.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: Common carrier must verify age of recipient at point of delivery
- State approval/permit requirements:
  - Producer/shipper must obtain State permit
  - State must approve common carrier
- Reporting requirements: None
- Shipping label requirements:
  - Package contains alcohol
  - Recipient must be 21

### **Keg Registration**

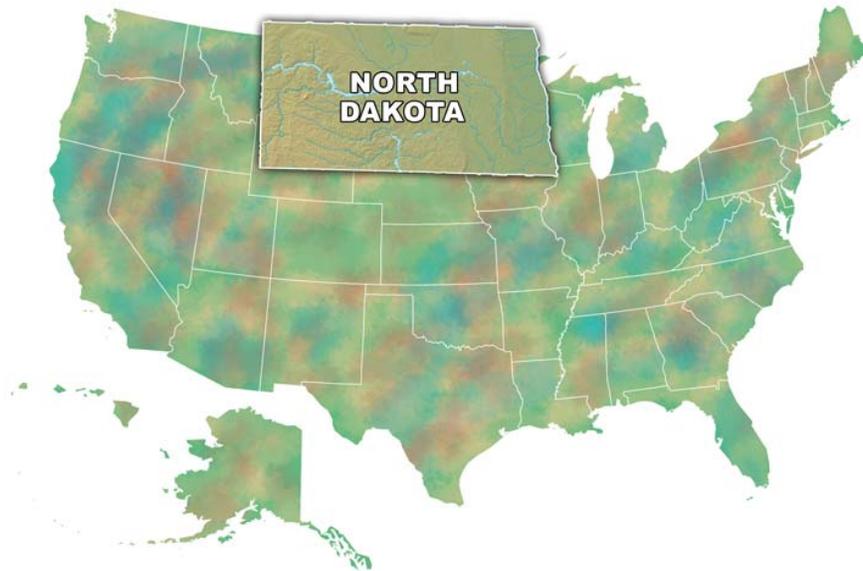
Keg definition: 7.75 gallons or more.

#### ***Prohibited:***

- Possessing an unregistered, unlabeled keg—max. fine/jail: discretionary fine or 45 days

#### ***Purchaser information collected:***

- Purchaser's name and address: verified by a government-issued ID
- Address where keg will be consumed
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit: not required
- Provisions do not specifically address disposable kegs



## NORTH DAKOTA

### State Profile and Underage Drinking Facts<sup>67</sup>

<b>State Population</b>	641,481	
<b>Population-Ages 12-20</b>	85,000	
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	39.3	33,000
Past-Month Binge Alcohol Use	29.5	25,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	6.1	1,000
Past-Month Binge Alcohol Use	2.2	1,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	33.9	9,000
Past-Month Binge Alcohol Use	23.4	6,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	66.3	23,000
Past-Month Binge Alcohol Use	52.9	19,000

<sup>67</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		9
<b>Years of Potential Life Lost (under 21)</b>		556
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	42.0	8

## **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.

*Notes: Although North Dakota does not prohibit Internal Possession, beginning on August 1, 1999, it has a statutory provision that prohibits an individual under 21 from having “recently consumed” an alcoholic beverage. N.D. Cent. Code § 5-01-08.*

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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
- No driver’s license suspension procedure

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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”)**

No Use/Lose law.

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 14
- Minimum learner stage period: 6 months
- There is no minimum supervised driving requirement

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving: Night driving is not restricted
- There are no passenger restrictions

#### ***License stage***

- Minimum age to lift restrictions: 16

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

No beverage service training requirement.

### **Minimum Ages for Off-Premises Sellers**

- Beer 21
- Wine 21
- Spirits 21

### **Minimum Ages for On-Premises Servers and Bartenders**

- Beer 19 for servers and 21 for bartenders
- Wine 19 for servers and 21 for bartenders
- Spirits 19 for servers and 21 for bartenders

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

*Notes: Any person who is nineteen years of age or older but under twenty-one years of age may be employed by the restaurant to serve and collect money for alcoholic beverages, if the person is under the direct supervision of a person twenty-one or more years of age, but may not be engaged in mixing, dispensing, or consuming alcoholic beverages.*

### **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Knowledge of underage status.

### **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Knowledge of underage status.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for Beer, Wine, Distilled Spirits with the following restrictions:

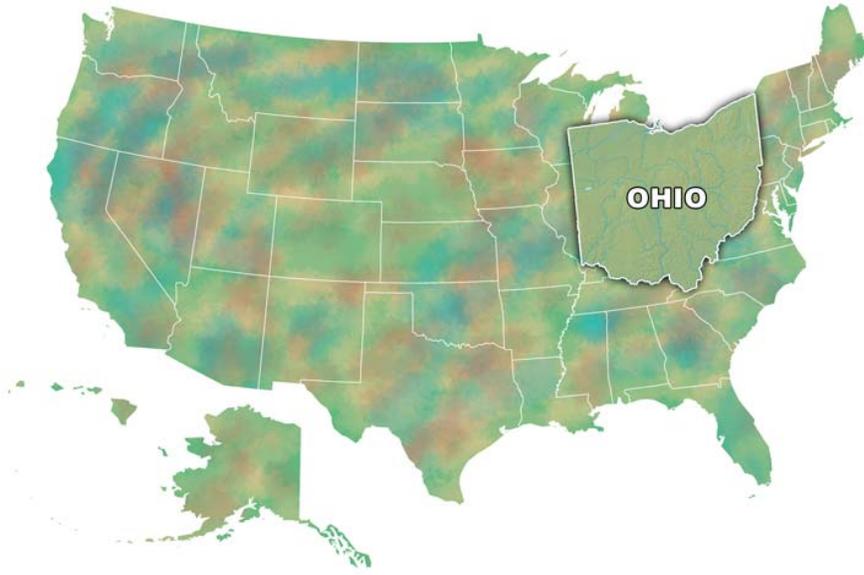
- Age verification requirements: Producer must verify age of purchaser at point of sale
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: None
- Shipping label statement: Recipient must be 21

### **Keg Registration**

Keg definition: greater than 6 gallons.

#### ***Purchaser information collected:***

- Purchaser's name and address—verified by a government-issued ID
- Warning information to purchaser: not required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## OHIO

### STATE PROFILE AND UNDERAGE DRINKING FACTS<sup>68</sup>

<b>State Population</b>		11,485,910	
<b>Population-Ages 12-20</b>		1,475,000	
<b>Underage Alcohol Use</b>			
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	29.9		441,000
Past-Month Binge Alcohol Use	21.2		313,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	6.1		29,000
Past-Month Binge Alcohol Use	3.2		15,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	27.3		135,000
Past-Month Binge Alcohol Use	17.9		89,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	54.6		277,000
Past-Month Binge Alcohol Use	41.3		209,000

<sup>68</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references are available in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		154
<b>Years of Potential Life Lost (under 21)</b>		9,216
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	18.0	37

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian presence and consent OR
- Spouse

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian presence and consent OR
- Spouse

### **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 an administrative 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 birth dates and other information digitally encoded on valid identification cards
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
  - BAC at or above the limit 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”)**

No Use/Lose law.

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.—16 yrs. old
  - Prohibited after 1 a.m.—17 yrs. old
  - There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one unrelated passenger, unless accompanied by parent
  - Primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 18
- Passenger restrictions are lifted at age 17
- Unsupervised night driving restrictions remain until age 18

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian OR
- Spouse

### **Responsible Beverage Service**

#### ***Voluntary beverage service training:***

- Applies to both on-sale and off-sale establishments
- The law does not specify new or 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

## **Minimum Ages for On-Premises Servers and Bartenders**

- Beer 19 for both servers and bartenders
- Wine 19 for servers and 21 for bartenders
- Spirits 19 for servers and 21 for bartenders

*Notes: Although employees must be at least 21-years-old in order to sell spirits, wine or mixed beverages across a bar, employees of any permit holder may sell beer across a bar if they are at least 19-years-old.*

## **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Know or have reason to know the person is under 21-years-of-age.

## **Social Host Liability**

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

## **Host Party Laws**

The state has two Host Party Laws. Social host law is not specifically limited to underage drinking parties:

- Action by underage guest that triggers violation: possession, consumption
- 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
- Exception(s): family

## **Host Party Laws**

The state has two Host Party Laws. Social host law is not specifically limited to underage drinking parties:

- Action by underage guest that triggers violation: consumption
- Property type(s) covered by liability law: other
- Standard for hosts' knowledge or action regarding the party: NEGLIGENCE—host must have known or should have known of the event's occurrence
- Exception(s): family

*Note: "Other property" refers to hotels, inns, cabins, campgrounds, or restaurants.*

## **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

### ***Age verification requirements***

- Producer must verify age of purchaser at point of sale—Prior to shipping wine, the shipper must make a "bona fide" effort to ensure that the purchaser is at least twenty-one years of age
- Common carrier must verify age of recipient at point of sale

***State approval/permit requirements:***

- Producer/shipper must obtain State permit
- State must approve common carrier

***Reporting requirements:***

- Producer must record/report purchaser's name

***Shipping label requirements:***

- Package contains alcohol
- Recipient must be 21

**Keg Registration**

Registration is not required.



## OKLAHOMA

### State Profile and Underage Drinking Facts<sup>69</sup>

<b>State Population</b>		3,642,361	
<b>Population-Ages 12-20</b>		446,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	24.6		110,000
Past-Month Binge Alcohol Use	17.8		79,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	5.3		8,000
Past-Month Binge Alcohol Use	2.6		4,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	23.1		34,000
Past-Month Binge Alcohol Use	17.6		26,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	45.4		68,000
Past-Month Binge Alcohol Use	33.2		50,000

<sup>69</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		68
<b>Years of Potential Life Lost (under 21)</b>		4,048
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	29.0	45

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location

*Note: In Oklahoma, persons under twenty-one may possess with intent to consume low-point beer (defined as beer or malt beverages not more than 3.2 percent ABW) if under the direct supervision of their parent or guardian. Okla. Stat. tit. 37, § 246.*

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

*Note: Although Oklahoma law contains no prohibition against underage consumption of alcoholic beverages generally, the state does prohibit consumption of “low-point beer” (defined as containing not more than 3.2 percent ABW) by persons under twenty-one unless under the direct supervision of a parent or guardian. This exception does not allow persons under twenty-one to consume such beverages on premises licensed to dispense low-point beer. Okla. Stat. tit. 37, § 246.*

### **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.

*Note: In Oklahoma, persons under twenty-one may purchase or attempt to purchase low-point beer (defined as beer or malt beverages not more than 3.2 percent ABW) if under the direct supervision of their parent or guardian. Okla. Stat. tit. 37, § 246.*

### **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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- No statutory affirmative defense: statutes do not provide an affirmative defense related to retailer’s belief that the minor was 21 years of age or older

*Notes: Beginning July 1, 2006, Oklahoma provides retailers a defense in criminal prosecutions for furnishing minors with “low-point beer” (defined as all beverages containing more than 0.5 alcohol by volume and not more than 3.2 alcohol by weight). The defense takes the form of a rebuttable presumption that the retailer reasonably relied upon proof of age if (1) the minor presented what a reasonable person would have believed was a driver license or other government-issued photo identification purporting to establish that the individual was 21 years of age or older; or (2) the retailer confirmed the validity of the driver license or other government-issued photo identification presented by the individual by using a transaction scan device; and (3) if the retailer exercised reasonable diligence to determine whether the physical description and picture on the driver license or other government-issued photo identification was that of the individual who presented it.*

## **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 18.

Type(s) of violation leading to driver’s license suspension, revocation, or denial:

- Underage possession

#### ***Authority to impose driver’s license sanction***

- Mandatory
- Length of suspension/revocation: 180 days

*Notes: In Oklahoma, the denial of driving privileges is a consequence imposed on those under 18 years who have possessed an intoxicating beverage or purchased, possessed, or consumed low-point beer (defined as containing not more than 3.2 percent ABW). The court shall order the Department of Public Safety to cancel or deny driving privileges for: a period of six (6) months for a first offense, from the date of the offense or from the date the person reaches sixteen (16) years of age, whichever period of time is longer; for other periods of time for second or subsequent offenses; or, in the discretion of the court, until the person attains twenty-one (21) years of age, if that period of time would be longer than the period otherwise provided.*

## **Graduated Driver's License**

### ***Learner stage***

- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 40 hours—10 of which must be at night

### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 11 p.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one unrelated passenger, unless accompanied by driver at least 21
  - Primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 16 years, 6 months

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

No beverage service training requirement.

### **Minimum Ages for Off-Premises Sellers**

- Beer 21
- Wine 21
- Spirits 21

### **Minimum Ages for On-Premises Servers and Bartenders**

- Beer 18 for servers and 21 for bartenders
- Wine 18 for servers and 21 for bartenders
- Spirits 18 for servers and 21 for bartenders

### **Dram Shop Liability**

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

### **Social Host Liability**

There is no 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, consumption
- 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
- Exception(s): resident

## **Direct Sales/Shipments From Producers to Consumers**

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

## **Keg Registration**

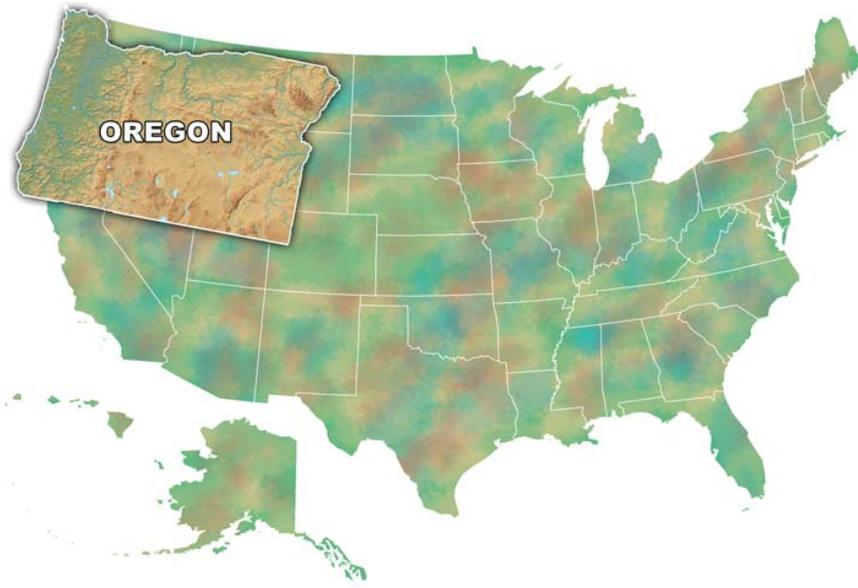
Keg definition: not less than 4 gallons.

### ***Prohibited:***

- Destroying the label on a keg—max. fine/jail: \$500 or 6 months

### ***Purchaser information collected:***

- Purchaser's name and address—verified by a government-issued ID
- Warning information to purchaser: passive—no purchaser action required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## OREGON

### State Profile and Underage Drinking Facts<sup>70</sup>

<b>State Population</b>	3,790,060	
<b>Population-Ages 12-20</b>	468,000	
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	30.9	144,000
Past-Month Binge Alcohol Use	20.4	95,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	9.1	14,000
Past-Month Binge Alcohol Use	6.1	9,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	26.4	39,000
Past-Month Binge Alcohol Use	15.5	23,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	53.8	92,000
Past-Month Binge Alcohol Use	37.2	64,000

<sup>70</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		43
<b>Years of Potential Life Lost (under 21)</b>		2,595
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	18.0	8

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND
- Parent/guardian presence and consent

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND
- Parent/guardian presence and consent

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

*Notes: Although Oregon does not prohibit Internal Possession, it does prohibit “personal possession” of an alcoholic beverage. “Personal possession” includes the “consumption of a bottle of such beverages, or any portion thereof or a drink of such beverages.” Or. Rev. Stat. § 471.430.*

### **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

#### ***Provisions targeting retailers***

- State provides incentives to retailers who use electronic scanners that read birth dates 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
- Retailer has the statutory right to sue a minor who uses a false ID to purchase alcohol for any losses or fines suffered by the retailer as a result of the illegal sale.

## 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 possession
- Underage consumption

#### ***Authority to impose driver’s license sanction***

- Mandatory
- Length of suspension/revocation: 365 days

*Note: Whenever a person who is 17 years of age or younger, but not younger than 13 years of age, is convicted of any offense involving the use or abuse of alcohol, the Department of Transportation shall impose a suspension for one year, or until the person so suspended reaches 17 years of age, whichever is longer.*

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement:
  - 50 hours—with driver education
  - 100 hours—without driver education

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - For first 6 months, no unrelated passengers under 20
  - For second 6 months, no more than 3 unrelated passengers under 20
  - Exception if accompanied by parent or instructor
  - Primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian

### **Responsible Beverage Service**

Oregon has two laws with regard to beverage service training:

#### ***Mandatory beverage service training for licensees, managers, servers:***

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

#### ***Voluntary beverage service training:***

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

#### ***Incentives for training:***

- Mitigation of fines or other administrative penalties for sales to minors
- Protection against license revocation for sales to minors

### **Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

### **Minimum Ages for On-Premises Servers and Bartenders**

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

### **Dram Shop Liability**

Statutory liability exists.

### **Social Host Liability**

Statutory liability exists.

### **Host Party Laws**

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

- Action by underage guest that triggers violation: consumption
- 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
- Exception(s): family

*Note: Oregon's social host provision states that its prohibitions apply only to a person who is present and in control of the location at the time underage consumption occurs. However, effective January 1, 2010, a person who exercises control over a private residence is not liable if the liquor consumed by the person under the age of 21 years is supplied only by an accompanying parent or guardian. See Or. Rev. Stat. § 471.410.*

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine (or cider) with the following restrictions:

- Age verification requirements: Common carrier must verify age of recipient at point of delivery
- State approval/permit requirements:
  - Producer/shipper must obtain State permit
  - State must approve common carrier
- Reporting requirements: Producer and common carrier must record/report purchaser's name
- Shipping label requirements:
  - Package contains alcohol
  - Recipient must be 21

*Notes: While all Deliverers/carriers must record the name, signature, and delivery address of the person receiving the alcohol, a "for-hire" carrier must retain this information for 18 months. If the Shipper does not use a "for-hire" carrier, then the Shipper must retain the information for 18 months.*

### **Keg Registration**

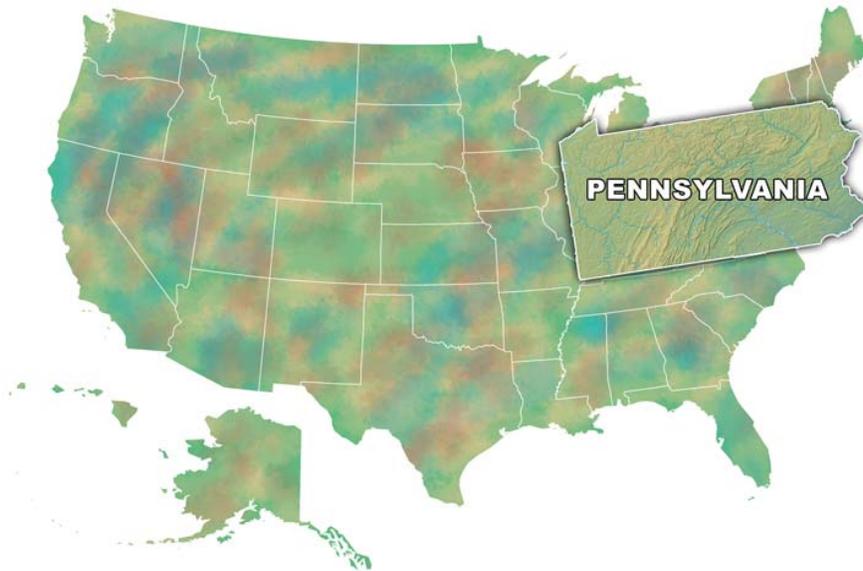
Keg definition: more than 7 gallons.

#### ***Prohibited:***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$6250 or 1 year

#### ***Purchaser information collected:***

- Purchaser's name and address—verified by a government-issued ID
- Address where keg will be consumed
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit: not required
- Provisions do not specifically address disposable kegs



## PENNSYLVANIA

### State Profile and Underage Drinking Facts<sup>71</sup>

<b>State Population</b>		12,448,279
<b>Population-Ages 12-20</b>		1,575,000
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	28.3	445,000
Past-Month Binge Alcohol Use	18.7	294,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	5.5	27,000
Past-Month Binge Alcohol Use	2.1	10,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	24.4	127,000
Past-Month Binge Alcohol Use	15.8	82,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	51.9	291,000
Past-Month Binge Alcohol Use	36.0	202,000

<sup>71</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		191
<b>Years of Potential Life Lost (under 21)</b>		11,268
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	19.0	47

## **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 birth dates 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: 50 hours

***Intermediate stage***

- Minimum age: 16 years, 6 months
- Unsupervised night driving:
  - Prohibited after 11 p.m.
  - Primary enforcement of the night driving rule
- There are no passenger restrictions

***License stage***

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

**Laws Targeting Alcohol Suppliers**

**Furnishing of Alcohol to Minors**

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

**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

*Notes: In Pennsylvania, a minor who is 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 of 18 years of age for purposes of the laws relating to the employment of minors by retail licensees.*

### **Minimum Ages for On-Premises Servers and Bartenders**

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

### **Dram Shop Liability**

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

### **Social Host Liability**

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

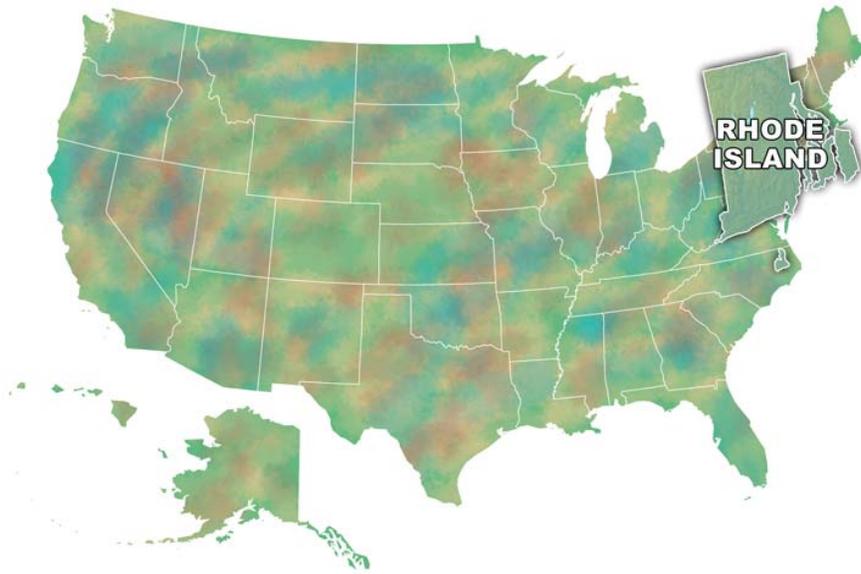
### **Direct Sales/Shipments From Producers to Consumers**

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

*Notes: Limited wineries (wineries with a maximum output of 200,000 gallons per year that use fruit or agricultural commodities grown in the Commonwealth) 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.



## RHODE ISLAND

### State Profile and Underage Drinking Facts<sup>72</sup>

<b>State Population</b>		1,050,788	
<b>Population-Ages 12-20</b>		136,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use		38.2	52,000
Past-Month Binge Alcohol Use		25.0	34,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use		8.9	4,000
Past-Month Binge Alcohol Use		2.7	1,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use		33.9	14,000
Past-Month Binge Alcohol Use		19.8	8,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use		66.5	34,000
Past-Month Binge Alcohol Use		48.2	25,000

<sup>72</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		11
<b>Years of Potential Life Lost (under 21)</b>		650
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	23.0	2

## **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 not explicitly prohibited.

### **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***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Retailers are permitted to seize apparently false IDs
- 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: 0.02
  - BAC at or above the limit 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

### ***Authority to impose driver’s license sanction***

- Mandatory
- Length of suspension/revocation: 30 days

*Notes: A mandatory minimum 60-day driver’s license suspension penalty for underage possession became effective on 7/2/2004.*

## **Graduated Driver’s License**

### ***Learner stage***

- Minimum entry age: 16
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

### ***Intermediate stage***

- Minimum age: 16 years, 6 months
- Unsupervised night driving:
  - Prohibited after 1 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one unrelated passenger under 21
  - Primary enforcement of the passenger restriction rule

### ***License stage***

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

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian consent
- OR Parent/guardian (details not specified)

### **Responsible Beverage Service**

Rhode Island has two laws with regard to beverage service training:

#### ***Mandatory beverage service training for managers, servers:***

- The law does not specify on- or off-sale establishments
- Applies to both new and existing outlets

***Voluntary beverage service training:***

- The law does not specify on- or off-sale establishments
- The law does not specify new or existing outlets

***Incentive for training:***

- Defense in dram shop liability lawsuits

**Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

**Minimum Ages for On-Premises Servers and Bartenders**

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

**Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: Punitive damages allowed only when reckless conduct is established.

**Social Host Liability**

There is no social host liability.

**Host Party Laws**

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

- Action by underage guest that triggers violation: consumption
- Property type(s) covered by liability law: residence, outdoor
- Standard for hosts' knowledge or action regarding the party: KNOWLEDGE—host must have actual knowledge of the occurrence
- Exception(s): family

**Direct Sales/Shipments From Producers to Consumers**

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

## **Keg Registration**

Keg definition: Undefined.

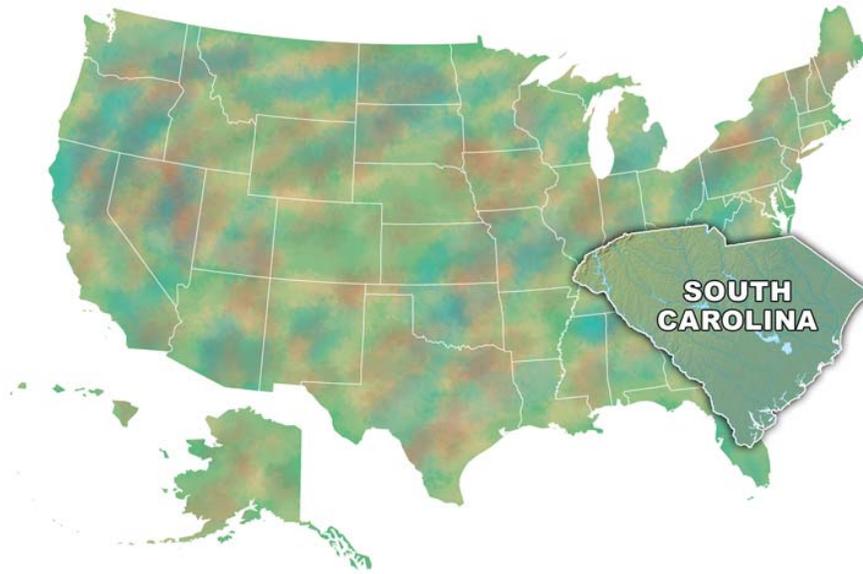
*Notes: No particular volume or range of volumes is specified for kegs in Rhode Island.*

### ***Prohibited***

- Destroying the label on a keg—max. fine/jail: \$500

### ***Purchaser information collected***

- Purchaser's name and address—verified by a government-issued ID
- Warning information to purchaser: passive—no purchaser action required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## SOUTH CAROLINA

### State Profile and Underage Drinking Facts<sup>73</sup>

<b>State Population</b>		4,479,800
<b>Population-Ages 12-20</b>		538,000
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	22.3	120,000
Past-Month Binge Alcohol Use	13.3	72,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	4.7	8,000
Past-Month Binge Alcohol Use	1.2	2,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	20.9	39,000
Past-Month Binge Alcohol Use	11.3	21,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	41.2	73,000
Past-Month Binge Alcohol Use	27.5	49,000

<sup>73</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		84
<b>Years of Potential Life Lost (under 21)</b>		4,975
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	39.0	55

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian’s home

### **Underage Consumption of Alcohol**

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

### **Internal Possession by Minors**

Internal possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian’s home

### **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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- No statutory affirmative defense: statutes do not provide an affirmative defense related to retailer’s belief that the minor was 21 years of age or older

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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:***

- 120 days

**Graduated Driver’s License**

***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 40 hours—10 of which must be at night

***Intermediate stage***

- Minimum age: 15 years, 6 months
- Unsupervised night driving:
  - Prohibited after 6 p.m.—nighttime is defined as starting at 6 p.m. EST or 8 p.m. EDT
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than 2 passengers under 21 unless supervised by driver at least 21 years (unless transporting students to school)
  - Primary enforcement of the passenger restriction rule

***License stage***

- Minimum age to lift restrictions: 16 years, 6 months

**Laws Targeting Alcohol Suppliers**

**Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND EITHER
- Parent/guardian OR
- Spouse

There is an affirmative defense if the minor is not charged.

South Carolina’s Parent / Guardian and Spouse exceptions apply when the alcohol is furnished in the home of the spouse or in the home of the parent or guardian.

**Responsible Beverage Service**

No beverage service training requirement.

**Minimum Ages for Off-Premises Sellers**

- Beer Not specified
- Wine Not specified
- Spirits 21

*Note: Although no minimum age is specified to sell beer and wine at off-sale establishments licensed to sell beer and wine, an employee of a retail liquor establishment must be at least 21 years of age.*

### **Minimum Ages for On-Premises Sellers**

- Beer 18 for servers and 21 for bartenders
- Wine 18 for servers and 21 for bartenders
- Spirits 18 for servers and 21 for bartenders

### **Dram Shop Liability**

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

### **Social Host Liability**

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, consumption
- Property type(s) covered by liability law: other
- Standard for hosts' knowledge or action regarding the party: OVERT ACT—host must have actual knowledge and commit an act that contributes to the occurrence

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: None
- Shipping label statement: Contains alcohol and Recipient must be 21

### **Keg Registration**

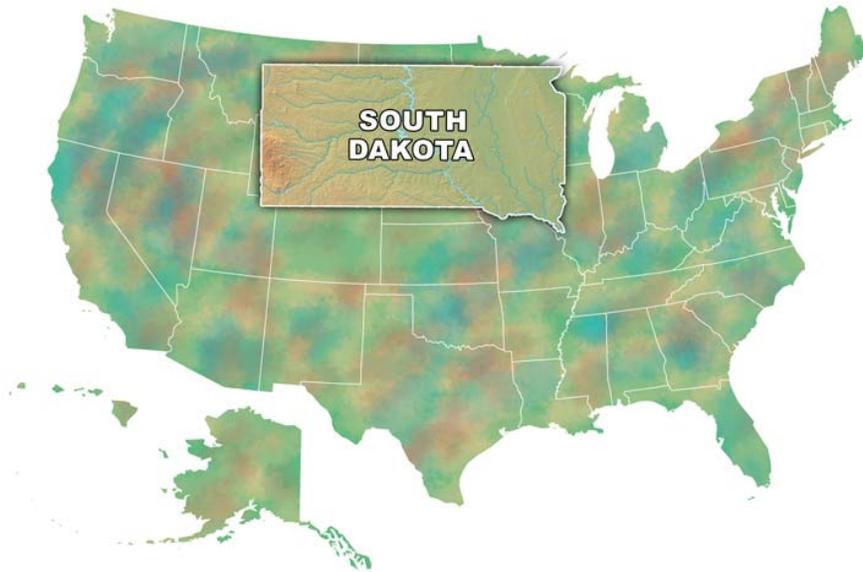
Keg definition: 5.16 gallons or more.

#### ***Prohibited***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$500 or 30 days
- Destroying the label on a keg—max. fine/jail: \$500 or 30 days

#### ***Purchaser information collected***

- Purchaser's name and address: verified by a government-issued ID
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit: not required
- Provisions do not specifically address disposable kegs



## SOUTH DAKOTA

### State Profile and Underage Drinking Facts<sup>74</sup>

<b>State Population</b>	804,194	
<b>Population-Ages 12-20</b>	103,000	
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	32.6	33,000
Past-Month Binge Alcohol Use	23.2	24,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	5.2	2,000
Past-Month Binge Alcohol Use	2.6	1,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	28.4	10,000
Past-Month Binge Alcohol Use	17.6	6,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	60.8	22,000
Past-Month Binge Alcohol Use	46.8	17,000

<sup>74</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		15
<b>Years of Potential Life Lost (under 21)</b>		906
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	26.0	6

## **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 and there is NO ALLOWANCE for youth 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

#### ***Provisions targeting retailers***

- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid
- Retailer has the authority to detain a minor suspected of using a false ID in connection with the purchase of alcohol

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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***

- Minimum: 30 days
- Maximum: 365 days

**Graduated Driver's License**

***Learner stage***

- Minimum entry age: 14
- Minimum learner stage period:
  - 3 months —with driver education
  - 6 months—without driver education
- There is no minimum supervised driving requirement

***Intermediate stage***

- Minimum age: 14 years, 3 months
- Unsupervised night driving:
  - Prohibited after 10 p.m.
  - Primary enforcement of the night driving rule
- There are no passenger restrictions

***License stage***

- Minimum age to lift restrictions: 16

**Laws Targeting Alcohol Suppliers**

**Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian OR
- Spouse

**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 Not specified
- Wine 21
- Spirits 21

### **Minimum Ages for On-Premises Sellers**

- Beer 18 for servers and 21 for bartenders
- Wine 18 for servers and 21 for bartenders
- Spirits 18 for servers and 21 for bartenders

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

### **Dram Shop Liability**

There is no dram shop liability.

### **Social Host Liability**

There is no social host liability.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

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

*Notes: Exception: A farm winery license (any winery producing wines with a majority of the ingredients grown or produced in South Dakota) may ship no more than twelve cases of wine per person per calendar directly to a resident of another state, if the state to which the wine is sent allows residents of the state to receive wine sent from outside that state.*

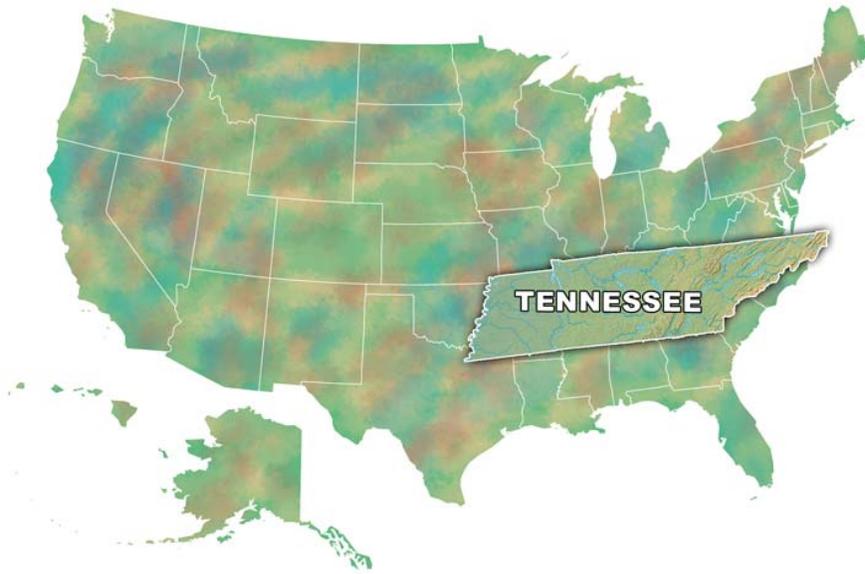
### **Keg Registration**

Keg definition: 8.00 or 16.00 gallons

*Note: A “keg” is defined as an eight or sixteen gallon reusable plastic or metal container.*

#### ***Purchaser information collected:***

- Purchaser’s name and address
- Warning information to purchaser: not required
- Deposit: not required
- Provisions do not specifically address disposable kegs



## TENNESSEE

### State Profile and Underage Drinking Facts<sup>75</sup>

<b>State Population</b>		6,214,888	
<b>Population-Ages 12-20</b>		721,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	21.7		157,000
Past-Month Binge Alcohol Use	14.5		105,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	4.8		12,000
Past-Month Binge Alcohol Use	1.7		4,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	18.5		45,000
Past-Month Binge Alcohol Use	11.9		29,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	43.3		99,000
Past-Month Binge Alcohol Use	31.0		71,000

<sup>75</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		112
<b>Years of Potential Life Lost (under 21)</b>		6,629
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	21.0	39

## **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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid

*Note: In Tennessee, the statute provides that no permit or license shall be revoked on the grounds that the operator or any person working for the operator sells beer to a minor over the age of 18 years if such minor exhibits an identification, false or otherwise, indicating the minor's age to be 21 or over, if the minor's appearance as to maturity is such that the minor might reasonably be presumed to be of such age and is unknown to such person making the sale. As of July 1, 2006, it is also an affirmative defense to criminal prosecution if any person accused of giving or buying alcoholic beverages or beer for a minor acted upon a reasonably held belief that the minor was of legal age.*

## Laws Targeting Underage Drinking and Driving

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

- BAC limit: 0.02
  - BAC above the limit is *per se* (conclusive) evidence of a violation:
  - Applies to drivers age 16 or above
  - Applies to drivers under age 21

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

The state has two Use/Lose Laws.

Use/lose penalties that apply to minors under age 21.

#### *Type(s) of violation leading to driver’s license suspension, revocation, or denial:*

- Underage purchase
- Underage possession

#### *Authority to impose driver’s license sanction*

- Mandatory
- Length of suspension/revocation: 365 days

#### Use/lose penalties that apply to minors under age 18

#### *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: 365 days

### Graduated Driver’s License

#### *Learner stage*

- Minimum entry age: 15
- Minimum learner stage period: 6 months
  - Minimum supervised driving requirement: 50 hours—10 of which must be at night

#### *Intermediate stage*

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 11 p.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one unrelated passenger, unless accompanied by driver over 21
  - Primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

#### ***Mandatory beverage service training for servers:***

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

#### ***Voluntary beverage service training:***

- Applies only to off-sale establishments
- The law does not specify new or existing outlets

*Note: Although the approval date of Tennessee's enacting legislation establishing a voluntary beverage service training program applicable to off-premises sale of beer was June 5, 2006, the program did not become fully implemented and enforceable until July 1, 2007. Note that prior to June 5, 2006, Tennessee had only a mandatory beverage service training program applicable to on-premises sales of alcoholic beverages.*

#### ***Incentives for training:***

- Mitigation of fines or other administrative penalties for sales to minors
- Protection against license revocation for sales to minors

### **Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

### **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

### **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Fact finder must determine that seller knew customer was a minor beyond a reasonable doubt.

### **Social Host Liability**

There is no social host liability.

*Notes: Biscan v. Brown (2005) held that a property owner may be held liable to third parties if he/she knowingly allows minors to consume alcohol on his/her property and it is foreseeable that minors may then operate motor vehicles. Under Tenn. Code Ann. § 57-10-101, a social host that furnishes to alcohol minors is shielded from liability.*

### **Host Party Laws**

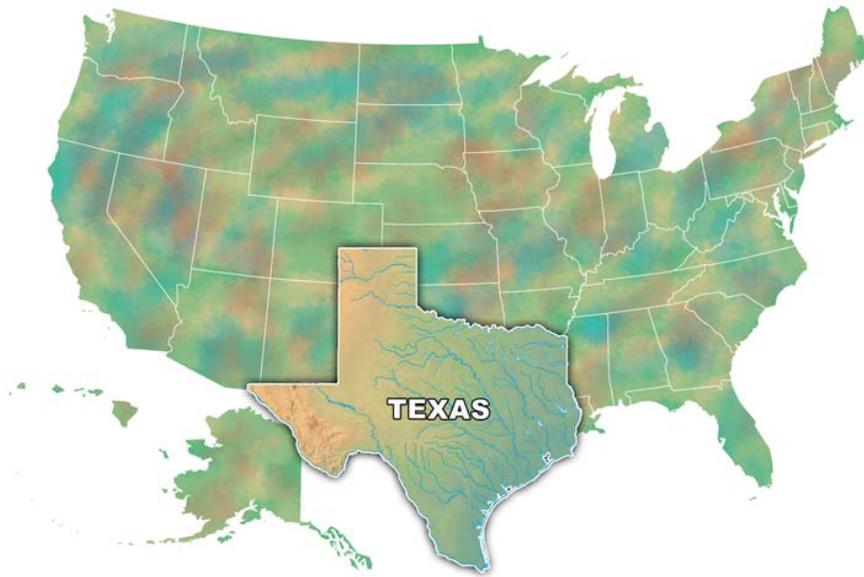
No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

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

### **Keg Registration**

Registration is not required.



## TEXAS

### State Profile and Underage Drinking Facts<sup>76</sup>

<b>State Population</b>		24,326,974	
<b>Population-Ages 12-20</b>		3,140,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use		26.1	821,000
Past-Month Binge Alcohol Use		17.4	547,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use		6.2	63,000
Past-Month Binge Alcohol Use		3.3	33,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use		23.6	254,000
Past-Month Binge Alcohol Use		15.1	163,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use		48.2	504,000
Past-Month Binge Alcohol Use		33.7	351,000

<sup>76</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		405
<b>Years of Potential Life Lost (under 21)</b>		24,293
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	28.0	182

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian presence and consent OR
- Spouse

*Note: In Texas, a minor may possess an alcoholic beverage if the minor is in the visible presence of his adult parent, guardian, or spouse*

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian presence and consent OR
- Spouse

*Note: In Texas, a minor may consume an alcoholic beverage if it is in the visible presence of the minor's adult parent, guardian or spouse.*

### **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

#### ***Provisions targeting retailers***

- State provides incentives to retailers who use electronic scanners that read birth dates and other information digitally encoded on valid identification cards
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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:***

- 30 days

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- There is no minimum supervised driving requirement

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one unrelated passenger under 21
  - There is no primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 16 years, 6 months

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian OR
- Spouse

*Note: In Texas, a person may purchase an alcoholic beverage for or give an alcoholic beverage to a minor if he is the minor's adult parent, guardian, or spouse, or an adult in whose custody the minor has been committed by a court, and he is visibly present when the minor possesses or consumes the alcoholic beverage.*

### **Responsible Beverage Service**

#### ***Voluntary beverage service training:***

- The law does not specify on- or off-sale establishments
- The law does not specify new or existing outlets

#### ***Incentive for training:***

- Protection against license revocation for sales to minors

### **Minimum Ages for On-Premises Sellers**

- Beer 16
- Wine 16
- Spirits 21

### **Minimum Ages for Off-Premises Sellers**

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

### **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Knowledge of underage status

*Notes: Alcohol provider must be 21 or over when providing alcohol to a minor under the age of 18. Any person may be held liable for providing alcohol to individuals 18 or older that are obviously intoxicated to the extent that they present a clear danger to themselves or others at the time of service. Licensees (but not their employees) are shielded from liability if the licensee required employee to attend Responsible Beverage Service training; the employee attended the training; and the licensee did not directly or indirectly encourage the employee to break the law.*

### **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Knowledge of underage status

*Notes: Social host must be 21 or over. Minor must be under the age of 18.*

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: Common carrier must verify age of recipient
- State approval/permit requirements:
  - Producer/shipper must obtain State permit
  - State must approve common carrier
- Reporting requirements: Producer must record/report purchaser's name
- Shipping label statement:
  - Contains alcohol
  - Recipient must be 21

### **Keg Registration**

Registration is not required.



## UTAH

### State Profile and Underage Drinking Facts<sup>77</sup>

<b>State Population</b>		2,736,424	
<b>Population-Ages 12-20</b>		387,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	16.0		62,000
Past-Month Binge Alcohol Use	12.2		47,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	3.3		4,000
Past-Month Binge Alcohol Use	1.4		2,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	15.3		19,000
Past-Month Binge Alcohol Use	11.1		14,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	26.5		39,000
Past-Month Binge Alcohol Use	21.7		32,000

<sup>77</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		32
<b>Years of Potential Life Lost (under 21)</b>		1,942
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	8.0	3

## **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 prohibited—no explicit exceptions noted in the law.

### **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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Retailers are permitted to seize apparently false IDs
- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid
- Retailer has the authority to detain a minor suspected of using a false ID in connection with the purchase of alcohol

## **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***

- Discretionary

#### ***Length of suspension/revocation:***

- 90 days

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 40 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No unrelated passengers, unless accompanied by driver over 21
  - There is no primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 17
- Passenger restrictions are lifted at age 16 years, 6 months
- Unsupervised night driving restrictions remain until age 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

#### ***Mandatory beverage service training for managers, servers:***

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

*Note: In Utah, the Off-Premises Establishments subject to mandatory training are “off-premise beer retailers.” “Off-premise beer retailers” are licensed to sell “beer,” which in Utah is any product that contains not more than 3.2 percent alcohol by weight (ABW) and is obtained by fermentation, infusion, or decoction of any malted grain.*

### **Minimum Ages for Off-Premises Sellers**

- Beer 21
- Wine 21
- Spirits 21

*Note: Although employees must be at least 21 years of age to sell “liquor” at off-sale establishments in Utah, persons between 16 and 21 years of age may sell “beer” (defined as containing not more than 4% ABV or 3.2% ABW) on the premises of a beer retailer for off-premise consumption if under the supervision of a person 21 years of age or older who is on the premises.*

### **Minimum Ages for On-Premises Sellers**

- Beer 21 for both servers and bartenders
- Wine 21 for both servers and bartenders
- Spirits 21 for both servers and bartenders

### **Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$500,000 limit for one person and \$1,000,000 limit for all injured parties per occurrence. No punitive damages.

*Notes: Outlets that sell beer at retail for off-premise consumption are exempt. Liability is strictly imposed for sale of alcohol to an underage person. No weight is given to circumstances surrounding sale.*

### **Social Host Liability**

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$500,000 limit for one person and \$1,000,000 limit for all injured parties per occurrence. No punitive damages.

*Notes: Social host must be 21 years of age or older.*

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

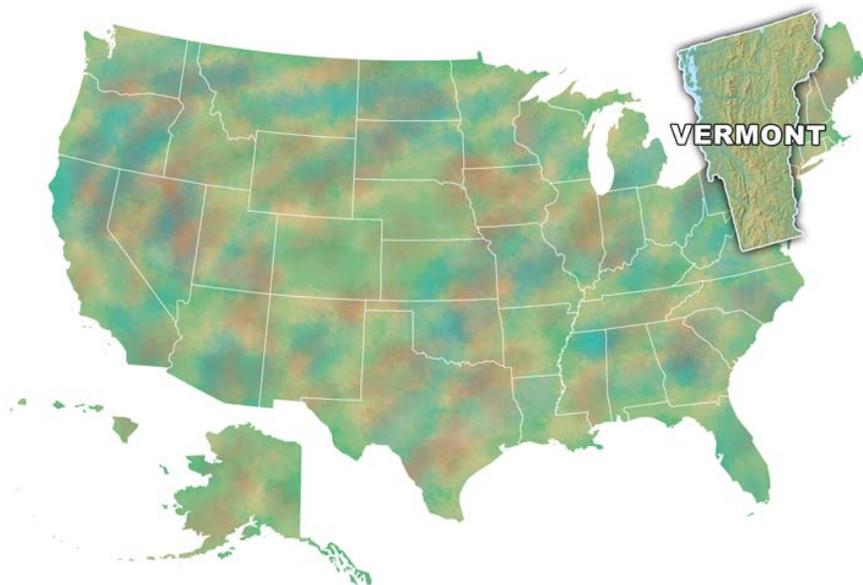
### **Direct Sales/Shipments From Producers to Consumers**

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

### **Keg Registration**

- Keg sales prohibited.

*Note: Beer may not be sold, provided, or possessed for off-premise consumption in containers larger than two liters.*



## VERMONT

### State Profile and Underage Drinking Facts<sup>78</sup>

<b>State Population</b>		621,270	
<b>Population-Ages 12-20</b>		83,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	40.1		33,000
Past-Month Binge Alcohol Use	29.4		24,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	6.1		1,000
Past-Month Binge Alcohol Use	2.3		1,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	34.3		9,000
Past-Month Binge Alcohol Use	23.5		6,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	69.4		23,000
Past-Month Binge Alcohol Use	53.8		18,000

<sup>78</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		7
<b>Years of Potential Life Lost (under 21)</b>		437
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	2.0	0

## **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.

*Note: Although Vermont does not prohibit Internal Possession, beginning on July 1, 2000, it has a statutory provision that makes it unlawful for a minor to “consume malt or vinous beverages or spirituous liquors. A violation of this subdivision may be prosecuted in a jurisdiction where the minor has consumed malt or vinous beverages or spirituous liquors, or in a jurisdiction where the indicators of consumption are observed.”*

### **Underage Purchase of Alcohol**

Purchase is NOT prohibited and there is no specific allowance for youth purchase for law enforcement purposes.

*Notes: Vermont previously had a law that made it a crime for a minor to “procure” alcoholic beverages. Beginning on July 1, 2000, however, Vermont only prohibits minors from procuring alcohol in connection with a false representation of age. See 2000 Vt. Acts & Resolves 160.*

### **False Identification for Obtaining Alcohol**

#### ***Provision(s) targeting minors***

- Use of a false ID to obtain alcohol is a criminal offense
- No driver’s license suspension procedure

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid

*Notes: Vermont has two statutes regarding affirmative defenses. First, under Vt. Stat. Ann. tit. 7, § 658, an employee of a licensee or of a state-contracted liquor agency charged with underage furnishing may plead as an affirmative defense that the employee carefully viewed specified photographic identification, that an ordinary prudent person would believe the purchaser to be of legal age to make the purchase, and that the sale was made in good faith, based upon the*

*reasonable belief that the purchaser was of legal age to purchase alcoholic beverages. Second, Vt. Stat. Ann. tit.7, § 602 provides that selling or furnishing to a person exhibiting “a valid authorized form of identification,” which means a valid photographic operator’s license, enhanced driver’s license, or valid photographic nondriver identification card issued by Vermont or another state or foreign jurisdiction, a United States military identification card, or a valid passport bearing the photograph and signature of the individual is prima facie evidence of the licensee’s compliance with the law prohibiting the sale or furnishing of alcoholic beverages to minors. The first provision amounts to a specific affirmative defense for state store employees and employees of retail licensees. The second provision applies to licensees and appears to provide them at least limited protection from prosecution, although the statutory language is unclear regarding how the provision is to be applied.*

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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”)**

No Use/Lose law.

### **Graduated Driver’s License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 12 months
- Minimum supervised driving requirement: 40 hours—10 of which must be at night

#### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving: not restricted
- Passenger restrictions exist:
  - During first 3 months, restricted to driving alone or with a licensed parent, instructor or person at least 25 years old.
  - During next 3 months, may also transport family members
  - There is no primary enforcement of the passenger restriction rule

#### ***License stage***

- Minimum age to lift restrictions: 16 years, 6 months

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

### **Responsible Beverage Service**

*Mandatory beverage service training for licensees, managers, servers:*

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

### **Minimum Ages for Off-Premises Sellers**

- Beer 16
- Wine 16
- Spirits Not specified

### **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

### **Dram Shop Liability**

Statutory liability exists.

### **Social Host Liability**

Statutory liability exists.

*Notes: Requirement that alcohol be furnished by social host.*

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: Common carrier must verify age of recipient
- State approval/permit requirements:
  - Producer/shipper must obtain State permit
  - State must approve common carrier
- Reporting requirements: Producer must record/report purchaser's name
- Shipping label statement:
  - Contains alcohol
  - Recipient must be 21

## **Keg Registration**

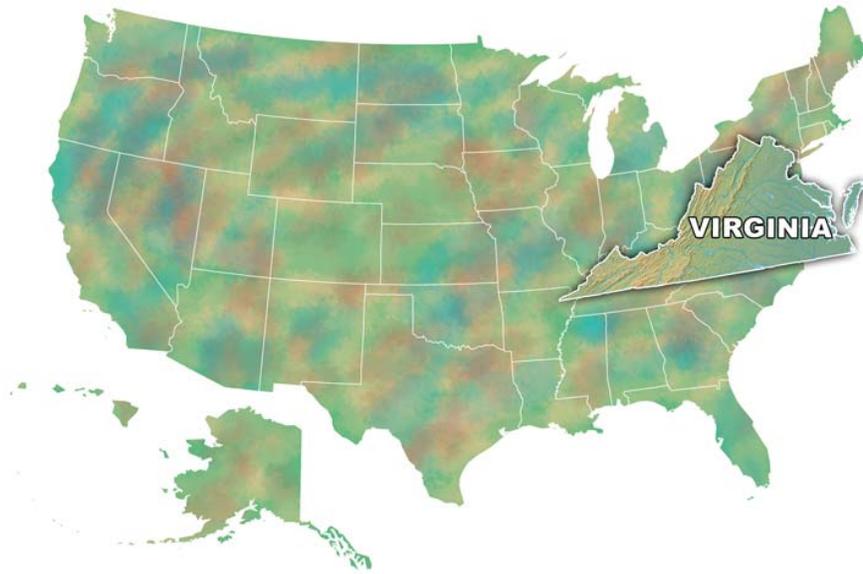
Keg definition: at least 5 gallons.

### ***Prohibited***

- Destroying the label on a keg—max. fine/jail: \$1000 or 2 years

### ***Purchaser information collected***

- Purchaser's name and address: verified by a government-issued ID
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit required: \$25
- Provisions do not specifically address disposable kegs



## VIRGINIA

### State Profile and Underage Drinking Facts<sup>79</sup>

<b>State Population</b>		7,769,089	
<b>Population-Ages 12-20</b>		918,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	26.0		239,000
Past-Month Binge Alcohol Use	17.5		161,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	6.0		17,000
Past-Month Binge Alcohol Use	2.5		7,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	21.4		70,000
Past-Month Binge Alcohol Use	13.8		45,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	50.2		151,000
Past-Month Binge Alcohol Use	36.1		109,000

<sup>79</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		111
<b>Years of Potential Life Lost (under 21)</b>		6,598
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	31.0	49

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND EITHER
- Parent/guardian presence and consent OR
- Spouse

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND EITHER
- Parent/guardian presence and consent OR
- Spouse

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid

*Note: Virginia defines “bona fide evidence of legal age” as including “a valid motor vehicle driver’s license issued by any state of the United States or the District of Columbia, armed forces identification card, United States passport or foreign government visa, valid special identification card issued by the Virginia Department of Motor Vehicles, or any valid identification issued by any other federal or state government agency.” See 3 Va. Admin. Code § 5-50-20(B). In determining whether a licensee has reason to believe a purchaser is not of legal age, the Virginia Alcoholic Beverage Control Board considers whether an ordinary and prudent person would have reason to doubt that the purchaser is of legal age based on the general appearance, facial characteristics, behavior and manner of the purchaser, and whether the*

*seller demanded, was shown and acted in good faith in reliance upon bona fide evidence of legal age that contained a photograph and physical description consistent with the appearance of the purchaser. See 3 Va. Admin. Code § 5-50-20(A).*

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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***

- Minimum: 180 days
- Maximum: 365 days

Use/lose penalties apply to minors under age 18

***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:***

- 180 days

### **Graduated Driver’s License**

***Learner stage***

- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: 9 months
- Minimum supervised driving requirement: 45 hours—15 of which must be at night

***Intermediate stage***

- Minimum age: 16 years, 3 months
- Unsupervised night driving:
  - Prohibited after 12 a.m.

- There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - For first year: no more than one unrelated passenger under 18
  - After first year: no more than 3 unrelated passengers under 18
  - There is no primary enforcement of the passenger restriction rule

***License stage***

- Minimum age to lift restrictions: 18

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private residence AND EITHER
- Parent/guardian OR
- Spouse

*Note: Prior to July 1, 2005, Virginia’s law allowing any person to keep or possess alcoholic beverages “in his residence for his personal use or that of his family” was not specific to minors and therefore did not meet the criteria for an exception in this policy topic. With the passage of legislation effective July 1, 2005, however, this exception was incorporated in a new underage furnishing provision and now meets the criteria for coding the Parent / Guardian and Spouse exceptions to underage furnishing, when the alcohol is provided by a person “in his residence.”*

### **Responsible Beverage Service**

***Voluntary beverage service training:***

- The law does not specify on- or off-sale establishments
- Applies only to existing outlets

***Incentive for training:***

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

### **Minimum Ages for Off-Premises Sellers**

- Beer Not specified
- Wine Not specified
- Spirits Not specified

### **Minimum Ages for On-Premises Sellers**

- Beer 18 for servers and 21 for bartenders
- Wine 18 for servers and 21 for bartenders
- Spirits 18 for servers and 21 for bartenders

*Note: Although bartenders are generally required to be at least 21 years old in Virginia, a person who is at least 18 years of age may sell or serve beer for on-premises consumption at a counter in an establishment that sells beer only.*

### **Dram Shop Liability**

There is no dram shop liability.

### **Social Host Liability**

There is no social host liability.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for Beer, Wine with the following restrictions:

- Age verification requirements: Common carrier must verify age of recipient
- State approval/permit requirements:
  - Producer/shipper must obtain State permit
  - State must approve common carrier
- Reporting requirements: Producer and common carrier must record/report purchaser's name
- Shipping label statement:
  - Contains alcohol
  - Recipient must be 21

### **Keg Registration**

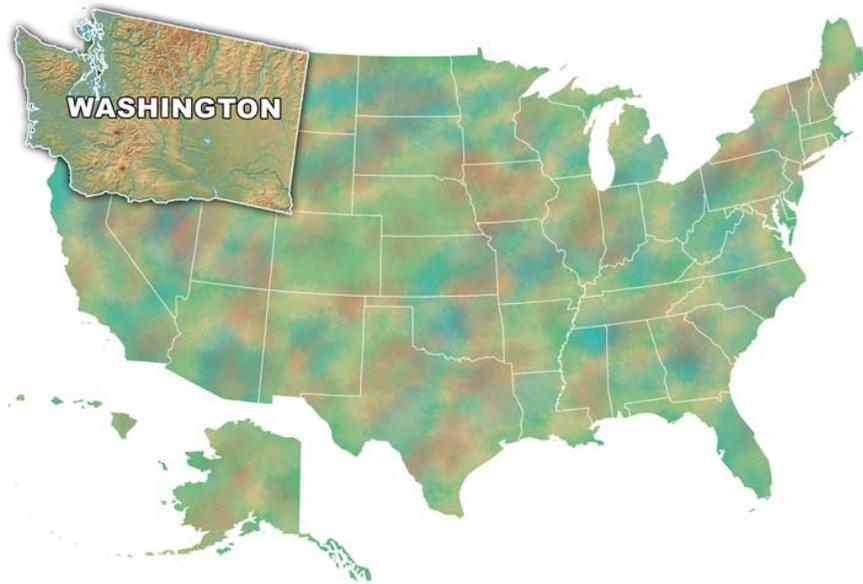
Keg definition: 4 gallons or more.

#### ***Prohibited***

- Possessing an unregistered, unlabeled keg
- Destroying the label on a keg

#### ***Purchaser information collected***

- Purchaser's name and address: verified by a government-issued ID
- Address where keg will be consumed
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit: not required
- Provisions specifically address disposable kegs



## WASHINGTON

### State Profile and Underage Drinking Facts<sup>80</sup>

<b>State Population</b>		6,549,224	
<b>Population-Ages 12-20</b>		823,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use		30.7	253,000
Past-Month Binge Alcohol Use		19.3	159,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use		7.0	19,000
Past-Month Binge Alcohol Use		4.3	11,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use		27.0	72,000
Past-Month Binge Alcohol Use		15.4	41,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use		55.6	162,000
Past-Month Binge Alcohol Use		36.5	107,000

<sup>80</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		75
<b>Years of Potential Life Lost (under 21)</b>		4,490
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	25.0	19

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian presence and consent

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian presence and consent

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and youth cannot 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***

- 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: 0.02
  - BAC at or above the limit 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 18.

#### ***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:***

- 365 days

**Graduated Driver's License**

***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 1 a.m.
  - There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - First 6 months: no one under the age of 20 not in the immediate family
  - After 6 months: no more than 3 passengers under age of 20 not in immediate family
  - There is no primary enforcement of the passenger restriction rule

***License stage***

- Minimum age to lift restrictions: 17

**Laws Targeting Alcohol Suppliers**

**Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian (details not specified)

**Responsible Beverage Service**

***Mandatory beverage service training for managers, servers:***

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

**Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 21

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

**Minimum Ages for On-Premises Sellers**

- Beer 18 for servers and 21 for bartenders
- Wine 18 for servers and 21 for bartenders
- Spirits 18 for servers and 21 for bartenders

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

### **Dram Shop Liability**

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

### **Social Host Liability**

There is no social host liability.

*Notes: In Reynolds v. Hicks (1998) the court held that a social host who serves alcohol to a minor can be held liable for resulting harms to the minor who was served but is not liable for injuries caused by the minor to third parties.*

### **Host Party Laws**

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

- Action by underage guest that triggers violation: consumption
- Property type(s) covered by liability law: residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: NEGLIGENCE—host must have known or should have known of the event's occurrence

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: Common carrier must verify age of recipient
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: None
- Shipping label statement: None

### **Keg Registration**

Keg definition: 4 gallons or more.

#### ***Prohibited***

- Possessing an unregistered, unlabeled keg—max. fine/jail: \$5000 or 1 year
- Destroying the label on a keg—max. fine/jail: \$5000 or 1 year

#### ***Purchaser information collected***

- Purchaser's name and address: verified by a government-issued ID
- Address where keg will be consumed
- Warning information to purchaser: active—purchaser action required (e.g., signature)
- Deposit: not required
- Provisions do not specifically address disposable kegs

*Note: Under a special endorsement from the liquor control board, a grocery store licensee may sell malt liquor in containers no larger than five and one-half gallons. Research revealed no similar container size restriction imposed on other licensees.*



## WEST VIRGINIA

### State Profile and Underage Drinking Facts<sup>81</sup>

<b>State Population</b>		1,814,468	
<b>Population-Ages 12-20</b>		210,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	26.8		56,000
Past-Month Binge Alcohol Use	18.6		39,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	6.9		5,000
Past-Month Binge Alcohol Use	3.5		2,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	23.7		16,000
Past-Month Binge Alcohol Use	15.4		10,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	48.0		36,000
Past-Month Binge Alcohol Use	35.2		26,000

<sup>81</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		32
<b>Years of Potential Life Lost (under 21)</b>		1,904
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	29.0	14

## **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 an administrative procedure

#### ***Provisions targeting retailers***

- State provides incentives to retailers who use electronic scanners that read birth dates and other information digitally encoded on valid identification cards
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- General affirmative defense: the retailer came to a good faith or reasonable decision that the purchaser was 21 years or older; inspection of an identification card not required

## **Laws Targeting Underage Drinking and Driving**

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

- BAC limit: 0.02
  - BAC at or above the limit 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”)**

No Use/Lose law.

## **Graduated Driver's License**

### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement:
  - None with driver education
  - 30 hours without driver education

### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 11 p.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than 3 unrelated passengers under 19
  - Primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian OR
- Spouse

*Note: West Virginia's exception allows relatives by blood or marriage to furnish alcohol to minors.*

### **Responsible Beverage Service**

No beverage service training requirement.

### **Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

### **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

Condition(s) that must be met in order for an underage person to sell alcoholic beverages:

- Manager/supervisor is present

### **Dram Shop Liability**

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

### **Social Host Liability**

There is no social host liability.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties.

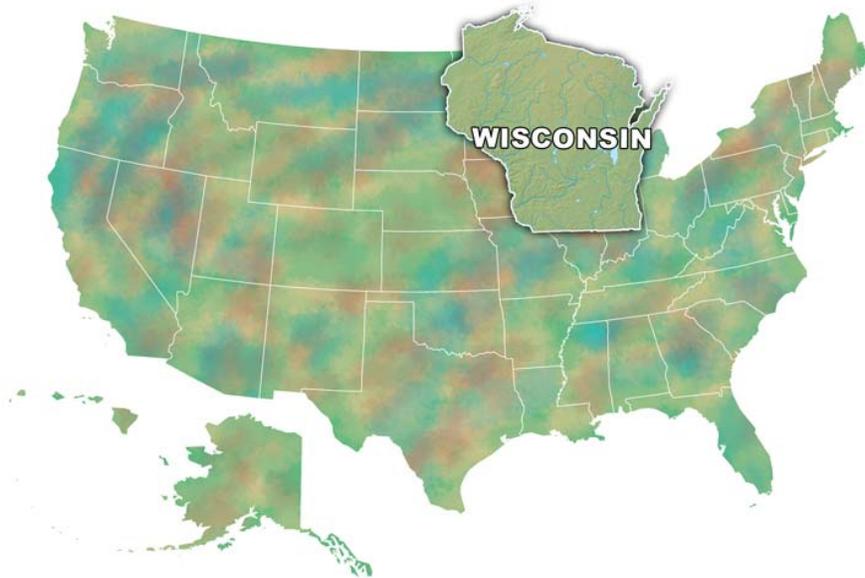
### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: Common carrier must verify age of recipient
- State approval/permit requirements:
  - Producer/shipper must obtain State permit
  - State must approve common carrier
- Reporting requirements: Producer and common carrier must record/report purchaser's name
- Shipping label statement:
  - Contains alcohol
  - Recipient must be 21

### **Keg Registration**

Registration is not required.



## WISCONSIN

### State Profile and Underage Drinking Facts<sup>82</sup>

<b>State Population</b>		5,627,967
<b>Population-Ages 12-20</b>		721,000
	<b>Percentage</b>	<b>Number</b>
<b>Ages 12-20</b>		
Past-Month Alcohol Use	33.8	243,000
Past-Month Binge Alcohol Use	24.0	173,000
<b>Ages 12-14</b>		
Past-Month Alcohol Use	7.2	16,000
Past-Month Binge Alcohol Use	3.3	7,000
<b>Ages 15-17</b>		
Past-Month Alcohol Use	30.6	74,000
Past-Month Binge Alcohol Use	19.8	48,000
<b>Ages 18-20</b>		
Past-Month Alcohol Use	60.0	153,000
Past-Month Binge Alcohol Use	46.1	118,000

<sup>82</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		85
<b>Years of Potential Life Lost (under 21)</b>		5,078
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	25.0	29

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian presence and consent OR
- Spouse

### **Underage Consumption of Alcohol**

Consumption is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian presence and consent OR
- Spouse

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth 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***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- Retailers are permitted to seize apparently false IDs
- 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***

- Discretionary

***Length of suspension/revocation***

- Minimum: 30 days
- Maximum: 90 days

**Graduated Driver's License**

***Learner stage***

- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 30 hours—10 of which must be at night

***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 12 a.m.
  - Primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one person under 21 who is not an immediate family member or instructor
  - Primary enforcement of the passenger restriction rule

***License stage***

- Minimum age to lift restrictions: 16 years, 9 months

**Laws Targeting Alcohol Suppliers**

**Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian OR
- Spouse

**Responsible Beverage Service**

***Mandatory beverage service training for licensees, servers:***

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

**Minimum Ages for Off-Premises Sellers**

- Beer 18
- Wine 18
- Spirits 18

*Note: No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve fermented malt or alcohol beverages unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service. Thus, if an 18-year-old held an operator's license, he or she would not require immediate supervision by a manager or supervisor.*

### **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: No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve fermented malt or alcohol beverages unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service. Thus, if an 18-year-old held an operator's license, he or she would not require immediate supervision by a manager or supervisor.*

### **Dram Shop Liability**

Statutory liability exists.

### **Social Host Liability**

Statutory liability exists.

### **Host Party Laws**

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

- Action by underage guest that triggers violation: consumption
- 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
- Preventive action by the host negates the violation

### **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: Producer/shipper must obtain State permit
- Reporting requirements: Producer must record/report purchaser's name
- Shipping label statement: Recipient must be 21

### **Keg Registration**

Registration is not required.



## WYOMING

### State Profile and Underage Drinking Facts<sup>83</sup>

<b>State Population</b>		532,668	
<b>Population-Ages 12-20</b>		65,000	
	<b>Percentage</b>		<b>Number</b>
<b>Ages 12-20</b>			
Past-Month Alcohol Use	33.5		22,000
Past-Month Binge Alcohol Use	24.1		16,000
<b>Ages 12-14</b>			
Past-Month Alcohol Use	8.1		2,000
Past-Month Binge Alcohol Use	3.9		1,000
<b>Ages 15-17</b>			
Past-Month Alcohol Use	32.0		7,000
Past-Month Binge Alcohol Use	22.4		5,000
<b>Ages 18-20</b>			
Past-Month Alcohol Use	57.7		13,000
Past-Month Binge Alcohol Use	43.8		10,000

<sup>83</sup> Overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. Additional references for data in this section can be found in Appendix C.

<b>Alcohol-Attributable Deaths (under 21)</b>		11
<b>Years of Potential Life Lost (under 21)</b>		679
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers With BAC &gt;.01</b>	40.0	9

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Private location OR
- Parent/guardian presence

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

### **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
- No driver's license suspension procedure

#### ***Provisions targeting retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older
- 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: 0.02
- BAC at or above the limit 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 19.

Type(s) of violation leading to driver's license suspension, revocation, or denial:

- Underage possession

#### ***Authority to impose driver's license sanction***

- Mandatory

#### ***Length of suspension/revocation:***

- 90 days

## **Graduated Driver’s License**

### ***Learner stage***

- Minimum entry age: 15
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

### ***Intermediate stage***

- Minimum age: 16
- Unsupervised night driving:
  - Prohibited after 11 p.m.
  - There is no primary enforcement of the night driving rule
- Passenger restrictions exist:
  - No more than one unrelated passenger under 18, unless accompanied by another driver at least 18
  - There is no primary enforcement of the passenger restriction rule

### ***License stage***

- Minimum age to lift restrictions: 16 years, 6 months

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited WITH THE FOLLOWING EXCEPTION(S):

- Parent/guardian OR
- Spouse

*Note: Wyoming’s exception allows members of the minor’s “immediate family” to furnish alcohol.*

### **Responsible Beverage Service**

#### ***Voluntary beverage service training:***

- Applies to both on-sale and off-sale establishments
- The law does not specify new or existing outlets

#### **Minimum Ages for Off-Premises Sellers**

- Beer 21
- Wine 21
- Spirits 21

#### **Minimum Ages for On-Premises Sellers**

- Beer 18 for servers and 21 for bartenders
- Wine 18 for servers and 21 for bartenders
- Spirits 18 for servers and 21 for bartenders

### **Dram Shop Liability**

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

## **Social Host Liability**

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

## **Host Party Laws**

Social host law is specifically limited to underage drinking parties:

- Action by underage guest that triggers violation: possession, consumption
- 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

## **Direct Sales/Shipments From Producers to Consumers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

- Age verification requirements: None
- State approval/permit requirements: Producer/shipper must obtain State permit; State must approve common carrier
- Reporting requirements: None
- Shipping label statement: Contains alcohol

## **Keg Registration**

Keg definition: not less than 7 gallons.

### ***Prohibited***

- Destroying the label on a keg—max. fine/jail: \$500

### ***Purchaser information collected***

- Verified age by a government-issued ID
- Warning information to purchaser: passive—no purchaser action required
- Deposit: not required
- Provisions do not specifically address disposable kegs

# APPENDICES

# APPENDIX A: SURVEYS

Federal funding supports a wide variety of surveys. Information about underage alcohol use, abuse, and consequences primarily comes from three federally funded surveys—the National Survey on Drug Use and Health (NSDUH), Monitoring the Future (MTF), and the national Youth Risk Behavior Survey (YRBS). Each of these surveys makes a unique contribution to our understanding of the nature of youth alcohol use. NSDUH assesses illicit drug, alcohol, and tobacco use among noninstitutionalized individuals age 12 and older and serves as the major Federal source of nationally representative data on substance use in the general population of the United States. MTF examines attitudes and behaviors of 8<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> graders with regard to alcohol, drug, and tobacco use and provides important data on both substance use and the attitudes and beliefs that may contribute to such behaviors. YRBS examines various risk behaviors among high school students and provides vital information on specific behaviors that cause the most significant health problems among youth in the United States today.

These surveys sometimes differ in their findings. To address differences in youth substance use prevalence estimates generated by these surveys and to improve Federal policy makers' understanding of the influence of methodological differences on those estimates, the Office of the Assistant Secretary for Planning and Evaluation within the Department of Health and Human Services commissioned a group of recognized experts in survey design, sampling techniques, and statistical analysis to examine and compare the methodologies of each survey. The resulting papers and accompanying Federal commentaries appear in a special issue of *Journal of Drug Issues* (Volume 31, Number 3, Spring 2001). Experts agreed that the overall methodology for each survey is strong and that observed differences are not the result of flaws or serious weaknesses in survey design. In fact, some differences are to be expected—such as those resulting from home- vs. school-based settings. From a policy perspective, serious and complex issues such as youth alcohol use and related behavior often require examination and analysis from multiple perspectives. Because no one survey is absolute or perfectly precise, input from multiple sources is not only valuable, but necessary.

## **National Survey on Drug Use and Health (NSDUH)**

NSDUH, the primary source of illegal drug use statistics for the United States population age 12 and older, also collects information on use of alcohol; use of tobacco products; trends in initiation of substance use; prevention-related issues; substance dependence, abuse, and treatment; and mental health. Initiated in 1971 and conducted annually since 1990, this survey collects data by administering questionnaires to individuals comprising a representative sample of the population through face-to-face interviews at their places of residence. SAMHSA sponsors the survey, and SAMHSA's Center for Behavioral Health Statistics and Quality (CBHSQ) plans and manages it. RTI International collects data under contract. NSDUH collects information from residents of households and noninstitutional group quarters (e.g., shelters, rooming houses, dormitories), as well as civilians living on military bases.

Since 1999, NSDUH has been carried out using computer-assisted interviewing. Most questions are administered with audio computer-assisted self-interviewing (ACASI). ACASI provides respondents with a highly private and confidential means of responding to questions to increase the level of honest reporting of illicit drug use and other sensitive behaviors. Less sensitive items are administered using computer-assisted personal interviewing (CAPI).

NSDUH provides estimates for each of the 50 States and the District of Columbia, as well as national estimates. Its design oversamples youth ages 12 to 17 and young adults ages 18 to 25. For the 2008 survey, 68,736 interviews were completed for a weighted interview response rate of 74.4. Prior to 2002, NSDUH was called the National Household Survey on Drug Abuse (NHSDA). Because of improvements to the survey in 2002, the 2002 data constitute a new baseline for tracking trends in substance use. Therefore, SAMHSA recommends that estimates from 2002 forward not be compared with estimates from 2001 and earlier years of NHSDA.

### **Monitoring the Future (MTF) Study**

MTF measures alcohol, tobacco, and illicit drug use as well as perceived risk, personal disapproval, and perceived availability associated with each substance among nationally representative samples of students in public and private secondary schools throughout the conterminous United States. The National Institute on Drug Abuse (NIDA) supports MTF through a series of investigator-initiated grants to the University of Michigan's Institute for Social Research. Every year since 1975, a national sample of 12<sup>th</sup> graders has been surveyed. In 1991, the survey was expanded to include comparable numbers of 8<sup>th</sup> and 10<sup>th</sup> graders each year. It also administers follow-up surveys by mail to representative samples of adults through age 50 from previous high school graduating classes and to representative samples of college students one to four years past high school. In 2009, 15,509 8<sup>th</sup> graders, 16,320 10<sup>th</sup> graders, and 14,268 12<sup>th</sup> graders were surveyed. University of Michigan staff members administer the questionnaires to students, usually in their classrooms during a regular class period. Questionnaires are self-completed and formatted for optical scanning. In 8<sup>th</sup> and 10<sup>th</sup> grades, the questionnaires are completely anonymous. In the 12<sup>th</sup> grade, they are confidential (to permit the longitudinal follow-up of a random subsample of participants). Extensive procedures are followed to protect the confidentiality of subjects and their data.

### **Youth Risk Behavior Survey (YRBS)**

In the United States in the late 1980s, only a limited number of health-related school-based surveys such as MTF existed. Therefore, the Centers for Disease Control and Prevention (CDC) developed the Youth Risk Behavior Surveillance System (YRBSS) to monitor 6 categories of priority health risk behaviors that contribute substantially to the leading causes of death, disability, and social problems among youth and young adults. YRBSS includes biennial national, State, and local school-based surveys of representative samples of students in grades 9 through 12, as well as other national and special population surveys. The national survey—the YRBS—is conducted by CDC with a target population comprising all public and private high school students in the 50 States and the District of Columbia. Education and health agencies conduct State and local surveys. The national sample is not an aggregation of the State and local surveys, and State and local estimates cannot be obtained from the national sample. In 2009, 16,410 students completed the national YRBS with an overall response rate of 71 percent.

## **Additional Surveys**

Three additional federally supported surveys collect alcohol consumption and related information on a segment of the underage population—those 18 to 20 years of age. First among these is NESARC, which is a large nationwide household survey sponsored by NIAAA and fielded by the Census Bureau. It assesses the prevalence of alcohol use disorders and associated disabilities in the general population age 18 and older. The first wave of this longitudinal survey was fielded in 2001 through 2002. The second wave of NESARC was conducted in 2005 among the individuals who participated in Wave 1; longitudinal information first became available in 2008.

Begun in the early 1980s and fielded every two to four years, the Worldwide Survey of Substance Abuse and Health Behaviors Among Military Personnel measures prevalence of substance use and health behaviors among active-duty military personnel on United States military bases worldwide. In 2005, the Department of Defense (DoD) initiated the DoD Lifestyle Assessment Program, which incorporates the active duty health behaviors study and expands the scope to include the National Guard and Reserves as well as other special studies. In 2006, a Reserve component of the survey was conducted. Data from the 2005 survey, now called the DoD Survey of Health Related Behaviors Among Active Duty Military Personnel, became available in December 2006. Planning for the next Active Duty Military Survey began in 2008.

Begun in 1957, the National Health Interview Survey (NHIS) is an annual multistage probability sample survey of households by United States Census Bureau interviewers for the CDC National Center for Health Statistics (Pleis & Lethbridge-Cejku, 2007). Information related to underage drinkers age 18 to 20 from these three surveys may be added to this Report in the future.

## **Association vs. Causation**

In reviewing data related to risky behaviors and different categories of alcohol use, readers should keep in mind that association does not prove causation. Just because alcohol use is associated with other risky behaviors does not mean that it *causes* these other risky behaviors. Often, additional research is needed to establish alcohol as a causative factor.

## **Additional Methodological Caveats**

When reviewing studies of the age of initiation of alcohol use, one must recognize that different researchers use different methods to describe initiation of drinking and to estimate the average age at first use of alcohol. In some cases, large differences in estimates have resulted, primarily due to differences in how age groups and time periods are specified in the calculations. The following examples will help readers understand these methodological differences.

A popular method for computing average age involves restricting the age group of estimation to persons age 12- to 17-years-old or 12- to 20-years-old, with no restriction on the time period. This method provides an estimate of the average age of first use among persons in the age group who have used alcohol at some point in their lifetime, which typically results in a younger estimated average age of first use than other methods. This is because initiation occurring in older age groups is excluded from the calculation, and also because the calculation gives too much weight to very early initiation. For example, 15-year-olds who will first use at age 17 are excluded since they have not yet used alcohol at the time of data collection. Thus, the 2003

NSDUH average age of first use among lifetime alcohol users age 12 to 20 is 14.0 years; among 20-year-olds, 15.4 years; and among all lifetime drinkers, 16.8 years.

The above method has limited utility for assessing trends because estimates do not reflect a well-defined recent time period. A 20-year-old may have first used alcohol at age 10, so an average age of first use among 12- to 20-year-olds would span a period covering as much as 10 years. Besides not reflecting the most current patterns, year-to-year change in this average is typically negligible due to the substantial overlap in the covered time periods. Trends in average age of initiation are best measured by estimating the average age among those who initiated alcohol use during a specific time period, such as a calendar year or within the 12 months prior to interview, in a repeated cross-sectional survey. These estimates can be made with or without age restrictions. For example, the average age of first use among persons in 2003 who initiated within the past 12 months was 16.5 years, but restricting the calculation to just those who initiated before age 21 results in an average age of 15.6. Based on the 2003 NSDUH, an estimated 11 percent of recent initiates were age 21 or older when they first used.

Estimates of average age of first use among recent initiates based on the NSDUH sample of persons 12 and older is biased upward because it does not capture initiation prior to age 12. The 2003 NSDUH estimated that 6.6 percent of alcohol initiates during 1990 to 1999 were age 11 or younger. Excluding these early initiates from calculations inflates the estimate of average age by approximately half a year. This bias can be diminished by making estimates only for time periods at least two years prior (e.g., using the 2003 NSDUH, estimate average age at first use for 2001, but not 2002), an approach used in previous NSDUH reports. Although this approach can provide interesting historical data, it does not give timely information on emerging patterns of alcohol initiation. Furthermore, there are serious bias concerns with historical estimates of the number of initiates and their average age at first use constructed from retrospectively reported age at first use. Older respondents are more likely not to remember accurately when an event occurred. An event may be remembered as having occurred more recently than it actually did—a kind of “forward telescoping” of the recalled timing of events. Evidence of telescoping suggests that trend estimates based on reported age at first use may be misleading.

For example, in the 2006 MTF, alcohol use by the end of 6<sup>th</sup> grade was reported by 19.4 of 8<sup>th</sup> graders but only 5.2 of 12<sup>th</sup> graders. Several factors, including telescoping, probably contribute to this difference. Eventual dropouts are more likely than average to drink at an early age; thus, they will be captured as 8<sup>th</sup> but not 12<sup>th</sup> graders. Lower grades also have lower absentee rates. Another factor relates to the issue of what is meant by first use of an alcoholic beverage. Students in 12<sup>th</sup> grade are more inclined to report use that is not adult-approved, and to not report having less than a glass with parents or for religious purposes. Younger students may be more likely to report first use of a limited amount of alcohol. Thus, 8<sup>th</sup> and 9<sup>th</sup> grade data probably exaggerate drinking while 11<sup>th</sup> and 12<sup>th</sup> grade data may understate it.

## **Web Sites for Data on Underage Drinking**

These Federal Web sites can be useful to persons seeking data related to underage drinking:

1. Information from SAMHSA on underage drinking is available at <http://oas.samhsa.gov/underage.cfm>
2. Information from the YRBS is available at <http://www.cdc.gov/HealthyYouth/yrbs/index.htm>
3. Information from NHTSA on underage drinking and on drinking and driving is available at <http://www.nhtsa.gov/portal/site/nhtsa/menuitem.18e416bf1b09b6bbbf30811060008a0c> and <http://www.nhtsa.gov/portal/site/nhtsa/menuitem.a0bd5d5a23d09ec24ec86e10dba046a0>
4. Information from NIAAA on underage drinking is available at <http://www.niaaa.nih.gov/AboutNIAAA/NIAAASponsoredPrograms/underage.htm>
5. Information from NIDA's MTF survey is available at <http://www.monitoringthefuture.org>

# APPENDIX B: DEFINITIONS OF VARIABLES

## Underage Possession

### **1. Conduct Is Prohibited**

As of January 1, 2009, all 50 States and the District of Columbia prohibit possession of alcoholic beverages by persons under the age of 21, subject to the exceptions listed below.

### **2. Exceptions Related to Parents/Guardians**

Some States allow exceptions to possession prohibitions when parents or guardians are present or give consent. Some States limit parent/guardian exceptions specifically to circumstances in which parents or guardians are present and give consent.

### **3. Location Limits to Exceptions**

Some jurisdictions limit Parent/Guardian exceptions to specific locations including any private location, in private residences, and in parent/guardian/ home only. Some location exceptions are conditional on the presence and/or consent of parents, legal guardians, or spouses.

### **4. Exceptions for Married Minors**

Some jurisdictions provide exceptions for married minors when spouses consent and/or are present. Some jurisdictions limit spousal exceptions to specific locations.

## Underage Consumption

### **1. Conduct Is Prohibited**

As of January 1, 2009, 33 jurisdictions prohibit consumption of alcoholic beverages for anyone under the age of 21. However, some of these jurisdictions permit certain exceptions:

#### ***Exceptions related to parents/guardians***

Some States that prohibit underage consumption of alcohol permit exceptions when parents or guardians are present or give consent. Some States limit parent/guardian exceptions specifically to circumstances in which parents or guardians are present and give consent.

#### ***Location limits to exceptions***

Some jurisdictions limit parent/guardian exceptions to specific locations (any private location, in private residences, or in parent/guardian/ home only). In some jurisdictions, the location exception is conditional on the presence and/or consent of a parent, legal guardian, or spouse.

#### ***Exceptions for married minors***

Some jurisdictions provide exceptions for married minors when a spouse consents and/or is present. Some jurisdictions limit spousal exceptions to specific locations.

## Internal Possession by Minors

### **1. Conduct Is Prohibited**

Internal possession laws prohibit a person under the age of 21 from having alcohol in her or his system as determined by a blood, breath or urine test. Laws that punish persons under the age of 21 for displaying indicators of consumption or for exhibiting the effects of having consumed alcohol are not considered internal possession laws.

### **2. Exceptions Related to Parents/Guardians**

States may allow exceptions when the alcoholic beverage is supplied by a parent or guardian, although some may limit the parent/guardian exception specifically to circumstances in which they give consent, are present or both.

### **3. Location Limits to Exceptions**

Jurisdictions may limit the parent/guardian exception to specific locations including any private location, in private residences, and in parent/guardian home only.

## Underage Purchase and Attempted Purchase

This Report uses two sets of variables for purchase of alcoholic beverages by those under age 21.

### **Purchase Prohibited**

States may have provisions prohibiting actual or attempted purchase of alcoholic beverages by minors.

### **Exemption: Youth May Purchase for Law Enforcement Purposes**

States may permit minors to possess and purchase alcohol for law enforcement purposes, typically as part of a program to check merchant compliance with underage drinking laws. A State may have this exemption even if it does not have a law specifically prohibiting underage purchase (making it an exemption to its underage possession law).

## False Identification

### **1. Provisions That Target Minors**

#### ***Use of false id prohibited***

All States make it a criminal offense for minors to use a false ID when attempting to purchase alcoholic beverages.

#### ***License suspension***

States may mandate or authorize the suspension or revocation of the minor's driver's license as a sanction for violating false ID laws. The suspension can occur through either an administrative or a judicial process. The State agency issuing the driver's license is responsible for administrative actions, which do not involve a judicial proceeding. Judicial suspensions occur as part of a court proceeding after the minor has been found guilty of violating the false ID law (and may be accomplished by a court order issued to the licensing authority). State law may authorize both types of processes. For further discussion of policies pertaining to the suspension or

revocation of minor's licenses for alcohol infractions, see the "Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)" section of this Report.

## **2. Provisions That Target Suppliers**

### ***Lend/transfer/sell***

States may prohibit lending, transferring, or selling a valid government-issued IDs to persons to whom they do not belong.

### ***Produce***

States may prohibit altering a valid ID or creating or manufacturing a false ID for the purpose of purchasing alcoholic beverages.

## **3. Retailer Support Provisions**

### ***Scanner***

Some states provide incentives to retailers who use electronic scanners that read birth dates and other information digitally encoded on valid identification cards. Incentives may include an affirmative defense in prosecutions for sales to minors if the retailer can show that the scanner was used properly.

### ***Distinctive licenses***

States may have a law or regulation that makes driver's licenses for persons under 21 years of age easily distinguishable from adult licenses (e.g., by having the picture in profile for one and frontal for the other).

### ***Seizure of an identification document***

States may permit retailers to seize apparently false IDs without fear of prosecution even if the identification is valid. The retailer must act reasonably or in good faith (the standard may vary by State) in order to avoid prosecution.

### ***Affirmative defense***

States may grant retailers a defense in a prosecution involving an illegal alcohol sale to a minor based on the retailers' belief that the minor was of age. There are two types of affirmative defenses:

- **Specific:** The retailer inspected the false ID and came to a reasonable conclusion that it was valid.
- **General:** The retailer came to a good faith or reasonable decision that the minor was of age without necessarily inspecting an ID.

### ***Right to sue minor***

States may allow a retailer the right to sue a minor who uses a false ID to purchase alcohol for any losses or fines suffered by the retailer as a result of the illegal sale.

### ***Detention of minor***

State law may give retailers the authority to detain minors who use false IDs to purchase alcohol. This authority may protect the retailer from liability for false arrest, false imprisonment, slander or unlawful detention.

## Youth Blood Alcohol Concentration Limits

### **1. BAC Limit**

Blood alcohol concentration (BAC) is a measure of the amount of alcohol in a person's bloodstream. Although BAC is commonly expressed as a percentage, State laws generally specify BAC levels in terms of grams of alcohol per 100 milliliters of blood (often abbreviated as grams per deciliter or g/dL). BAC limits for young drivers vary among jurisdictions.

## Loss of Driving Privileges for Alcohol Violations by Minors

### **1. Type of Violations Leading to License Suspension or Revocation**

Types of violations for which a young person's license may be suspended or revoked include:

- Purchase of alcohol.
- Possession of alcohol.
- Consumption of alcohol.

### **2. Upper Age Limit**

The upper age limit is the age below which the license suspension/revocation sanction applies.

### **3. Authority To Impose License Sanction**

Whether State authority to impose driver's license sanctions for underage alcohol violations is mandatory or discretionary.

### **4. Length of Suspension/Revocation**

The minimum and maximum number of days of suspension or revocation specified in statutes or regulations. Some States make penalties discretionary but specify periods of time for suspension or revocation.

## Graduated Driver's Licenses

The variables across the three stages of graduated driver licensing policies are as follows:

### **1. Learner Stage**

#### ***Minimum entry age***

The minimum age at which drivers can operate vehicles in the presence of parents, guardians or other adults, after all administrative prerequisites of the law in a particular jurisdiction are met, including driver education. This variable does not include the age at which drivers could get permits for the limited purpose of driving only with instructors.

#### ***Minimum mandatory holding period***

The time period (in months) that learner's permits must be held before drivers advance to the intermediate stage of the licensing process.

#### ***Minimum supervised driving***

The minimum number of hours drivers must log in the presence of parents, guardians or adults before advancing to the intermediate stage of the licensing process.

## **2. Intermediate Stage**

### ***Minimum age***

The earliest age at which drivers become eligible to drive without adult supervision after meeting all administrative prerequisites of the laws of individual jurisdictions, including driver education.

### ***Unsupervised night driving prohibited***

The starting hour at which adult supervision is required.

### ***Primary enforcement of night driving restrictions***

Law enforcement officers may stop drivers even if the only basis for the stop is a suspected violation of unsupervised night driving hour provisions of GDL laws.

### ***Passenger restrictions***

The total number of passengers allowed in vehicles driven by intermediate stage drivers.

### ***Primary enforcement of passenger restrictions***

Law enforcement officers may stop drivers even if the only basis for the stop is a suspected violation of the passenger restriction provisions of GDL laws.

## **3. License Stage**

### ***Minimum age to lift restrictions***

The minimum age for full licensure privileges and the lifting of both passenger and night driving restrictions.

## **Furnishing of Alcohol to Minors**

### **1. Prohibition Against Furnishing of Alcoholic Beverages to Minors**

All States make it illegal to furnish alcoholic beverages to minors, but most States allow for exceptions.

#### ***Parent, guardian, or spouse exception***

Some States allow exceptions when a parent/guardian or spouse supplies the alcoholic beverage.

#### ***Location limits to exceptions***

Some jurisdictions limit the parent, guardian, and/or spouse exception to specific locations. All of these location exceptions are conditional on the presence and/or consent of the parent, legal guardian or spouse. Location limits related to exception may include in any private location; in private residences; and/or in parent/guardian's home only.

### **2. Affirmative Defense for Sellers and Licensees**

#### ***Minor not charged***

Some State laws include provisions requiring that the seller/licensee be exonerated of charges of furnishing alcohol to a minor unless the minor involved is charged.

## Responsible Beverage Service

### **1. Law Type**

- Mandatory—States that require at least some alcohol servers/sellers, managers, and/or licensees to attend training.
- Voluntary—States that provide incentives to licensees for having their servers/sellers, managers, and/or licensed individuals participate in training programs.
- No law—States that have no statutory or regulatory provisions pertaining to mandatory or voluntary responsible beverage service training.

### **2. Mandatory States: Training Required**

State provisions for mandatory programs vary widely in who must participate. The categories include licensees, managers, and servers/sellers, or combinations of these categories.

### **3. Voluntary States**

States with voluntary programs may offer various types of incentives to encourage licensees to participate in responsible beverage service training programs. States may offer some or all of the following incentives:

- Defense in dram shop liability lawsuits.
- Discounts in dram shop liability insurance.
- Mitigation of fines or other administrative penalties for sales to minors or sales to intoxicated persons.
- Protection against license revocation for sales to minors or sales to intoxicated persons.

### **4. Application of RBS Training**

Mandatory or voluntary RBS training provisions may apply to on-premises establishments, off-premises establishments, or both. They may apply to new licensees, existing licensees, or both. In some cases, States do not specify whether the provisions apply to either or both.

## Minimum Ages for On-Premises Servers and Bartenders

### **1. Minimum Ages**

#### *To serve*

The minimum age specified for on-premises servers of beer, wine, and spirits.

#### *To bartend*

The minimum age specified for bartenders to sell or dispense beer, wine, and spirits.

### **2. Manager or Supervisor Must Be Present**

A requirement that managers or supervisors be present when underage persons are serving or dispensing alcoholic beverages.

## Minimum Ages for Off-Premises Sellers

### **1. Minimum Age to Sell**

The minimum age specified by statute or regulation for off-premises sellers of beer, wine, and spirits.

### **2. Manager or Supervisor Must Be Present**

A requirement, beyond those otherwise mandated for all sellers in a jurisdiction, that a manager or supervisor be present when underage persons are selling alcoholic beverages.

## Dram Shop Liability

States are coded for the existence of statutory dram shop liability and/or common law liability.

A common law liability designation in a State report signifies that the State allows lawsuits by injured third parties against alcohol retailers for the negligent service or provision of alcohol to a minor. Common law liability assumes the following procedural and substantive rules:

- A negligence standard applies (i.e., the defendant was negligent because he/she did not act as a reasonable person would be expected to act in like circumstances). Plaintiffs do not need to show that the defendant acted intentionally, willfully or with actual knowledge of the minor's underage status.
- Damages are not arbitrarily limited. If successful in establishing negligence, the plaintiff receives actual damages and has the possibility of seeking punitive damages.
- The plaintiff must only establish that the minor was furnished alcohol and that the furnishing contributed to the injury without regard to the minor's intoxicated state at the time of the sale.
- The plaintiff must establish the key elements of the lawsuit by the "preponderance of the evidence" rather than a more rigorous standard (such as "beyond a reasonable doubt" usually applied in criminal cases).

A statutory liability "yes" code indicates that dram shop liability exists through statutory enactment. Two types of limitations are coded:

- Limitations on damages – statutory caps on the total dollar amount that may be recovered through a dram shop lawsuit.
- Limits on elements or standards of proof – legislative requirements that plaintiffs prove additional facts or meet a more rigorous standard of proof than would normally apply in common law. These can include:
  - Requiring proof that the retailer had knowledge that the minor was underage or that the retailer "willfully served" the minor;
  - Allowing recovery only if the minor was intoxicated or obviously intoxicated at the time of sale or service;
  - Requiring "clear and convincing" evidence or "evidence beyond a reasonable doubt" for the plaintiff to prevail.

If no limitations are listed, the statute imposes common law standards.

A responsible beverage service (RBS) defense notation indicates that the dram shop statute has a provision that allows retailers to avoid liability if they can demonstrate that they had

implemented RBS Training programs and that the retailers' staff had followed RBS procedures at the time of the incidents.

This analysis does not include numerous additional potential variables and limitations to both types of liability, including:

- The ability of a minor who was furnished alcohol to sue the alcohol retailer for self-inflicted injuries.
- The ability of the minors' companions to sue the retailer.
- The existence of various defenses (e.g., contributory or comparative negligence) or procedural requirements (e.g., notice provisions and shortened statute of limitation periods) that may affect the outcome of the litigation.

### Social Host Liability

States are coded for the existence of statutory social host liability and/or common law liability. A social host liability designation in a State report signifies that the State allows lawsuits by injured third parties against social hosts for the negligent service or provision of alcohol to minors.

Common law liability assumes the following procedural and substantive rules:

- A negligence standard applies (i.e., defendants did not act as reasonable persons are expected to in like circumstances). Plaintiffs do not need to show that defendants acted intentionally, willfully, or with actual knowledge of the minors' underage status.
- Damages are not arbitrarily limited. If successful in establishing negligence, plaintiffs receive actual damages and can seek punitive damages.
- Plaintiffs must only establish that minors were furnished alcohol and that the furnishing contributed to the injury without regard to the minors' intoxicated state at the time of service.
- Plaintiffs must establish the key elements of lawsuits by "preponderance of the evidence" rather than a more rigorous standard (such as "beyond a reasonable doubt" in criminal cases).

A statutory liability "yes" code indicates that social host liability exists through statutory enactment. Two types of limitations are coded:

- Limitations on damages – statutory caps on the total dollar amount that may be recovered through social host lawsuits.
- Limits on elements or standards of proof – legislative requirements that plaintiffs prove additional facts or meet a more rigorous standard of proof than would normally apply in common law. These can include:
  - Proof that social hosts had knowledge that minors were underage or that social hosts "willfully served" minors.
  - Allowing recovery only if minors were intoxicated at the time of service.
- Clear and convincing evidence or evidence beyond a reasonable doubt.

If no limitations are listed, the statute imposes common law standards.

Note that this analysis does not include numerous additional potential variables and limitations to both types of liability, including:

- The ability of minors who were furnished alcohol to sue social hosts for self-inflicted injuries.

- The ability of the minors’ companions to bring a lawsuit against the social hosts.
- The existence of various defenses (e.g., contributory or comparative negligence), or procedural requirements (e.g., notice provisions and shortened statute of limitation periods) that may affect the outcome of litigation.

## Hosting Underage Drinking Parties

### **1. Statutes Specific to Underage Parties or General Statutes**

“Specific” statutes explicitly address underage drinking parties by making reference to the words “party,” “gathering,” “open house,” “hosting,” and similar terms with respect to property owned, leased, or otherwise controlled by the social host. “General” statutes prohibit individuals from allowing or permitting underage drinking on their properties generally, without reference to parties, gatherings or a similar term. “General” laws have a broader scope than underage drinking parties (e.g., they may also prohibit adults from allowing minors to consume alcohol in settings other than the adult’s home), but are applicable to underage drinking parties.

### **2. Action by Underage Guests**

This variable identifies the specific underlying activity by underage guests that triggers violations. Underage guests must possess, consume, and/or have the intention to possess or consume to trigger a violation.

### **3. Property Type**

Jurisdictions vary regarding the types of property covered by host party laws, including residences, outdoor property, or other sorts of property such as a shed, garage, or other outbuilding, or a hotel or motel room, campground, or other public site.

### **4. Knowledge Standard**

Host party statutes set varying thresholds for hosts’ knowledge or action regarding an underage drinking party on property they control. Liability is imposed by the State only if the knowledge standard set in the statute is satisfied. In this analysis, the varieties of knowledge standard include overt acts, actual knowledge, or negligence (the host knew or should have known of the event’s occurrence).

### **5. Preventive Action Negates Violation**

In some jurisdictions, preventative action of various sorts by the social host may negate State-imposed liability. This analysis only notes that some jurisdictions permit preventative action to negate violations, but does not identify the specific actions that would do so as those vary widely across jurisdictions.

### **6. Exceptions to Underage Guest Requirement**

Some jurisdictions with host party laws have exceptions in their statutes for family members or other persons, or for other uses or settings involving the handling of alcoholic beverages.

## Direct Sales/Shipment

### **1. Direct Sales/Shipments From Producers to Consumers Are Permitted, Specified by Beverage**

Some producers are permitted to ship directly to individuals via common carriers. If permitted, the type(s) of alcoholic beverages allowed to be shipped are indicated (beer, wine, and/or distilled spirits). Limitations on the amount that may be shipped or received and the types of producers who may ship are not recorded unless the limitations are so severe as to constitute a practical ban on direct shipments.

### **2. Age Verification Requirements**

If a requirement is not listed, it does not exist for the particular jurisdiction.

- Purchasers must make mandatory trips to producers (for age verification purposes) before delivery can be authorized.<sup>84</sup>
- Producers/shippers must verify age of purchasers prior to sale. (The relevant legal provision requires affirmative action to verify the ages of purchasers.)
- Common carriers (deliverers) must verify age of recipients prior to delivery. (The relevant legal provision requires affirmative action to verify the ages of the purchasers.)

### **3. State Approval/Permit Requirements**

If a requirement is not listed, then it does not exist for the particular jurisdiction.

- Producers/manufacturers must obtain licenses or permits from a State agency prior to shipping directly to consumers.
- Common carriers must be approved by a State agency.

### **4. Recording/Reporting Requirements**

If a requirement is not listed, then it does not exist for the particular jurisdiction.

- Producers/manufacturers must record/report purchasers' names for possible inspection by a State agency.
- Common carriers must record/report recipients' names for possible inspection by a State agency.

### **5. Shipping Label Requirements**

There are two possible text requirements for the label used to ship alcohol to consumers. If a requirement is not listed, then it does not exist for the particular jurisdiction.

- Package contains alcohol.
- Recipient must be 21 years of age.

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<sup>84</sup> Laws that require face-to-face transactions for all sales prior to delivery are treated as prohibitions on direct sales/shipments.

## Keg Registration

### **1. Definition of a Keg**

In most States, kegs are defined by minimum volume in gallons. In some States, an exact volume is specified; in other States, the volume may be defined as “greater than,” “greater than or equal to,” “less than” or “less than or equal to” some volume. In a small number of cases, no definition of keg is established by statute or regulation.

### **2. Prohibited**

Some States stipulate that a person may not:

- Possess unregistered or unlabeled kegs.
- Destroy the label on a keg.

Where such prohibitions exist, statutes or regulations may specify a maximum penalty in terms of jail time, fine or both.

### **3. Purchaser Information Collected**

In some States, information on purchasers of kegs is collected at the time of sale. This information may include any combination of the following: (1) names; (2) driver’s license or other government-issued identification number; or (3) addresses at which kegs will be consumed.

Variations on how the information is gathered may include:

- The retailer is required to record purchasers’ identification number or the forms of identification presented by purchasers together with the purchasers’ names, addresses, and dates of birth.
- The purchasers’ names and addresses must be recorded as they appear on identification produced by purchasers.

### **4. Warning Information to Purchaser**

Some States require that warning information be presented to purchasers concerning violation of any laws related to keg registration. These warnings can address prohibitions such as serving alcohol to minors or failing to register kegs properly. The warning may be active (requiring an action on the part of the purchaser—e.g., signing a document) or passive (requiring no action on the part of the purchaser).

### **5. Deposit Required by Statute or Regulation**

In addition to deposits that may be required by the vendor, some States require deposits as part of their keg registration policies. These deposits may be on the kegs themselves, the tapper mechanisms used to serve the beer or both, and are refundable when empty kegs and/or tappers are returned to the merchant. In some cases, multiple deposits may be specified depending on the size of the kegs.

### **6. Disposable Kegs**

Disposable kegs (meant to be disposed of when empty) complicate keg registration laws as they cannot be easily tagged or traced. Some States currently address disposable kegs by statute or regulation and others do not.

## APPENDIX C: STATE REPORT CITATIONS

For each State, overall population information is taken from 2008 population estimates based on 2000 Census data. Data about the portion of each State's population comprised of 12- to 20-year-olds is averaged from 2005, 2006, 2007, and 2008 NSDUHs (SAMHSA, CBHSQ, NSDUH, special data analysis, 2009), as are facts about past-month alcohol use and binge use. The confidence intervals for these estimates are available from SAMHSA/CBHSQ/DPS on request. National Vital Statistics System data from 2001 through 2005 (CDC, NCHS, NVSS, 2001-2005) serves as the resource for data about alcohol-attributable deaths among persons under the age of 21 and the Centers for Disease Control and Prevention's (CDC) Alcohol-Related Disease Impact (ARDI) software provides the details presented for each State on years of potential life lost as a result of underage fatalities (<http://www.apps.nccd.cdc.gov/ardi>). The National Center for Statistics and Analysis (NCSA) provides a Fatality Analysis Reporting System (FARS), from which 2008 data were used to present statistics about fatalities among 15- to 20-year-old drivers.

Legal citations for the following policies can be obtained from the Alcohol Policy Information System (APIS) website. Go to <http://www.alcoholpolicy.niaaa.nih.gov>. On the home page, click on the desired policy; on the policy page click on the "data on a specific date" link. Scroll to the desired State, and click on the citation link in the citation column.

- Underage Possession of Alcohol
- Underage Consumption of Alcohol
- Internal Possession by Minors
- Underage Purchase of Alcohol
- False Identification for Obtaining Alcohol
- Blood Alcohol Concentration Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)
- Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose Laws")
- Furnishing of Alcohol to Minors
- Responsible Beverage Service
- Minimum Ages for Off-Premises Sellers
- Minimum Ages for On-Premises Sellers
- Host Party Laws
- Keg Registration

Legal references for the following four policies are listed below:

- Graduated Drivers Licenses
- Dram Shop Liability
- Social Host Liability
- Direct Shipments/Sales from Producers to Consumers

## **Graduated Driver's Licenses**

### **Alabama**

Ala. Code § 32-6-7.2, Ala. Code § 32-6-8.

### **Alaska**

Alaska Stat. § 28.15.051, Alaska Stat. § 28.15.055, Alaska Stat. § 28.15.057.

### **Arizona**

Ariz. Rev. Stat. § 28-3153, Ariz. Rev. Stat. § 28-3154, Ariz. Rev. Stat. § 28-3155  
Ariz. Rev. Stat. § 28-3174.

### **Arkansas**

Ark. Code Ann. § 27-16-604, Ark. Code Ann. § 27-16-802, Ark. Code Ann. § 27-16-804, Ark.  
Code Ann. § 27-16-901.

### **California**

Cal. Veh. Code § 12509, Cal. Veh. Code § 12814.6.

### **Colorado**

Col. Rev. Stat. § 42-2-104, Co. Rev. Stat. § 42-2-106, Co. Rev. Stat. § 42-2-111, Co. Rev. Stat §  
42-2-105.5, Co. Rev. Stat § 42-4-116.

### **Connecticut**

Conn. Gen. Stat. § 14-36, Conn. Gen. Stat. § 14-36g, Conn. Gen. Stat. § 14-36j.

### **Delaware**

Del. Code Ann. Tit. 14 § 4125, Del. Code Ann. Tit. 21 § 2701, Del. Code Ann. Tit. 21 § 2710.

### **District of Columbia**

DC Code Ann § 50-1401.01, DC Mun. Regs. Tit. 18 § 100.

### **Florida**

Fl Stat. Ann. § 322.05, Fl Stat. Ann. § 322.1615, Fl Stat. Ann § 322.16.

### **Georgia**

Ga. Stat. Ann. § 40-5-22, Ga. Stat. Ann. § 40-5-24.

### **Hawaii**

Haw. Rev. Stat. § 286-102.6, Haw. Rev. Stat. § 286-104, Haw. Rev. Stat. § 286-108.4, Haw.  
Rev. Stat. § 286-110 Haw. Admin. R. § 19-139-3, Haw. Admin. R. § 19-139-12.

**Idaho**

Idaho Code § 49-110, Idaho Code § 49-303, Idaho Code § 49-307.

**Illinois**

625 Ill. Comp. Stat. 5/6-107, 625 Ill. Comp. Stat. 5/6-103, 625 Ill. Comp. Stat. 5/6-107.1, 625 Ill. Comp. Stat. 5/6-110, Ill. Admin. Code tit. 92, § 1030.11, Ill. Admin. Code tit. 92, §1030.65.

**Indiana**

Ind. Code § 9-24-3-2, Ind. Code § 9-24-7-1, Ind. Code § 9-24-7-3, Ind. Code § 9-24-7-4, Ind. Code § 9-24-11-3, Ind. Code § 31-37-3-2, Ind. Code § 31-37-3-3.5.

**Iowa**

Iowa Code § 321.180B.

**Kansas**

Kan. Stat. Ann. § 8-235d, Kan. Stat. Ann. § 8-237, Kan. Stat. Ann. § 8-239, Kan. Stat. Ann. § 8-240.

**Kentucky**

Ky. Rev. Stat. Ann. §186.410, Ky. Rev. Stat. Ann. § 186.450, Ky. Rev. Stat. Ann. § 186.452, Ky. Rev. Stat. Ann. §186.454.

**Louisiana**

La. Rev. Stat. Ann § 32:405.1, La. Rev. Stat. Ann § 32:407, La. Rev. Stat. Ann § 32:408.

**Maine**

Me. Rev. Stat. Ann. tit. 29-A, §§ 1251, 1304, 1311, 1351.

**Maryland**

Md. Ann. Code, Transportation, §§ 16-103, 16-105, 16-111, 16-113, 21-1123; Md. Regs. Code tit. 11, § 17.14.13.

**Massachusetts**

Mass. Gen. Laws Ann. ch. 90, § 8, Mass. Gen. Laws Ann. ch. 90, § 8B.

**Michigan**

Mich. Comp. Laws § 257.310e .

**Minnesota**

Minn. Stat. § 171.04, Minn. Stat. § 171.05, Minn. Stat. § 171.055, Minn. Stat. § 609B.265.

## **Mississippi**

Miss. Code Ann. § 37-25-7, Miss. Code Ann. § 63-1-9, Miss. Code Ann. § 63-1-21, Miss. Reg. 16 000 001, DS Policy 2.006.

## **Missouri**

Mo. Rev. Stat. § 302.060, Mo. Rev. Stat. § 302.130, Mo. Rev. Stat. § 302.178.

## **Montana**

Mont. Code Ann. § 61-5-105, Mont. Code Ann. § 61-5-106, Mont. Code Ann. § 61-5-132, Mont. Code Ann. § 61-5-133, Mont. Admin. R. 10.13.313 (2008).

## **Nebraska**

Neb. Rev. Stat. § 60-480, Neb. Rev. Stat. § 60-4,118.05, Neb. Rev. Stat. § 60-4,120.01, Neb. Rev. Stat. § 60-4,123.

## **Nevada**

Nev. Stat. Ann. § 483.2521, Nev. Stat. Ann. § 483.2523, Nev. Stat. Ann. § 483.2525, Nev. Stat. Ann. § 483.280, Nev. Stat. Ann. § 484.466.

## **New Hampshire**

N.H. Rev. Stat. Ann. § 263:14, N.H. Rev. Stat. Ann. § 263:19, N.H. Rev. Stat. Ann. § 263:25.

## **New Jersey**

N.J. Rev. Stat. s. 39:3-10, N.J. Rev. Stat. s. 39:3-13, N.J. Rev. Stat. s. 39:3-13.4.

## **New Mexico**

N.M. Stat. Ann. § 66-5-5, N.M. Stat. Ann. § 66-5-8.

## **New York**

N.Y. Veh. & Traf. § 501, N.Y. Veh. & Traf. § 502, N.Y. Veh. & Traf. § 501-b, N.Y. Veh. & Traf. § 503-a, N.Y. Comp. Codes R. & Regs. tit. 15, § 1.5, N.Y. Comp. Codes R. & Regs. tit. 15, § 4.2, N.Y. Comp. Codes R. & Regs. tit. 15, § 4.4.

## **North Carolina**

N.C. Gen. Stat. § 20-11.

## **North Dakota**

N.D. Cent. Code § 39-06-03, N.D. Cent. Code § 39-06-04.

## **Ohio**

Ohio Rev. Code Ann. § 4507.05, Ohio Rev. Code Ann. § 4507.21, Ohio Rev. Code Ann. § 4507.071.

## **Oklahoma**

Okla. Stat. tit. 47, § 6-105, Okla. Admin. Code 595:10-1-5.

## **Oregon**

Or. Rev. Stat. § 807.060, Or. Rev. Stat. § 807.065, Or. Rev. Stat. § 807.122, Or. Rev. Stat. § 807.280.

## **Pennsylvania**

75 Pa. Cons. Stat. § 1503, 75 Pa. Cons. Stat. § 1505.

## **Rhode Island**

R.I. Gen. Laws § 31-10-3, R.I. Gen. Laws § 31-10-6, R.I. Gen. Laws § 31-10-20.

## **South Carolina**

S.C. Code Ann. § 56-1-40, S.C. Code Ann. § 56-1-50, S.C. Code Ann. § 56-1-175.

## **South Dakota**

S.D. Codified Laws § 32-12-11, S.D. Codified Laws § 32-12-12, S.D. Codified Laws § 32-12-17.

## **Tennessee**

Tenn. Code Ann. § 55-50-102, Tenn. Code Ann. § 55-50-311.

## **Texas**

Tex. Transp. Code Ann. § 521.201, Tex. Transp. Code Ann. § 521.203, Tex. Transp. Code Ann. § 521.204, Tex. Transp. Code Ann. § 521.222, Tex. Transp. Code Ann. § 545.424, Tex. Admin. Code tit. 37, § 15.5.

## **Utah**

Utah Code Ann. § 41-8-2, Utah Code Ann. § 41-8-3, Utah Code Ann. § 53-3-204, Utah Code Ann. § 53-3-210.5, Utah Code Ann. § 53-3-211.

## **Vermont**

Vt. Stat. Ann. tit. 23, § 607, Vt. Stat. Ann. tit. 23, § 614, Vt. Stat. Ann. tit. 23, § 617, Vt. Stat. Ann. tit. 23, § 678.

## **Virginia**

Va. Code Ann. § 46.2-334, Va. Code Ann. § 46.2-334.01, Va. Code Ann. § 46.2-335, Va. Code Ann. § 46.2-335.2.

## **Washington**

Wash. Rev. Code § 46.20.055, Wash. Rev. Code § 46.20.075.

## **West Virginia**

W. Va. Code § 17B-2-3a, W. Va. Code § 17B-2-7.

## **Wisconsin**

Wis. Stat. § 343.06, Wis. Stat. § 343.07, Wis. Stat. § 343.085.

## **Wyoming**

Wyo. Stat. Ann. § 31-7-108, Wyo. Stat. Ann. § 31-7-110, Wyo. Stat. Ann. § 31-7-111.

# **Dram Shop Liability**

## **Alabama**

AL Stat. § 6-5-71

*Jones v. BP Oil Co.*, 632 So.2d 435 (Ala. 1993).

## **Alaska**

AK Stat. § 04.21.020 (a)(1)

*Gonzales v. Safeway Stores*, 882 P.2d 389 (Alaska 1994).

## **Arizona**

AZ Rev Stat 4-311

*Young v. DRW Corp.*, 184 Ariz. 187, 908 P.2d 1 (Ariz.App. 1995); *Schwab v. Matley*, 164 Ariz. 421, 793 P.2d 1088 (Ariz. 1990).

## **Arkansas**

Ark. Code 16-126-103

*Cadillac Cowboy, Inc. v. Jackson*, 347 Ark. 963, 69 S.W.3d 383, 388-39 (Ark. 2002).

## **California**

Cal. Bus & Prof. Code 25602.1

*Hernandez v. Modesto Portuguese Pentecost Ass'n*, 40 Cal. App.4th 1274, 48 Cal Rptr.2d 229, 230 (1995); *Salem v. Superior Court*, 211 Cal.App.3d 595, 259 Cal.Rptr. 447 (1989); *Strang v. Cabrol*, 37 Cal.3d 720, 691 P.2d 1013, 1016-1019, 209 Cal.Rptr. 347 (1984).

## **Colorado**

COLO. REV. STAT. § 12-47-801

*Sigman v. Seafood Ltd. P'ship I*, 817 P.2d 527, 530 (Colo. 1991); *Dickman v. Jackalope, Inc.*, 870 P.2d 1261, 1262 (Colo. Ct. App. 1994).

## **Connecticut**

Conn. Gen. Stat. 30-102; *Ely v. Murphy*, 207 Conn. 88, 540 A.2d 54, 56-58 (1988); *Bohan v. Last*, 236 Conn. 670, 674 A.2d 839 (1996); *Davenport v. Quinn*, 53 Conn. App. 282 (1999).

## **Delaware**

*McCall v. Villa Pizza Inc.*, 636 A.2d 912, 913-915 (Del. 1994); *Acker v. S.W. Cantinas, Inc.*, 586 A.2d 1178, 1179-1181 (Del. 1991).

## **District of Columbia**

*Rong Yao Zhou v. Jennifer Mall Restaurant, Inc.*, 534 A.2d 1268 (D.C. 1987).

## **Florida**

Fla. Stat. 768.125; *Tobias v. Osorio*, 681 So.2d 95, 98 (Fla.App. 1996).

## **Georgia**

Ga. Code Ann.51-1-40; *Hulsey v. Northside Equities, Inc.*, 249 Ga.App. 474, 474-478, 548 S.E.2d 41, 44-45 (2001).

## **Hawaii**

Haw. Rev. Stat. Ann 281-78; *Reyes v. Kuboyama*, 76 Haw. 137, 870 P.2d 1281 (Haw. 1994); *Ono. v. Applegate*, 612 P. 2d 533 (Haw. 1980).

## **Idaho**

I.C. 23-808; *McLean v. Maverik Country Stores, Inc.*, 142 Idaho 810 (2006).

## **Illinois**

235 ILCS 5/6-21; *Charles v. Siegfried*, 651 N.E. 2d 154 (Ill. 1995).

## **Indiana**

Ind. Code. Ann. 7.1-5 10-15.5; *Merchants Nat. Bank v. Simrell's Sports Bar & Grill, Inc.*, 741 N.E.2d 383, (Ind.App. 2000).

## **Iowa**

I.C.A. 123.92; I.C.A.123.49; *Hoth v. Meisner*, 548 N.W.2d 152 (Iowa 1996).

## **Kansas**

*Bland v. Scott*, 279 Kan. 962 (Kan. 2005).

## **Kentucky**

KRS 413.241; *DeStock # 14, Inc. v. Logsdon*, 993 S.W.2d 952 (Ky. 1999).

**Louisiana**

*Berg v. Zummo*, 786 So. 2d 708 (La. 2001).

**Maine**

28-A MRSA 2503 et seq.; *Jackson v. Tedd-Lait Post No. 5*, 723 A.2d 1220 (Me. 1999).

**Maryland**

*Felder v. Butler*, 438 A.2d 494 (Md. 1981), *Moran v. Foodmaker*, 594 A.2d 587 (Md.App. 1991).

**Massachusetts**

*Cimino v. Milford Keg, Inc.*, 431 N.E.2d 920 (Mass. 1982); *Adamian v. Three Sons, Inc.*, 233 N.E.2d 18 (Mass. 1968); *Wiska v. St. Stanislaus Social Club, Inc.*, 390 N.E.2d 1133 (Mass. App. 1979).

**Michigan**

MICH. COMP. LAWS 436.1801, *Longstreth v Gensel*, 423 Mich 675, 377 NW2d 804 (1985).

**Minnesota**

Minn. Stat. 340A.801; Minn. Stat. 340.503.

**Mississippi**

*Bryant v. Alpha Entertainment Corp.*, 508 So. 2d 1094 (Miss. 1987); *Moore v. K&J Enters.*, 856 So. 2d 621 (Miss. App. 2003).

**Missouri**

Mo. Rev Stat. § 537.053(2),(4),(5) (2009); *Snodgras v. Martin & Bayley, Inc.*, 204 S.W.3d 638 (Mo. 2006).

**Montana**

Mont. Code Ann. § 27-1-710 (2008).

**Nebraska**

Neb Rev. Stat. § 53-404(1) (2007).

**Nevada**

Nevada Rev. Stat. 41.1305, (2), (4) (2008); *Hinegardner v. Marcor Resorts, L.P.V.*, 108 Nev. 1091 (1992).

**New Hampshire**

N.H. Rev. Stat. § 507-F (2009).

## **New Jersey**

N.J. Rev. Stat. § 2A:22A-5 (2009).

## **New Mexico**

N.M. Stat. Ann. § 41-11-1 (2009); *Trujillo v. City of Albuquerque*, 965 P.2d 305, 314 (N.M. 1998).

## **New York**

N.Y. Gen. Oblig. Law § 11-100.

## **North Carolina**

N.C. Gen. Stat. § 18B-120; 18B-121; § 18B-123 (2008).

## **North Dakota**

N.D. Cent. Code § 5-01-06.1 (2008); N.D. Cent. Code § 32-21-02 (2008); *Thoring v. Bottonsek*, 350 N.W.2d 586 (N.D. 1984).

## **Ohio**

Ohio Rev. Code Ann. § 4399.18(A) (2) (2009); Ohio Rev. Code Ann. § 4301.69(A) (2009); *Lesnau v. Andate Enters., Inc.*, 93 Ohio St.3d 467, 468-472 (Ohio 2001).

## **Oklahoma**

*Brigance v. Velvet Dove Restaurant, Inc.*, 1986 OK 41, 725 P.2d 300 (Okla. 1986); *Tomlinson v. Love's Country Stores, Inc.*, 1993 OK 83, 854 P.2d 910 (Okla. 1993); *Busby v. Quail Creek Golf and Country Club*, 1994 OK 63, 885 P.2d 1326 (Okla. 1994); *Mansfield v. Circle K. Corp.*, 1994 OK 80, 877 P.2d 1130 (Okla. 1994).

## **Oregon**

Or. Rev. Stat. § 471.567(1) (2009).

## **Pennsylvania**

*Mathews v. Konieczny*, 527 A. 2d 508 (Pa. 1987).

## **Rhode Island**

R.I. Gen. laws § 3-14-1 et al. (2009), specifically: R.I. Gen. laws § 3-14-3; R.I. Gen. laws § 3-14-4; R.I. Gen. laws § 3-14-5; R.I. Gen. laws § 3-14-6; R.I. Gen. laws § 3-14-7; R.I. Gen. laws § 3-14-8.

## **South Carolina**

*Norton v. Opening Break of Aiken, Inc.*, 443 S.E.2d 406 (S.C.App. 1994), *aff'd* 462 S.E.2d 861 (S.C. 1995); *Whitlaw v. Kroger Co.*, 410 S.E.2d 251 (S.C. 1991).

## **South Dakota**

S.D. Codified Laws § 35-4-78 (2008); S.D. Codified Laws § 35-11-1 (2008); *Baatz v. Arrow Bar*, 426 N.W.2d 298 (N.D. 1988); *Wildeboer v. South Dakota Junior Chamber of Commerce*, 561 N.W.2d 666 (N.D. 1997).

## **Tennessee**

Tenn. Code Ann. § 57-10-102 (2008); *Worley v. Weigels, Inc.*, 919 S.W.2d 589 (Tenn. 1996).

## **Texas**

Tex. Alco. Bev Code Ann. § 2.01 – 2.03; specifically § 2.02(c).

## **Utah**

Utah Code Ann. § 32A-14a-102; *Mackay v. 7-Eleven Sales Corp.*, 995 P.2d 1233 (Utah 2000); *Adkins v. Uncle Bart's, Inc.*, 1 P.3d 528 (Utah 2000).

## **Vermont**

Vt. Stat. Ann. Tit. 7 § 501 (2009).

## **Virginia**

*Robinson v. Matt Mary Moran, Inc.*, 259 Va. 412 (Va. 2000).

## **Washington**

*Crowe v. Gaston*, 951 P.2d 1118 (Wash. 1998); *Schooly v. Pinch's Deli Market, Inc.*, 951 P.2d 749 (Wash. 1998).

## **West Virginia**

*Anderson v. Moulder*, 183 W.Va. 77, 394 S.E.2d 61 (W.Va. 1990).

## **Wisconsin**

W.S.A.125-035; *Meier v. Champ's Sports Bar*, 623 N.W.2d 94 (Wis. 2001) .

## **Wyoming**

*Daniels v. Carpenter*, 62 P.3d 555 (Wyo. 2003).

## Social Host Liability

### Alabama

AL Stat. § 6-5-71; *Martin v. Watts*, 513 So.2d 958 (Ala. 1987).

### Alaska

AK Stat. § 04.21.020 (d); *Chokwak v. Worley*, 912 P.2d 1254 (Alaska 1996).

### Arizona

AZ Rev Stat 4-301; *Knoell v. Cerkenik-Anderson Travel Inc.*, 185 Ariz. 546, 917 P.2d 689, 690-691 (Ariz. 1996); *Estate of Hernandez v. Falvio*, 187 Ariz. 506, 930 P.2d 1309, 1313-15 (Ariz. 1997); *Young v. DRW Corp.*, 184 Ariz. 187, 908 P.2d 1 (Ariz.App. 1995).

### Arkansas

Ark. Code 16-126-105; *Alpha Zeta Chapter of Pi Kappa Alpha Fraternity v. Sullivan*, 293 Ark. 576, 740 S.W.2d 127, 129-30 (Ark. 1987).

### California

Cal. Civ. Code 1714; *Cantor v. Anderson*, 126 Cal.App.3d 124, 178 Cal.Rptr. 540, 545-546 (1981).

### Colorado

COLO. REV. STAT. § 12-47-801; *Charlton v. Kimata*, 815 P.2d 946, 948-949 (Colo. 1991); *Gonzalez v. Yancey*, 939 P.2d 525, 826 (Colo.App. 1997).

### Connecticut

*Ely v. Murphy*, 207 Conn. 88, 540 A.2d 54, 56-58 (Conn. 1988); *Bohan v. Last*, 236 Conn. 670, 674 A.2d 839 (Conn. 1996).

### Delaware

*Shea v. Matassa*, 918 A.2d 1090 (Del. 2007).

### District of Columbia

*Wadley v. Aspillaga*, 163 F. Supp. 2d 1, 6-10 (D.D.C. 2001).

### Florida

*Trainor v. Estate of Hanson*, 740 So.2d 1201 (Fla.App. 1999).

### Georgia

Ga. Code Ann.51-1-40; *Riley v. H&H Operations, Inc.*, 263 Ga. 652, 436 S.E.2d 659, 660-661 (Ga. 1993).

## **Hawaii**

Haw. Rev. Stat. Ann 663-41, *Faulk v. Suzuki Motor Co.*, 9 Haw.App. 490, 851 P.2d 332 (Haw.App. 1993).

## **Idaho**

I.C. 23-808; *Slade v. Smith's Management Corp.*, 119 Idaho 482, 808 P.2d 401 (Idaho 1991).

## **Illinois**

*Wakulich v. Mraz*, 203 Ill.2d 233, 785 N.E. 2d, 843-853, 271 Ill Dec. 649 (Ill. 2003); *Charles v. Siegfried*, 651 N.E.2d 154 (Ill. 1995).

## **Indiana**

Ind. Code. Ann. 7.1-5 10-15.5; *Culver v. McRoberts*, 192 F.3d 1095, 1100 (7th Cir. 1999).

## **Iowa**

I.C.A 123.92, *Brenneman v. Stuelke*, 654 N.W.2d 507 (Iowa, 2002).

## **Kansas**

*Bland v. Scott*, 279 Kan. 962 (Kan. 2005).

## **Kentucky**

*Estate of Vosnick v. RRJC, Inc.*, 225 F.Supp.2d 737 (E.D.Ky. 2002).

## **Louisiana**

*Gresham v. Davenport*, 537 So.2d 1144 (La. 1989); *Bell v. Whitten*, 722 So.2d 1057 (La.App. 1998); *Guy v. State FarmMutual, Inc.*, 725 So.2d 39 (La.App. 1998).

## **Maine**

28-A MRSA 2503 et seq., *Jackson v. Tedd-Lait Post No. 5*, 723 A.2d 1220 (Me. 1999).

## **Maryland**

*Hebb v. Walker*, 536 A.2d 113 (Md.App. 1988).

## **Massachusetts**

*McGuiggan v. New England Telephone & Telegraph Co.*, 496 N.E.2d 141 (Mass. 1986); *O'Flynn v. Powers*, 646 N.E.2d 1091, 1092 (Mass. 1995); *Makynen v. Mustakangas*, 655 N.E.2d 1284, 1286 (Mass.App. 1995).

## **Michigan**

MICH. COMP. LAWS § 436.1801, *Longstreth v Gensel*, 423 Mich. 675, 377 NW2d 804 (Mich. 1985).

**Minnesota**

Minn. Stat. § 340A.90; Minn. Stat. §340A.801; Minn. Stat. 340.503.

**Mississippi**

No Citations.

**Missouri**

*Andres v. Alpha Kappa Lambda Fraternity*, 730 S.W.2d 547 (Mo. 1987); *Thwing v. Reede*, 987 S.W.2d 347 (Mo.App. 1998); *Smith v. Gregg*, 946 S.W.2d 807 (Mo.App. 1997).

**Montana**

Mont. Code Ann. § 27-1-710 (2008).

**Nebraska**

Neb. Rev. Stat. § 53-404(3) (2007).

**Nevada**

No Citations.

**New Hampshire**

*Hickingbotham v. Burke*, 140 N.H. 28, 662 A.2d 297 (N.H. 1995).

**New Jersey**

*Componile v. Maybee*, 273 N.J.Super. 402 (1994); *Linn v. Rand*, 140 N.J.Super 212 (1976).

**New Mexico**

N.M. Stat. Ann. § 41-11-1 (2009); *Trujillo v. City of Albuquerque*, 965 P.2d 305, 314 (N.M. 1998).

**New York**

N.Y. Gen. Oblig. Law § 11-100.

**North Carolina**

No citations.

**North Dakota**

N.D. Cent. Code § 5-01-06.1 (2008); N.D. Cent. Code § 32-21-02 (2008).

**Ohio**

*Mitseff v. Wheeler*, 38 OhioSt.3d 112 ( Ohio 1988); *Williams v. Veterans of Foreign Wars*, 99 OhioApp.3d 213 (1994); Ohio Rev. Code Ann. § 4301.69 (A), (B) (2009).

## **Oklahoma**

*Teel v. Warren*, 22 P.3d 234 (Okla.App. 2001).

## **Oregon**

Or. Rev. Stat. § 471.567(1) (2009).

## **Pennsylvania**

*Congini by Congini v. Portersville Valve Co.*, 470 A.2d 515 (Pa. 1983).

## **Rhode Island**

No citations.

## **South Carolina**

*Marcum v. Bowden*, 643 S.E.2d 85 (S.C. 2007).

## **South Dakota**

S.D. Codified Laws § 35-11-1 (2008); S.D. Codified Laws § 35-11-2 (2008).

## **Tennessee**

Tenn. Code Ann. § 57-10-101 (2008); *Biscan v. Brown*, 160 S.W.3d 462 (Tenn. 2005).

## **Texas**

Tex. Alco. Bev Code Ann. § 2.02; *Dorris v. Price*, 22 S.W.3d 42 (Tex.App. 2000).

## **Utah**

Utah Code Ann. § 32A-14a-102; *Gilger v. Hernandez*, 997 P.2d 305 (Utah 2000).

## **Vermont**

Vt. Stat. Ann. Tit. 7 § 501(g) (2009); Vt. Stat. Ann. Tit. 7 § 501(g)(1) (2009); *Winney v. Ransom & Hastings, Inc.*, 149 Vt. 213 (Vt. 1988).

## **Virginia**

*Robinson v. Matt Mary Moran, Inc.*, 259 Va. 412 (Va. 2000); *Williamson v. Old Brogue, Inc.*, 232 Va. 350 (Va. 1986).

## **Washington**

*Reynolds v. Hicks*, 134 Wash.2d 491, 951 P.2d 761 (Wash. 1998); *Crowe v. Gaston*, 134 Wash.2d 509, 951 P.2d 1118 (Wash. 1998).

## **West Virginia**

*Overbaugh v. McCutcheon*, 396 S.E.2d 153 (W.Va. 1990).

**Wisconsin**

W.S.A.125-035; *Nichols v. Progressive Northern Ins. Co.*, 308 Wis.2d 17, 746 N.W.2d 220 (Wis., 2008).

**Wyoming**

*Daniels v. Carpenter*, 62 P.3d 555 (Wyo., 2003).

**Direct Shipments/Sales From Producers to Consumers****Alabama**

Ala. Code § 28-1-4.

**Alaska**

Alaska Stat. § 04.11.010, Alaska Stat. § 04.16.125, Alaska Stat. § 04.11.140, Alaska Stat. § 04.11.491; Alaska Admin. Code tit. 13, § 104.645.

**Arizona**

Ariz. Rev. Stat. § 4-101, Ariz. Rev. Stat. § 4-205.04, Ariz. Admin. Reg. R15-3-403, Ariz. Rev. Stat. § 4-203.04, Ariz. Admin. Reg. R19-1-221.

**Arkansas**

Ark. Code Ann. § 3-7-106, Ark. Code Ann. § 3-5-1602.

**California**

Cal. Bus. & Prof. Code § 23661.2, Cal. Bus. & Prof. Code § 23661.3.

**Colorado**

Col. Rev. Stat. § 12-47-104, Col. Rev. Stat. § 12-47-701.

**Connecticut**

Conn. Gen. Stat. § 30-16, Conn. Gen. Stat. § 30-18, Conn. Gen. Stat. § 30-18a, Conn. Gen. Stat. § 30-19f.

**Delaware**

Del. Code Ann. tit. 4, § 501, Del. Code Ann. tit. 4, § 526.

**District of Columbia**

D.C. Code Ann. § 25-772, D.C. Code Ann. § 25-102.

## **Florida**

Fla. Stat. Ann. § 561.14, Fla. Stat. Ann. § 561.54, Fla. Stat. Ann. § 561.545, Fla. Stat. Ann. § 564.02.

## **Georgia**

Ga. Code Ann. § 3-3-31, Ga. Code Ann. § 3-6-31, Ga. Code Ann. § 3-6-32; GA COMP. R. & REGS. 560-2-2-.66.

## **Hawaii**

Haw. Rev. Stat. § 281-33.1, Haw. Rev. Stat. § 281-33.6.

## **Idaho**

Idaho Code § 23-1309, Idaho Code § 23-1309A, Idaho Code § 23-1314.

## **Illinois**

235 Ill. Comp. Stat. 5/5-1, 235 Ill. Comp. Stat. 5/6-8, 235 Ill. Comp. Stat. 5/6-16, 235 Ill. Comp. Stat. 5/6-29, 235 Ill. Comp. Stat. 5/6-29.1, 235 Ill. Comp. Stat. 5/8-12; 86 Ill Admin. Code tit. 86, § 420.100.

## **Indiana**

Ind. Code § 7.1-3-2-7, Ind. Code § 7.1-3-18-2, Ind. Code § 7.1-3-18-3, Ind. Code § 7.1-3-18-4, Ind. Code § 7.1-3-26-5, Ind. Code § 7.1-3-26-6, Ind. Code § 7.1-3-26-7, Ind. Code § 7.1-3-26-9, Ind. Code § 7.1-3-26-13.

## **Iowa**

Iowa Code § 123.187, Iowa Code § 123.3, Iowa Code § 123.56, Iowa Code § 123.98.

## **Kansas**

Kan. Stat. Ann. § 41-102, Kan. Stat. Ann. § 41-104, Kan. Stat. Ann. § 41-308a, Kan. Stat. Ann. § 41-348, Kan. Stat. Ann. § 41-349.

## **Kentucky**

Ky. Rev. Stat. Ann. § 241.010, Ky. Rev. Stat. Ann. § 243.155, Ky. Rev. Stat. Ann. § 244.165 (The relevant subsections of these statutes have been held unconstitutional in the case of *Cherry Hill Vineyards, LLC v. Hudgins*, 488 F.Supp.2d 601, (W.D.Ky. 2006), affirmed by *Cherry Hill Vineyards, LLC v. Lilly*, 553 F.3d 423, 424+ (6th Cir. 2008).

## **Louisiana**

La Rev. Stat. Ann. § 26:85, La Rev. Stat. Ann. § 26:359, La Rev. Stat. Ann. § 26:369; La. Admin Code tit. 61, pt. I § 201.

## **Maine**

Me. Rev. Stat. Ann. tit. 28-A, § 2077, Me. Rev. Stat. Ann. tit. 28-A, § 2077-B, Me. Rev. Stat. Ann. tit. 28-A, § 2075.

## **Maryland**

Md. Ann. Code, art. 2B, § 7.5-101, Md. Ann. Code, art. 2B, § 7.5-102, Md. Ann. Code, art. 2B, § 7.5-103, Md. Ann. Code, art. 2B, § 7.5-104, Md. Ann. Code, art. 2B, § 7.5-105, Md. Ann. Code, art. 2B, § 7.5-106, Md. Ann. Code, art. 2B, § 7.5-107, Md. Ann. Code, art. 2B, § 7.5-108, Md. Ann. Code, art. 2B, § 7.5-109, Md. Ann. Code, art. 2B, § 7.5-110.

## **Massachusetts**

Mass. Gen. Laws ch. 138 § 19F, Mass. Gen. Laws ch. 138 § 22; Mass. Regs. Code tit. 830, § 62C.25.1.

## **Michigan**

Mich. Stat. Ann. § 436.1203.

## **Minnesota**

Minn. Stat. § 340A.401, Minn. Stat. § 340A.417; Minn. R. 7515.1060.

## **Mississippi**

Miss. Code Ann. § 67-1-9, Miss. Code Ann. § 67-1-41, Miss. Code Ann. § 97-31-47.

## **Missouri**

Mo. Rev. Stat. § 311.185.

## **Montana**

Mont. Code Ann. § 16-4-901, Mont. Code Ann. § 16-4-903, Mont. Code Ann. § 16-4-906.

## **Nebraska**

Neb. Rev. Stat. § 53-103, Neb. Rev. Stat. § 53-123.11, Neb. Rev. Stat. § 53-123.15, Neb. Rev. Stat. § 53-124, Neb. Rev. Stat. § 53-130.01, Neb. Rev. Stat. § 53-192; Neb. Admin. R. & Regs. Tit. 237, Ch. 6, § 019; Neb. Admin. R. & Regs. Tit. 237, Ch. 7, § 002.

## **Nevada**

Nev. Rev. Stat. § 202.015, Nev. Rev. Stat. § 202.055, Nev. Rev. Stat. § 369.111, Nev. Rev. Stat. § 369.180, Nev. Rev. Stat. § 369.181, Nev. Rev. Stat. § 369.430, Nev. Rev. Stat. § 369.464, Nev. Rev. Stat. § 369.466, Nev. Rev. Stat. § 369.468, Nev. Rev. Stat. § 369.490, Nev. Admin. Code ch. 369, § 016, Nev. Rev. Stat. § 369.040, Nev. Rev. Stat. § 369.450.

## **New Hampshire**

N.H. Rev. Stat. Ann. § 175:1, N.H. Rev. Stat. Ann. § 178:27, N.H. Rev. Stat. Ann. § 178:29, N.H. Rev. Stat. Ann. § 179:5; N.H. Code Admin. R. Liq 1102.04, N.H. Code Admin. R. Liq 1104.01, N.H. Code Admin. R. Liq 1104.02, N.H. Code Admin. R. Liq 1104.05, N.H. Code Admin. R. Liq 1105.01, N.H. Code Admin. R. Liq 1105.02.

## **New Jersey**

N.J. Rev. Stat. § 33:1-2, N.J. Rev. Stat. § 33:1-10; 2004 N.J. Laws 102, § 2.

## **New Mexico**

N.M. Stat. Ann. § 60-7A-3, N.M. Stat. Ann. § 60-7A-4, N.M. Stat. Ann. § 60-7A-8, N.M. Stat. Ann. § 60-6A-13.

## **New York**

N.Y. Alco. Bev. Cont. § 79-c, N.Y. Alco. Bev. Cont. § 79-d.

## **North Carolina**

N.C. Gen. Stat. § 18B-109, N.C. Gen. Stat. § 18B-1001, N.C. Gen. Stat. § 18B-1001.1, N.C. Gen. Stat. § 18B-1001.2, N.C. Gen. Stat. § 18B-1001.3, N.C. Gen. Stat. § 18B-1115, N.C. Gen. Stat. § 105-113.68, N.C. Gen. Stat. § 105-113.84, N.C. Gen. Stat. § 18B-1101, N.C. Gen. Stat. § 18B-1102.

## **North Dakota**

N.D. Cent. Code § 5-01-16, N.D. Cent. Code § 5-01-17.

## **Ohio**

Ohio Rev. Code Ann. § 4303.22, Ohio Rev. Code Ann. § 4303.232; Ohio Admin. Code § 4301:1-1-25.

## **Oklahoma**

Okla. Stat. tit. 37, § 505, Okla. Stat. tit. 37, § 521, Okla. Stat. tit. 37, § 521.3.

## **Oregon**

Or. Rev. Stat. §§ 471.282, 473.140; Or. Admin. R. 845-006-0392, Or. Admin. R. 845-005-0424, Or. Rev. Stat. § 471.404.

## **Pennsylvania**

47 Pa. Cons. Stat. § 1-102, 47 Pa. Cons. Stat. § 4-488, 47 Pa. Cons. Stat. § 5-505.2, 47 Pa. Cons. Stat. § 5-505.4; 40 Pa. Code § 5.103, 40 Pa. Code § 9.12, 40 Pa. Code § 9.144, 40 Pa. Code § 11.111, 40 Pa. Code § 11.211, 40 Pa. Code § 11.212.

## **Rhode Island**

R.I. Gen. Laws § 3-4-8, R.I. Gen. Laws § 3-6-1.1, R.I. Gen. Laws § 3-6-14, R.I. Gen. Laws § 3-10-16.

## **South Carolina**

S.C. Code Ann. § 61-4-730, S.C. Code Ann. § 61-4-747; 7 S.C. Code Ann. Regs 200.2.

## **South Dakota**

S.D. Codified Laws § 35-4-49, S.D. Codified Laws § 35-4-66, S.D. Codified Laws § 35-12A-1, S.D. Codified Laws § 35-12A-3, S.D. Codified Laws § 35-12A-4.

## **Tennessee**

Tenn. Code Ann. § 57-3-202, Tenn. Code Ann. § 57-3-207, Tenn. Code Ann. § 57-3-401, Tenn. Code Ann. § 57-3-402, Tenn. Code Ann. § 57-3-403, Tenn. Code Ann. § 57-3-404, Tenn. Code Ann. § 57-5-401, Tenn. Code Ann. § 57-5-404, Tenn. Code Ann. § 57-5-405; Tenn. Comp. R. & Regs. 0100-7-.01, Tenn. Comp. R. & Regs. 0100-7-.03, Tenn. Comp. R. & Regs. 0100-7-.04.

## **Texas**

Tex. Alco. Bev. Code § 16.09, Tex. Alco. Bev. Code § 41.04, Tex. Alco. Bev. Code § 54.01, Tex. Alco. Bev. Code § 54.02, Tex. Alco. Bev. Code § 54.03, Tex. Alco. Bev. Code § 54.05, Tex. Alco. Bev. Code § 54.06, Tex. Alco. Bev. Code § 110.053; 16 Tex. Admin. Code § 41.23, 16 Tex. Admin. Code § 41.56.

## **Utah**

Utah Code Ann. § 32A-12-201.

## **Vermont**

Vt. Stat. Ann. tit. 7, § 66, Vt. Stat. Ann. tit. 7, § 239.

## **Virginia**

Va. Code Ann. § 4.1-209.1, Va. Code Ann. § 4.1-207; 3 Va. Admin. Code § 5-70-220, 3 Va. Admin. Code § 5-70-225.

## **Washington**

Wash. Rev. Code § 66.20.365, Wash. Rev. Code § 66.20.370, Wash. Rev. Code § 66.20.375, Wash. Rev. Code § 66.20.380, Wash. Rev. Code § 66.20.385, Wash. Rev. Code § 66.24.206.

**West Virginia**

W. Va. Code, § 60-8-6, W. Va. Code, § 60-8-6a, W. Va. Code, § 60-8-7; W. Va. Code St. R. § 175-1-7, W. Va. Code St. R. § 175-4-2, W. Va. Code St. R. § 175-4-9.

**Wisconsin**

Wis. Stat. § 125.53, Wis. Stat. § 125.535, Wis. Stat. § 139.035; Wis. Admin. Code § Tax 8.24.

**Wyoming**

Wyo. Stat. Ann. § 12-2-204, Wyo. Stat. Ann. § 12-4-412; 20 Wyo. Code Rev. Gen. R. § 16.

## APPENDIX D: ICCPUD MEMBERS

**Pamela S. Hyde, J.D. (Chair)**

Administrator  
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VADM, USPHS**

Surgeon General  
U.S. Department of Health and Human  
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**Michael L. Brown**

Director  
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**Janet Collins, Ph.D.**

Associate Director for Program  
Centers for Disease Control and Prevention  
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**Wilson Compton, M.D.**

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**David Harris, Ph.D.**

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**Bryan Samuels**

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# APPENDIX E: STRATEGIES FROM THE SURGEON GENERAL'S CALL TO ACTION

*The Surgeon General's Call to Action to Prevent and Reduce Underage Drinking* describes six goals for the Nation with a set of strategic steps for each goal that parents, other adults, and public and private institutions can take to prevent and reduce underage drinking in America.

## GOALS OF THE SURGEON GENERAL'S CALL TO ACTION

The six goals of the Surgeon General's *Call to Action* are not stand-alone objectives; rather, they are highly integrated components of an overall approach to the prevention and reduction of underage drinking. The goals are as follows:

- Goal 1: Foster changes in American society that facilitate healthy adolescent development and that help prevent and reduce underage drinking.
- Goal 2: Engage parents and other caregivers, schools, communities, all levels of government, all social systems that interface with youth, and youth themselves in a coordinated national effort to prevent and reduce underage drinking and its consequences.
- Goal 3: Promote an understanding of underage alcohol consumption in the context of human development and maturation that takes into account individual adolescent characteristics as well as environmental, ethnic, cultural, and gender differences.
- Goal 4: Conduct additional research on adolescent alcohol use and its relationship to development.
- Goal 5: Work to improve public health surveillance on underage drinking and on population-based risk factors for this behavior.
- Goal 6: Work to ensure that policies at all levels are consistent with the national goal of preventing and reducing underage alcohol consumption.

## STRATEGIES OF THE SURGEON GENERAL'S CALL TO ACTION

The *Call to Action* describes a series of strategic steps that can be taken to bring about achievement of the six proposed goals. These coordinated actions are mutually supportive and mutually necessary. They are based on a broad body of scientific knowledge; some are derived directly from empirical studies, whereas others are extensions of the cumulative knowledge accrued in multiple fields.

### **Goal 1: Foster Changes in American Society That Facilitate Healthy Adolescent Development and That Help Prevent and Reduce Underage Drinking**

#### **For Parents and Other Caregivers**

Parents have a responsibility to help shape the culture in which their adolescents are raised, particularly the culture of their schools and communities. Parental strategies include:

- Partner with other parents in their child's network to ensure that parties and other social events do not allow underage alcohol consumption, much less facilitate its use or focus on it.
- Collaborate with other parents in coalitions designed to ensure that the culture in the schools and community support and reward an adolescent's decision not to drink.
- Serve as a positive role model for adolescents by not drinking excessively, by avoiding alcohol consumption in high-risk situations (e.g., when driving a motor vehicle, while boating, and while operating machinery), and by seeking professional help for alcohol-related problems.

### **For Colleges and Universities**

Given the prevalence of underage drinking on college campuses, institutions of higher education should examine their policies and practices regarding alcohol use by their students and the extent to which they may directly or indirectly encourage, support, or facilitate underage alcohol use. Colleges and universities can change a campus culture that contributes to underage alcohol use. Some measures to consider are to:

- Establish, review, and enforce rules against underage alcohol use with consequences that are developmentally appropriate and sufficient to ensure compliance. This practice helps confirm the seriousness with which the institution views underage alcohol use by its students.
- Eliminate alcohol sponsorship of athletic events and other campus social activities.
- Restrict the sale of alcoholic beverages on campus or at campus facilities, such as football stadiums and concert halls.
- Implement responsible beverage service policies at campus facilities, such as sports arenas, concert halls, and campus pubs.
- Hold all student groups on campus, including fraternities, sororities, athletics teams, and student clubs and organizations, strictly accountable for underage alcohol use at their facilities and during functions that they sponsor.
- Eliminate alcohol advertising in college publications.
- Educate parents, instructors, and administrators about the consequences of underage drinking on college campuses, including secondhand effects that range from interference with studying to being the victim of an alcohol-related assault or date rape, and enlist their assistance in changing any culture that currently supports alcohol use by underage students.
- Partner with community stakeholders to address underage drinking as a community problem, as well as a college problem, and to forge collaborative efforts that can achieve a solution.
- Expand opportunities for students to make spontaneous social choices that do not include alcohol (e.g., by providing frequent alcohol-free late-night events, extending the hours of student centers and athletics facilities, and increasing public service opportunities).

### **For Communities**

Adolescents generally obtain alcohol from adults who sell it to them, purchase it on their behalf, or allow them to attend or give parties where it is served. Therefore, it is critical that adults refuse to provide alcohol to adolescents and that communities value, encourage, and reward an

adolescent's commitment not to drink. A number of strategies can discourage adults from providing alcohol to minors and support an adolescent's decision not to drink. Communities can:

- Invest in alcohol-free youth-friendly programs and environments.
- Widely publicize all policies and laws that prohibit underage alcohol use.
- Work with sponsors of community or ethnic holiday events to ensure that such events do not promote a culture in which underage drinking is acceptable.
- Urge the alcohol industry to voluntarily reduce outdoor alcohol advertising.
- Promote the idea that underage alcohol use is a local problem that local citizens can solve through concerted and dedicated action.
- Establish organizations and coalitions committed to creating a local culture that disapproves of underage alcohol use, that works diligently to prevent and reduce it, and that is dedicated to informing the public about the extent and consequences of underage drinking.
- Work to ensure that members of the community are aware of the latest research on adolescent alcohol use and, in particular, the adverse consequences of alcohol use on underage drinkers and other members of the community who suffer from its secondhand effects. An informed public is an essential part of an overall plan to prevent and reduce underage drinking and to change the culture that supports it.
- Change community norms to decrease the acceptability of underage drinking, in part through public awareness campaigns.
- Focus as much attention on underage drinking as on tobacco and illicit drugs, making it clear that underage alcohol use is a community problem. When the American people rejected the use of tobacco and illicit drugs as a culturally acceptable behavior, the use of those substances declined, and the culture of acceptance shifted to disapproval. The same change process is possible with underage drinking.

### **For the Criminal and Juvenile Justice Systems and Law Enforcement**

The justice system and law enforcement<sup>85</sup> can:

- Enforce uniformly and consistently all policies and laws against underage alcohol use and widely publicize these efforts.
- Gain public support for enforcing underage drinking laws by working with other stakeholders to ensure that the public understands that underage drinking affects public health and safety.
- Work with State, Tribal, and local coalitions to reduce underage drinking.

### **For the Alcohol Industry**

The alcohol industry has a public responsibility relating to the marketing of its product because its use is illegal for more than 80 million underage Americans. That responsibility can be fulfilled through product and advertising design and placement that meet these criteria:

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<sup>85</sup> For the purposes of this document, law enforcement includes any enforcement agency that provides agents or officers who can enforce or regulate any Federal, State, Tribal, or local law or ordinance.

- The message adolescents receive through the billions of dollars spent on industry advertising and responsibility campaigns does not portray alcohol as an appropriate rite of passage from childhood to adulthood or as an essential element in achieving popularity, social success, or a fulfilling life.
- The placement of alcohol advertising, promotions, and other means of marketing do not disproportionately expose youth to messages about alcohol.
- No alcohol product is designed or advertised to disproportionately appeal to youth or to influence youth by sending the message that its consumption is an appropriate way for minors to learn to drink or that any form of alcohol is acceptable for drinking by those under the age of 21.
- The content and design of industry Web sites and Internet alcohol advertising do not especially attract or appeal to adolescents or others under the legal drinking age.

### **For the Entertainment and Media Industries**

Because of their reach and potential impact, the entertainment and media industries have a responsibility to the public in the way they choose to depict alcohol use, especially by those under the age of 21, in motion pictures, television programming, music, and video games. That responsibility can be fulfilled by creating and distributing entertainment that:

- Does not glamorize underage alcohol use.
- Does not present any form of underage drinking in a favorable light, especially when entertainment products are targeted toward underage audiences or likely to be viewed or heard by them.
- Seeks to present a balanced portrayal of alcohol use, including its attendant risks.
- Avoids gratuitous portrayals of alcohol use in motion pictures and television shows that target children as a major audience. This is important because children's expectations toward alcohol and its use are, in part, based on what they see on the screen (Dunn and Yniguez, 1999; Kulick and Rosenberg, 2001; Sargent et al., 2006).

### **For Governments and Policymakers**

Governments and policymakers can:

- Focus as much attention on underage drinking as on tobacco and illicit drugs, making it clear that underage alcohol use is an important public health problem.
- Ensure that all communications are clearly written and culturally sensitive.

## **Goal 2: Engage Parents and Other Caregivers, Schools, Communities, All Levels of Government, All Social Systems That Interface With Youth, and Youth Themselves in a Coordinated National Effort to Prevent and Reduce Underage Drinking and Its Consequences.**

### **Strategy 1: Provide Positive Scaffolding for Children and Adolescents to Protect Them From Alcohol Use**

#### *For parents and other caregivers*

Throughout a child's life, parental actions do make a difference. Parents can facilitate healthy development and help protect their children from the consequences of alcohol use by increasing protective factors and reducing risk factors related to alcohol use. A developmental approach to preventing and reducing underage drinking suggests that, to protect their children, parents can:

- Create a stable family environment and practice, as parents, being supportive, involved, and loving. Research indicates that children of such parents have better developmental outcomes and are less likely to use alcohol than children raised in less supportive homes. Parental support includes monitoring an adolescent's activities and supporting his or her independence while setting appropriate limits (Barnes et al., 2000; Bogenschneider et al., 1998; Davies and Windle, 2001; DiClemente et al., 2001; Reifman et al., 1998; Steinberg et al., 1994).
- Provide opportunities for the adolescent to be valued at home, for example, by contributing to the family's well-being (e.g., chores, part-time job, caring for a younger sibling).
- Facilitate a willingness on the part of the adolescent to share information about his or her life. Research indicates that such adolescent sharing may be associated with better outcomes around alcohol use, and, therefore, the source of parental information about their children's activities is important (Stattin and Kerr, 2000).
- Recognize that regardless of how close the parent-child relationship may be, that relationship alone is not sufficient to prevent underage alcohol use. Parents must support construction of scaffolds in the other social systems that influence their adolescent's behavior: school, community, institutions, government, and the culture as a whole. It is the combined strength afforded by the interactions of all the scaffolds in all the social systems that is most effective in preventing underage drinking.
- Clearly and consistently communicate with their underage children so that the expectation that they are not to drink is understood.
- Know the basic facts and statistics about underage alcohol use and its consequences. Armed with this knowledge, parents will feel more confident when they talk with their children about alcohol.
- Reduce or eliminate adolescent access to alcohol and do not provide alcohol to adolescents. To do otherwise sends a mixed message at best, or a supportive message at worst, about underage alcohol use.
- Ensure that all parties attended by their adolescents are properly supervised and alcohol free, including the parties their own children give.
- Respond to known instances of alcohol use with appropriate disciplinary actions.
- Recognize the link between adolescent alcohol use and suicide, other substance use, mental disorders, and risky sexual behaviors.

- Seek professional intervention if they have concerns about their child’s alcohol involvement.
- Support enforcement and criminal or juvenile justice systems’ efforts to uphold underage drinking laws.

### Parental monitoring

Parental monitoring is associated with better outcomes around adolescent alcohol use. As part of effective parental monitoring, parents, and other caregivers should:

- Be aware of their adolescent’s whereabouts.
- Know their adolescent’s friends.
- Be knowledgeable of their adolescent’s activities.
- Enforce the parental rules they have set.
- Strengthen their adolescent’s skills in refusing alcohol.

### Factors that increase risk

Parents should be aware of specific factors that may increase the risk of their adolescent becoming involved with alcohol or experiencing an adverse alcohol-related consequence. These factors include:

- A history of conduct problems.
- Depression and other mental disorders.
- A family history of alcohol dependence.
- Significant transitions (such as acquisition of a driver’s license, a parental divorce, graduation from middle school to high school, or the move from high school to college or the workforce), which may increase the adolescent’s stress level and/or exposure to different peers and opportunities, making it more likely that he or she will use alcohol.
- Interaction with peers involved in deviant activities.

### An ongoing dialog

Parents and other caregivers should initiate and sustain, with their adolescent, an ongoing dialog about alcohol, as with other risky behaviors. In that dialog, parents should:

- Encourage input from their adolescent and respect that input.
- Enhance their adolescent’s knowledge about drinking and its consequences.
- Clarify parental expectations.
- Set clear rules around not drinking.
- Establish specific consequences for alcohol use.
- Set clear limits, including never driving with any alcohol in their system or riding with a driver who has been drinking.
- Discuss laws concerning underage drinking, such as minimum legal drinking age and zero tolerance.<sup>86</sup>

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<sup>86</sup> Zero-tolerance laws prohibit a driver under the age of 21 with any detectable amount of alcohol in his or her system from operating a vehicle.

### ***For Schools***

School has a significant impact on an adolescent's life. The climate and cohesiveness of a school can play an important role in the development of an adolescent's self-identity; students who are involved with their schools have increased opportunities for building self-confidence, developing relationships with others, and achieving success in their areas of interest. Schools can:

- Work to increase students' involvement in their school, a factor that has been found to predict less alcohol use (Catalano et al., 2004).
- Produce an environment that allows students to explore their talents and follow their passions, be they academic, musical, sports, or social and community causes.
- Provide positive outlets for adolescents' considerable energy and opportunities for validation and belonging.
- Serve as the source of a mentor, a valued teacher, or another caring adult, which has been shown to increase positive outcomes in adolescents.
- Implement evidence-based programs and practices to prevent underage drinking.
- Provide information to parents on the consequences of underage alcohol use, school policies and practices on alcohol use, and local resources.
- Recognize that significant social transitions, such as moving from elementary school to middle school, moving from middle school to high school, and obtaining a driver's license, are accompanied by increasing responsibility, added freedom, greater social pressure, and/or more demanding academic requirements. These factors may make it more likely that adolescents will use alcohol, in part because they increase adolescent stress levels. At such times of potentially increased risk, teachers and staff can be particularly alert and supportive, making a special effort to connect students at high risk or evidencing increased stress with an adult who can serve as a mentor and confidant.
- Recognize that children who mature earlier or later than the majority of their peers may be at increased risk.
- Provide and promote multiple alcohol-free venues where adolescents can get together with their friends.

### ***For Colleges and Universities***

Colleges should be safe places where students can thrive academically, grow personally, and mature socially without peer pressure to use alcohol. However, colleges can be settings where underage alcohol use is facilitated—inadvertently or otherwise—and even openly accepted as a rite of passage and actively encouraged by some students and organizations. In fact, some parents and administrators appear to accept a culture of drinking as an integral part of the college experience. Such attitudes need to change and can change through a recognition of the seriousness of the consequences of underage drinking in a university environment and a recognition of the university's responsibility to keep its campus safe for its students. Institutions of higher learning that accept this responsibility can build a developmentally appropriate protective scaffolding around their underage students by taking the following actions:

- Foster a culture in which alcohol does not play a central role in college life or the college experience.
- Recognize that the early part of freshman year is a time of increased risk for alcohol use.

- Provide appealing, alcohol-free locations (e.g., coffeehouses and food courts) where students can gather with their friends to socialize or study.
- Expand opportunities for students to make spontaneous social choices that do not include alcohol (e.g., by providing frequent alcohol-free late-night events, extending hours of student center and athletics facilities, and increasing public service opportunities).
- Offer alcohol-free dormitories<sup>87</sup> that promote healthy lifestyles.
- Provide easy access to information about alcohol's effects, the risks of using alcohol, and the school's alcohol policies.
- Provide referral and facilitate access to brief motivational counseling and treatment for alcohol and mental health problems as appropriate.

### ***For Communities***

Communities can:

- Provide appealing, alcohol-free locations where adolescents can gather with their friends.
- Provide youth with opportunities to express their interests, explore their talents, pursue their passions, achieve success, commit themselves to positive endeavors, and earn status among their peers without having to use alcohol.
- Increase volunteer opportunities, including opportunities for younger adolescents, because they offer a way to experience self-fulfillment and achieve a sense of meaning and purpose.
- Work to ensure access to education about alcohol use and its consequences, brief motivational counseling, and treatment for alcohol use disorders (AUDs).

### ***For the Criminal and Juvenile Justice Systems and Law Enforcement:***

The justice system and law enforcement can:

- Increase the knowledge of judges and others in the justice system about the nature and scope of underage drinking and make them more aware that youth experiencing stressful events such as divorce or abuse may be at increased risk for alcohol involvement.
- Increase the knowledge of judges and others in the justice system about adolescent development and the nature and scope of consequences resulting from underage alcohol use.
- Require appropriate therapeutic interventions for parents with substance use disorders who are before the courts because their children are at heightened risk for underage drinking.
- Improve identification of AUDs and ensure timely access to treatment.

## **Strategy 2: Decrease the Risk of Adolescent Alcohol Use and Associated Negative Consequences**

### ***For Parents and Other Caregivers***

- The action steps listed in Strategy 1 are also applicable here.
- Be aware that scare tactics are ineffective (Perry et al., 2003).

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<sup>87</sup> Offering this lifestyle option to students does not imply that underage alcohol use is appropriate in dormitories that are not designated as alcohol-free.

### **For Schools**

Schools can:

- Discourage violation of alcohol rules by consistently enforcing them.
- Provide students with the knowledge, skills, and motivation they need to resist peer and other pressures to drink (rather than using scare tactics, which have been shown to be ineffective).
- Identify students who are using alcohol and refer them for appropriate interventions.
- Ensure that school nurses are trained to recognize alcohol-related problems, to intervene appropriately when problems are found, and to be familiar with the referral network.
- Work with the community to ensure that the necessary infrastructure is in place so that students who need services and treatment can be referred to the appropriate personnel or health care provider.

### ***For Colleges and Universities***

Colleges and universities have a responsibility to reduce risk factors associated with underage alcohol use and to protect students from the adverse consequences of their own or others' alcohol use, such as accidents, assaults, and rapes. Some of the measures available to colleges are to:

- Establish clear policies with specific penalties and consistent enforcement that prohibit alcohol use on campus by underage students.
- Distribute the school's alcohol policy to all incoming and returning students and their parents. Display the alcohol policy prominently on the school Web site and post it in school venues such as dormitories and sports facilities.
- Require all student groups, including fraternity and sorority members, athletes, and members of student organizations and clubs, to comply with campus and community policies related to alcohol use.
- Restrict or eliminate alcohol sales at concerts and at athletic and other campus events.
- Reinstate Friday classes to shorten the elongated weekend.
- Ensure that the student health center provides screening, brief motivational interventions, and/or referral to treatment for students concerned about their drinking and/or at high risk for alcohol-related problems (e.g., those who binge drink or those with a mental health disorder requiring treatment).
- Work with the local community to coordinate efforts at preventing and reducing underage drinking on and around campus. Easy access to alcohol on a college campus can undermine community efforts to reduce alcohol use by junior high and high school students.
- Work with the local community to control or reduce the number of bars and other alcohol outlets located near the campus and to eliminate or restrict high-volume, low-price drink specials and other promotions that encourage underage drinking. Easy, low-cost access to alcohol for underage youth off campus can undermine efforts on campus to reduce underage drinking.
- Work with the local community to ensure that bars and other alcohol outlets located near the campus comply with server training regulations and enforce all policies and laws with respect to underage youth.
- Work with the community to eliminate loud house parties and other disruptive events in which underage alcohol use is likely to be involved.

### ***For Communities***

Communities can:

- Make adequate, affordable services available to youth who are at high risk of developing alcohol-related problems (e.g., those who binge drink or those who have a mental health disorder needing treatment).
- Make adequate, affordable services available to youth identified as having AUDs.

### ***For the Criminal and Juvenile Justice Systems and Law Enforcement***

The justice system and law enforcement can:

- Provide screening and appropriate interventions for youth who interface with the criminal justice system, including those who are incarcerated (e.g., in juvenile correctional facilities, detention centers, or jails). Although prisons often have such programs, jails usually do not; these programs provide a unique opportunity to intervene with high-risk youth.

### ***For the Health Care System***

The health care system is a powerful arena for screening, referrals, and interventions around underage drinking. The health care system can:

- Identify adolescents who use alcohol (e.g., when providing clinical preventive services and in the emergency department) and intervene where appropriate, including with those youth who may not meet the diagnostic criteria for alcohol abuse or dependence and those at high risk. Interventions also should address coexisting mental health and substance use problems in an integrated manner.
- Work in collaboration with parents, schools, and communities to develop and maintain a system for screening and referring adolescents with alcohol problems.
- Provide expanded services that are developmentally appropriate for adolescents and create a functional referral network so adolescent patients can be directed to appropriate services (lack of a referral system often is cited as a reason not to screen for alcohol use).
- Educate families, schools, and the community about the effectiveness of prevention efforts.
- Inform the public of the adverse consequences of underage drinking.
- Encourage partnerships between parents, schools, health care providers, faith-based groups, and other community organizations in prevention and reduction efforts aimed at underage drinking.
- Promote research on underage drinking in the context of adolescent development.

### **Strategy 3: Raise the Cost of Underage Alcohol Use**

The “cost” of underage drinking refers not just to the price of alcohol but to the total sacrifice in time, effort, and resources to obtain it, as well as to penalties associated with its use. Research indicates that increasing the cost of drinking can positively affect adolescent decisions about alcohol use (Coate and Grossman, 1988; Grossman et al., 1987, 1998; Kenkel, 1993; Ruhm, 1996; Sutton and Godfrey, 1995). The cost of underage drinking can likewise be increased by:

- Enforcement of minimum drinking age laws and other measures that directly reduce alcohol availability. Enforcement should target underage drinkers, merchants who sell alcohol to youth, and people who provide alcohol to youth.
- Appropriate parental penalties for adolescent alcohol use, such as loss of privileges (e.g., allowance, going out with friends, use of the car).
- Holding adults accountable for underage drinking at house parties, even when adults are not at home.
- Enforcement of zero-tolerance laws that ban underage youth from driving with a blood alcohol content (BAC) above detectable levels.
- Any measure that decreases the availability of alcohol to youth and so raises the cost of getting it.
- Elimination of low-price, high-volume drink specials, especially in proximity to college campuses, military bases, and other locations with a high concentration of youth.

In raising the cost of underage drinking, care has to be taken to balance the conflicting goals of different parties, including adults for whom alcohol use is legal, and to avoid unintended consequences. For example, if the penalty for underage alcohol use at an institution of higher learning is too severe, it may be entered on a student’s permanent record, potentially restricting future educational and employment opportunities. In addition, there may be reasons to invoke civil rather than criminal penalties for certain adult infractions, such as violating social host laws. Some strategies also will have an impact on adults, forcing a decision on what additional cost society is willing to bear in order to protect its youth from the adverse consequences of alcohol use.

#### ***For Communities***

Communities can:

- Publicize existing laws against underage alcohol use, as well as their enforcement.
- Publicize existing laws that reduce alcohol availability to minors and underage access to alcohol, including age verification of Internet and other alcohol sales, as well as their enforcement.
- Restrict adolescent access to alcohol as is appropriate for community norms and goals.

### ***For the Criminal and Juvenile Justice Systems and Law Enforcement***

The justice system and law enforcement can:

- Enforce consistently and uniformly all existing laws against underage alcohol use.
- Enforce consistently and uniformly existing laws that reduce alcohol availability to minors and underage access to alcohol, including age verification for Internet and other alcohol sales.

### ***For Governments and Policymakers***

Governments at all levels—including local, Tribal, State, and Federal—can increase the cost of adolescent alcohol use and restrict adolescent access to alcohol by:

- Coordinating efforts by the public and private sectors to increase public knowledge of the scope of the problem of underage drinking in the United States, the adverse consequences that accompany it, the public health and safety problem it creates, and effective measures for preventing and reducing it, with special emphasis on the Nation’s collective responsibility to do so.
- Supporting adequate enforcement of laws and regulations.

## **Goal 3: Promote an Understanding of Underage Alcohol Consumption in the Context of Human Development and Maturation That Takes Into Account Individual Adolescent Characteristics as Well as Ethnic, Cultural, and Gender Differences**

### **For Parents and Other Caregivers**

- Youth of different ages are developmentally different and require different strategies, approaches, and types of scaffolds that are developmentally appropriate. Risk and protective factors related to alcohol use shift throughout adolescence, and parents need to be alert to these shifts.
- The protective scaffolding that parents provide to support the positive development of their children in relation to alcohol use should begin before puberty and continue throughout the span of adolescence into young adulthood.
- Parents need to appreciate that the nature of adolescence makes alcohol especially appealing to youth and understand how, from a developmental perspective, to reduce that appeal and the demand it creates for alcohol.
- Parents need to be aware of adolescents’ particular vulnerability to alcohol’s effects.
- During periods of high stress, such as a parental divorce, and during times of significant social transitions, such as the move from elementary school to middle school and from middle school to high school, the risk for alcohol involvement may increase. Parents need to be especially watchful during these periods and, if necessary, temporarily increase the supportive scaffolding around their adolescents.

### **For Schools**

- Schools should be sensitive to the complex nature of the relationship between alcohol use and development and to the developmental needs of adolescents, both as a group and individually, when implementing programs related to alcohol use.
- Sanctions for infractions of alcohol use policies should be developmentally appropriate and avoid unintended outcomes. For example, suspension from school may provide additional free time for drinking whereas required participation in student/parent education programs and community service does not.

### **For Communities**

- Communities need to work to address underage drinking in the context of overall adolescent development. This includes making a commitment to provide as many opportunities for positive experiences as possible for all youth but especially for those at high risk for alcohol use and other negative outcomes.
- Recognize that status is especially important to adolescents and provide positive ways for adolescents of different genders, socioeconomic backgrounds, ethnicity, and race to achieve status.
- Communities can encourage identification and early intervention for high-risk youth.

### **For the Health Care System**

Health care practitioners can:

- Be sensitive to adolescence as a time of risk for alcohol use as well as be aware of individual differences in development and other personal characteristics in the adolescent that may heighten that risk.
- Discuss alcohol use with their young patients, taking into account the latest scientific information about the relationship of alcohol to human maturation.
- Identify alcohol use in their adolescent patients.
- Be familiar with and strengthen referral networks for adolescents.
- Make education about alcohol use and its consequences and brief motivational intervention widely available.

### **For the Criminal and Juvenile Justice Systems and Law Enforcement**

- Penalties for violations should be developmentally appropriate and avoid unintended outcomes. For example, community service can serve both as a penalty (loss of leisure time) as well as an opportunity for personal growth.

### **For Governments and Policymakers**

Governments and policymakers can:

- Understand, through a developmental perspective, why merely providing adolescents with information about alcohol is ineffective in preventing and reducing underage alcohol use.
- Understand why restrictions on adolescent access to alcohol and on alcohol availability need to be in place to prevent and reduce underage alcohol use and its consequences.

- Give careful consideration to providing special protection for populations at high risk, whether they are children of alcoholics, Native Americans, or others.

#### **Goal 4: Conduct Additional Research on Adolescent Alcohol Use and Its Relationship to Development**

New, more effective, and enduring interventions are needed to prevent and reduce underage drinking as well as to treat youth with AUDs. Existing interventions should be refined based on the latest scientific findings, including research on adolescent development. Studying the problem of underage alcohol use in the context of adolescence as a developmental phenomenon and as a function of individual characteristics and environmental factors will increase understanding of the problem and improve the effectiveness of interventions.

##### **For Researchers**

- Develop and implement new and more potent prevention and reduction approaches based on the latest scientific data, including advances in understanding the role of human maturation and development in adolescent alcohol use.
- Conduct additional research to refine interventions and identify risk and protective factors on the basis of gender, ethnicity, and socioeconomic level, particularly in potentially high-risk cases such as early-maturing adolescents and children with a family history of alcohol dependence.
- Conduct research to better understand the short- and, especially, the intermediate- and long-term consequences of underage alcohol use, particularly as it relates to brain development and function, organ maturation, and susceptibility to later AUDs.
- Better understand how adult drinking behavior influences underage alcohol use.
- Evaluate interventions, including media messages and educational programs, to determine those that are most effective.
- Conduct studies and/or amend ongoing surveys to collect more detailed data on actual adolescent alcohol consumption (e.g., actual consumption as a category rather than “5 or more drinks”), on preadolescent alcohol use, and on secondhand effects.
- Conduct animal studies to develop data on alcohol’s effect on maturation processes and on brain and organ development and function. Animal research makes it possible to perform certain studies that cannot be conducted in human adolescent research.
- Conduct research to identify genetic influences on both alcohol use and the development of alcohol-related problems in adolescents.
- Conduct research to refine the diagnostic criteria used for identifying alcohol problems in youth that require intervention.
- Track policy changes at the State level (because underage drinking policies vary widely across States) and evaluate their impact on underage alcohol use and consequences.<sup>88</sup>

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<sup>88</sup> The Alcohol Policy Information System (APIS; <http://www.alcoholpolicy.niaaa.nih.gov>) is an online resource that provides detailed information on a wide variety of alcohol-related policies in the United States at both State and Federal levels. It features compilations and analyses of alcohol-related statutes and regulations.

## **Goal 5: Work to Improve Public Health Surveillance of Underage Drinking and Population-Based Risk Factors for This Behavior**

State, Tribal, and local public health agencies, policymakers, and the general public need complete and timely information on patterns and trends in youth alcohol consumption to develop and evaluate prevention strategies.

- Collect more detailed data on the quantity and frequency of adolescent alcohol consumption.
- Collect information on the secondhand effects of underage drinking.
- Collect information on preadolescent alcohol use.
- Routinely test all injury deaths in people under age 21 for alcohol involvement to better estimate the extent of alcohol-related consequences.
- Conduct ongoing public health surveillance on the type(s) of alcohol and the quantity and frequency with which they are used by age.
- Conduct ongoing, independent monitoring of alcohol marketing to youth to ensure compliance with advertising standards.
- Build State and Federal public health capacity in alcohol epidemiology to ensure the timely analysis and dissemination of these and other data on underage drinking and to ensure that these data are used to support public health practice.
- Support close collaboration between State and Federal public health and substance abuse agencies in the assessment of underage drinking and related harms and in the design and evaluation of population-based prevention strategies.
- When appropriate, engage youth in the process of collecting data related to underage drinking.
- When appropriate, conduct multi-method research using ethnographic methods in addition to epidemiological and experimental studies.

## **Goal 6: Work to Ensure That Policies at All Levels Are Consistent With the National Goal of Preventing and Reducing Underage Alcohol Consumption.**

Policymakers and administrators at all levels of government have a responsibility to develop and implement appropriate policies and regulations that facilitate safe adolescent development, protect against underage alcohol use and its consequences, and avoid creating unacceptable risk around alcohol use.

### **For Parents and Other Caregivers**

The influence of parents alone is not sufficient to prevent adolescents from using alcohol. Adolescents need additional scaffolding from their schools and communities in the form of policies designed to protect them from alcohol use and its consequences. Parents can:

- Work with the schools to ensure that protective rules around adolescent alcohol use are in place, that the penalties are well known, and that enforcement is sure and uniform.
- Work with organizations and institutions in the community to develop a broad commitment to preventing and reducing underage drinking through appropriate policies, recognizing that

### **For Schools**

Schools can play a significant role in preventing and reducing underage alcohol use. They can:

- Establish and enforce strict policies against alcohol use on campus.
- Sponsor only interventions that research has confirmed effective in preventing and reducing underage alcohol use.

### **For Colleges**

Colleges can:

- Establish and enforce clear policies that prohibit alcohol use by underage students on their campuses.
- Sponsor only interventions that research has confirmed effective in preventing and reducing underage alcohol use.

### **For Communities**

By publicizing both penalties and enforcement of laws against providing alcohol to minors, driving under the influence (DUI), and drinking before age 21, communities emphasize their seriousness about preventing and reducing underage drinking. Communities have at their disposal a variety of additional measures to reduce underage drinking. These measures include:

- Implementing an ongoing media campaign that makes people within the jurisdiction aware of existing policies and laws designed to restrict underage access to alcohol and penalties for violating such laws.
- Requiring compliance training as a condition of employment for all sellers and servers of alcohol in restaurants and bars.
- Supporting enforcement of penalties for use of false IDs.
- Restricting drinking in public places, including at community events.
- Providing for restrictions on youthful drivers, which gradually are removed based on age and driving experience.
- Detecting and stopping underage drinking parties.
- Conducting regular and comprehensive programs to check restaurants, retail outlets, and other vendors of alcohol products for compliance with underage drinking laws (e.g., through keg registration programs) and applying substantial fines that increase with each violation and temporary or permanent license revocation for repeated violations.

### **For the Criminal and Juvenile Justice Systems and Law Enforcement**

The justice system and law enforcement can:

- Enforce consistently and uniformly all laws related to underage alcohol use, including those against the use of false identification, those that restrict drinking in public places, and those related to vendors of alcohol products.

- Enforce graduated driver's license laws for novice teenage drivers that include nighttime driving restrictions, requiring novice drivers to drive accompanied by an adult parent or guardian, and restricting the number of other teenage passengers.
- Enforce zero-tolerance laws and laws addressing driving risks associated with driving after drinking among people under the age of 21 (e.g., speeding, running red lights, and failure to wear safety belts).
- Seek to provide appropriate screening and interventions in all criminal justice settings that interface with adolescents.

### **For Professional Health Care Associations**

To ensure that all who need it receive appropriate care, including screening, assessment, and treatment for heavy drinking and alcohol-related problems (including AUDs), professional health care associations can:

- Support widespread dissemination and implementation of screening and brief motivational intervention, particularly in emergency departments and trauma centers.
- Support provision of a full range of treatment services.

### **For Governments and Policymakers**

Like communities, governments at all levels have a variety of means to prevent and reduce underage drinking. Governments can consider measures that:

- Support use of cost-effective technologies, such as the Internet, to make education about alcohol use and its consequences and brief motivational interventions more accessible and affordable.
- Encourage early intervention for high-risk children and access to a full range of treatment options for youth with alcohol problems.

# APPENDIX F: DSM-IV-TR DIAGNOSTIC CRITERIA FOR ALCOHOL ABUSE AND DEPENDENCE<sup>89</sup>

## ALCOHOL ABUSE

(A) A maladaptive pattern of drinking, leading to clinically significant impairment or distress, as manifested by at least one of the following occurring within a 12-month period:

- Recurrent use of alcohol resulting in a failure to fulfill major role obligations at work, school, or home (e.g., repeated absences or poor work performance related to alcohol use; alcohol-related absences, suspensions, or expulsions from school; neglect of children or household).
- Recurrent alcohol use in situations in which it is physically hazardous (e.g., driving an automobile or operating a machine when impaired by alcohol use).
- Recurrent alcohol-related legal problems (e.g., arrests for alcohol-related disorderly conduct).
- Continued alcohol use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of alcohol (e.g., arguments with spouse about consequences of intoxication).

(B) Never met criteria for alcohol dependence.

## ALCOHOL DEPENDENCE

(A) A maladaptive pattern of drinking, leading to clinically significant impairment or distress, as manifested by three or more of the following occurring at any time in the same 12-month period:

- Need for markedly increased amounts of alcohol to achieve intoxication or desired effect; or markedly diminished effect with continued use of the same amount of alcohol.
- The characteristic withdrawal syndrome for alcohol (or a closely related substance) or drinking to relieve or avoid withdrawal symptoms.
- Persistent desire or one or more unsuccessful efforts to cut down or control drinking.
- Drinking in larger amounts or over a longer period than intended.
- Important social, occupational, or recreational activities given up or reduced because of drinking.
- A great deal of time spent in activities necessary to obtain, to use, or to recover from the effects of drinking.
- Continued drinking despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to be caused or exacerbated by drinking.

(B) No duration criterion separately specified, but several dependence criteria must occur repeatedly as specified by duration qualifiers associated with criteria (e.g., “persistent,” “continued”).

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<sup>89</sup> American Psychiatric Association (APA). *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition., text revision. Washington, D.C.: APA, 2000.

# APPENDIX G: ABBREVIATIONS AND ACRONYMS

## FEDERAL DEPARTMENTS AND AGENCIES

<b>Department of Defense</b>	DoD
<b>Department of Education</b>	ED
Office of Safe and Drug-Free Schools	OSDFS
Office of Elementary and Secondary Education	OESE
<b>Department of Health and Human Services</b>	HHS
Administration for Children and Families	ACF
Family and Youth Service Bureau	FYSB
Agency for Healthcare Research and Quality	AHRQ
Centers for Disease Control and Prevention	CDC
Center for Medicaid Services	CMS
Health Resources and Services Administration	HRSA
National Institute on Alcohol Abuse and Alcoholism	NIAAA
National Institute on Drug Abuse	NIDA
Office of Public Health and Science	OPHS
Office of the Surgeon General	OSG
Substance Abuse and Mental Health Services Administration	SAMHSA
Center for Mental Health Services	CMHS
Center for Substance Abuse Prevention	CSAP
Center for Substance Abuse Treatment	CSAT
Office of Applied Studies	OAS
<b>Department of Justice</b>	DOJ
Office of Juvenile Justice and Delinquency Prevention	OJJDP
Office of Justice Programs	OJP
<b>Department of Labor</b>	DOL
Employment Training Administration	ETA
Office of Youth Services	OYS
Occupational Safety and Health Administration	OSHA
<b>Office of National Drug Control Policy</b>	ONDCP
<b>Department of Transportation</b>	DOT
National Highway and Traffic Safety Administration	NHTSA

## FEDERAL PROGRAMS AND AGENCIES

Access to Recovery	ATR
Addiction Technology Transfer Center	ATTC
Administration for Children and Families	ACF
Agency for Health Care Research and Quality	AHRQ
Alcohol Policy Information System	APIS
Basic Center Program	BCP

Behavioral Risk Factor Surveillance System	BRFSS
Birth Control and Alcohol Awareness: Negotiating Choices Effectively Project	BALANCE
Center for Behavioral Health Statistics and Quality	CBHSQ
Centers for Disease Control and Prevention	CDC
Centers for Medicare and Medicaid Services	CMS
Center for Mental Health Services	CMHS
Center for Substance Abuse Prevention	CSAP
Center for Substance Abuse Treatment	CSAT
Community Anti-Drug Coalitions of America	CADCA
Drug Abuse Resistance Education	DARE
Department of Defense	DoD
Department of Education	ED
Department of Health and Human Services	HHS
Department of Justice	DOJ
Department of Labor	DOL
Department of Transportation	DOT
Drug and Alcohol Services Information System	DASIS
Drug Free Communities Program	DFC
Employment Training Administration	ETA
Enforcing the Underage Drinking Laws	EUDL
Family and Youth Services Bureau	FYSB
Fatality Analysis Reporting System	FARS
Federal Alcohol Spectrum Disorder	FASD
Grants to Reduce Alcohol Abuse in Secondary Schools Program	GRAAP
Health Resources and Services Administration	HRSA
Institute of Medicine	IOM
Interagency Coordinating Committee on the Prevention of Underage Drinking	ICCPUD
International Association of Chiefs of Police	IACP
Inventory of Substance Abuse Treatment Services	I-SATS
Iowa Strengthening Families Program	ISFP
Local Educational Agencies	LEAs
Monitoring the Future Survey	MTF
Mothers Against Drunk Driving	MADD
National Academy of Sciences	NAS
National Alcohol Screening Day	NASD
National Association for Children of Alcoholics	NACoA
National Association of School Resource Officers	NASRO
National Epidemiological Survey on Alcohol Related Conditions	NESARC
National Health and Nutrition Examination Survey	NHANES
National Highway Traffic Safety Administration	NHTSA
National Institutes of Health	NIH
National Institute on Alcohol Abuse and Alcoholism	NIAAA
National Liquor Law Enforcement Association	NLLEA
National Organizations for Youth Safety	NOYS

National Registry of Effective Programs and Practices	NREPP
National Survey of Substance Abuse Treatment Services	N-SSATS
National Survey on Drug Use and Health	NSDUH
Network for Employees of Traffic Safety	NETS
Occupational Safety and Health Administration	OSHA
Office of Juvenile Justice and Delinquency Prevention	OJJDP
Office of National Drug Control Policy	ONDCP
Office of Surgeon General	OSG
Office of the Assistant Secretary for Planning and Evaluation	ASPE
Office of Youth Services	OYS
Outreach to Children of Parents in Treatment	OCPT
Partnership for Drug-Free America	PDFA
Pregnancy Nutrition Surveillance System	PNSS
Pregnancy Risk Assessment Monitoring System	PRAMS
Protecting You/Protecting Me	PYPM
Public Service Announcements	PSAs
Recording Artists, Actors and Athletes Against Drunk Driving	RADD
Robert Wood Johnson Foundation	RWJ
Safe and Drug-Free Schools and Communities Act	SDFSCA
Screening, Brief Intervention, Referral, and Treatment	SBIRT
School Health Policies and Programs Study	SHPPS
State Incentive Grant Program	SIG
Strategic Prevention Framework	SPF
Street Outreach Program	SOP
Students Against Destructive Decisions	SADD
Substance Abuse and Mental Health Services Administration	SAMHSA
Substance Abuse Prevention and Treatment Block Grant	SAPT BG
Targeted Capacity Expansion Program	TCE
Techniques for Effective Alcohol Management	TEAM
Too Smart to Start	TSTS
Transitional Living Program	TLP
Treatment Episode Data Set	TEDS
Treatment Improvement Protocols	TIPS
Uniform Accident and Sickness Policy Provision Law	UPPL
Uniform Facility Data	UFDS
Virginia Commonwealth University	VCU
Youth Offender Demonstration Project	YODP
Young Offender Reentry Program	YORP
Youth Opportunity Grants	YOGs
Youth Risk Behavior Survey	YRBS
Youth Risk Behavior Surveillance System	YRBSS

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