

**Advisory Board on Alcoholism
and Drug Abuse**



Alaska Mental Health Board

ALASKA MENTAL HEALTH BOARD
ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE
431 NORTH FRANKLIN STREET, SUITE 200
JUNEAU, ALASKA 99801
(907) 465-8920

The Advisory Board on Alcoholism and Drug Abuse does not support moving the Alcoholic Beverage Control Board from the Department of Public Safety.

First, the Board expressly states its appreciation for the work of all the folks involved in this conversation: the ABC Board members and staff, the members of CHARR, the law enforcement community, social services and community organizations, and the legislative committees. It's not easy work. We want to reiterate that this is not an issue of good guys and bad guys. And it's not an issue of the merits or demerits of alcohol.

The stated intent of HB 125, based on the recommendation of the Legislative Budget and Audit Subcommittee, is to create "greater sensitivity on [the ABC Board's] part for the commercial benefits the industry generates for the State."

The Advisory Board on Alcoholism and Drug Abuse has had the chance to work together with the Cabaret, Hotel, Restaurant and Retailer's Association over the last two years. Not only have we furthered our shared priority of preventing fetal alcohol spectrum disorder through better public awareness efforts, the board has had the opportunity to learn more about how the industry and individual retailers promote responsible – and lawful – use of alcohol.

The retailers of alcoholic beverages in Alaska invest time, energy, and money to ensure that only lawful sales are made – whether to youth or to adults. Many retailers have strong histories of responsible sales practices and community efforts to promote responsible consumption, and those efforts should not be minimized. The fact that we have a 15% non-compliance rate is attributable not just to ABC Board efforts, but to the conscientiousness of retailers and their employees – and the training and supports provided by CHARR. However, even with this improvement, the rate of illegal sales of alcohol to minors remains nearly twice the rate of illegal sales to minors of tobacco.

Even with the heightened compliance rate, Alaska youth are reporting unacceptable levels of underage alcohol use. In 2009, 57% of alternative high school students and 33.2% of traditional high school students surveyed in the Youth Risk Behavior Survey reported having used alcohol in the past 30 days. That same year, 42.7% of alternative high school students and 21.7% of traditional high school students reported binge drinking in the past 30 days. Folks should not assume that youth get all their alcohol from retailers. While that is a certainly a source of alcohol — either directly or through improper purchases for minors by adults with less than great judgment (something shoulder tap checks are meant to catch) — other means of securing alcohol account for at least 1/3 of the ways young people report getting their hands on alcohol.

Because the major issue for ABADA is the consequences of the proposed move – and how it could affect the overall issues of underage drinking and alcohol abuse in Alaska – we looked at the reported youth alcohol use in states where the ABC Board is in a law enforcement agency like Public Safety and compared it to states where the alcoholic beverage control entity was within a non-law enforcement agency (such as Revenue or Commerce). Here’s what we learned:

Colorado, Georgia, Kansas, Mississippi, and Missouri all have the ABC Board within a non-law enforcement executive agency. In those states, the Youth Risk Behavior Survey data for 2009 showed slightly higher average rates for youth reporting ever having had an alcoholic drink and reporting a drink before age 13. More importantly, all those states had higher reported rates of youth alcohol use than Alaska:

- 1.3-5.8% higher reports of ever having had alcohol;
- 3.5-9.5% higher reports of having had alcohol before age 13; and
- 1.1-7.6% higher reports of having had alcohol at least once in the last month.

Three of these five states had rates of binge drinking 3-4% higher than Alaska’s. (See Table 1)

Comparing the rate of alcohol related underage driving fatalities in states with alcohol control within law enforcement agencies to the rate in states where alcohol control is not within law enforcement shows a similar difference. From data reported by The Century Council, a national nonprofit organization of distillers formed “to fight against drunk driving and underage drinking” and to promote “responsible decision making regarding beverage control,” we see a significant difference between states.

The national rate for underage driving fatalities in 2009 was 2/100,000. Alaska’s was 1.4/100,000, the approximate mean of seven states reviewed where alcohol control was within a law enforcement or public safety agency. Looking at Colorado, Georgia, Kansas, Mississippi, Missouri, Montana, South Carolina, South Dakota, West Virginia, and Wyoming (all states where the alcohol control agency is in an agency other than law enforcement), the average rate was 3.6/100,000 – two and a half times the rate of states that treat alcohol control as a public safety responsibility. (Source: *The Century Council, citing National Highway Traffic Safety Administration/FARS data, <http://www.centurycouncil.org/learn-the-facts/statefacts>.)*

The Legislature can provide guidance and express language about expectations to the ABC Board, in order to balance the concerns and needs of all the parties involved. You also have an existing mechanism for investigating and resolving citizen complaints about executive agencies: the Ombudsman.

I used to be an assistant ombudsman with the Alaska State Ombudsman, and I couldn’t remember seeing a complaint about the ABC Board come in while I was there. So I reviewed the matrix of investigations posted on the Ombudsman’s website, and I didn’t see any there either. Just to be sure, I call Linda Lord-Jenkins, the Ombudsman, and asked her about complaints about the ABC Board. She reviewed their database of complaints, which goes back to 2000. She found one complaint about the ABC Board, made in 2010 and still being investigated. One complaint in a decade.

The testimony provided to the Legislative Budget and Audit subcommittee, and to committees during the session, has been passionate. Clearly there are different positions that need to be resolved. Moving the ABC Board is a dramatic solution, and one not without cost. Such a solution should be the last resort, and not the first.

The Advisory Board on Alcoholism and Drug Abuse supports efforts to promote a collaborative relationship between the ABC Board and members of the industry. We can speak first hand of the benefits of partnership with CHARR and its members, and see opportunities for working together to reach common goals – one of them being ensuring that only lawful sales of alcohol are made. However, the data – the compliance rate, the availability and use of alcohol by underage youth, the disparity in outcomes between states with the ABC Board in public safety versus other agencies, and the lack of a record of complaints about the board’s actions – indicate that the unintended consequences of HB 125 are too costly to Alaskan communities.

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Questions Posed by the Committee:

How much does the State of Alaska spend on substance abuse prevention?

In FY11, \$5,330,200 was appropriated to the Comprehensive Action Prevention and Intervention Grant Component. (*Source: 2010 Legislature – Operating Budget Allocation Summary for DHSS, online at:*

<http://www.legfin.state.ak.us/BudgetReports/LY2010.Operating/Enacted/HSS-AllocationSummary.pdf>.)

The Department of Health and Social Services provided \$3,987,679 in Comprehensive Behavioral Health Prevention and Early Intervention grant funds to 37 grantees. These grants address a wide array of prevention efforts (substance abuse, suicide, violence, etc.). The Division of Juvenile granted \$125,000 in underage drinking prevention/enforcement. (*Source: DHSS FY 2011 Operating Grants Book, at 22-26.*) For FY12, there is an open request for funding proposals for alcohol abuse prevention efforts, made possible by the SAMSHA Strategic Prevention Framework grant received by Alaska. The total amount available to grantees for FY12-FY14 is \$6.3m.

Additional information on comparison states:

Colorado

Alcoholic beverage control is within the state Department of Revenue. There is no state oversight board – it is an executive agency. The Liquor Enforcement Division oversees licensing and enforcement. They use an enforcement system like Alaska’s, imposing criminal sanctions on the individual seller and administrative sanctions on the licensee. The reported non-compliance rates by country range from 0-37.5%, with an average compliance rate of 87.3%. This is comparable to Alaska’s.

Colorado allocates a portion of its Substance Abuse Prevention and Treatment Block Grant to substance abuse prevention efforts (\$1,380,279 in FY2011). They also began a prevention campaign to change social norms this fiscal year (\$593,316 in FY11, projected to continue through FY2015). Individual communities in Colorado have received recent SAMHSA prevention grants (i.e. Frisco, CO).

Georgia

Alcoholic beverage control is within the Department of Revenue. There is no state oversight board – it is an executive agency. Counties have their own alcoholic beverage control boards.

The Alcohol and Tobacco Division collects all taxes and fees owed by individuals and businesses subject to Georgia's alcoholic beverage, tobacco and coin operated amusement machine laws and regulations. It provides assistance to taxpayers, license and permit applicants and others in the areas of alcohol, tobacco and coin operated amusement machines. It ensures compliance with Georgia laws and regulations relating to voluntary compliance and enforcement of beverage alcohol and tobacco products, coin operated amusement machines, motor fuel tax, motor carriers and motor vehicle registration. It also provides assistance to federal, other state and local governments and their law enforcement agencies. The Enforcement Section is charged with preventing the illegal production, importation, transportation, possession and sale of alcoholic beverage products, the transportation and sale of untaxed cigars and cigarettes, the use of unlicensed and unstamped coin operated amusement machines and the sale and furnishing of alcoholic beverages to underage persons. The investigators involved in enforcing alcoholic beverage laws work in partnership with local law enforcement.

Georgia was a 2006-2011 SAMHSA Strategic Prevention Framework State Incentive Grant recipient. Georgia's prevention efforts include "The Worst Drug of All" campaign (supported by USDOJ funding) aimed at children and youth and families. Online at: <http://connectwithkids.com/theworstdrugofall/pdf/ResourceGuide-TheWorstDrugOfAll.pdf>

Kansas

Alcoholic beverage control is within the Department of Revenue. There is no state oversight board. County boards of commissioners approve license applications. Kansas has 19 "dry" counties.

Enforcement efforts are by agency staff in conjunction with local/state law enforcement officers, trained in part by the board. The board has only administrative enforcement powers.

Kansas was a 2006-2011 SAMHSA Strategic Prevention Framework State Incentive Grant recipient. Individual communities in Kansas have received recent SAMHSA prevention grants (i.e. Lawrence, KS).

Mississippi

Alcoholic beverage control is within the Department of Revenue. Mississippi is a **control state**, meaning only state outlets sell alcoholic beverages (no licensees, no enforcement). About have the state's counties have exercised a local option ("dry counties"). There is no state board. (Mississippi provides a nice guide for local governments, online at <http://www.tax.ms.gov/docs/ABCBook2.pdf>.)

The alcoholic beverage control division is responsible for maintaining fair and equitable enforcement of the local option, prohibition, and beer laws in the state of Mississippi. To accomplish this mission, they have twenty-six law enforcement certified enforcement agents throughout the state.

Mississippi was a 2006-2011 SAMHSA Strategic Prevention Framework State Incentive Grant recipient.

Missouri

Alcoholic beverage control is within the Department of Revenue. Enforcement was moved to Public Safety in 2009, creating a bifurcated process at the state level. Compliance checks are conducted by Public Safety, with support from the division and funding from the Missouri Department of transportation. Regulatory actions are performed by the board within Revenue. The Division of Alcohol and Tobacco Control is responsible for collecting taxes, consumer protection from tainted beverages, and enforcement of youth access to tobacco laws. The division conducts regular server trainings.

Missouri launched a school based prevention program in 2002, in five school districts, and utilizes a similar spectrum of community-based prevention efforts as Alaska (*see* <http://dmh.mo.gov/ada/progs/prevention.htm> for more information).

Individual communities in Missouri have received recent SAMHSA prevention grants (i.e. Cape Girardeau, Sikeston).

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Comparison of Youth Risk Behavior Survey Data, States with Alcoholic Beverage Control in Safety Agencies vs. States with Alcoholic Beverage Control in Non-Safety Agencies

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Alaska, Delaware, Idaho, Kentucky, and New Jersey all have the ABC Board within law enforcement agencies. In those states, the Youth Risk Behavior Survey data for 2009 all reflected an average rate of youth alcohol use (any drink, drink before age 13, drink in the last 30 days, binge drinking) below the national average.

Colorado, Georgia, Kansas, Mississippi, and Missouri all have the ABC Board within a non-law enforcement executive agency. In those states, the Youth Risk Behavior Survey data for 2009 showed slightly higher average rates for youth reporting ever having had an alcoholic drink and reporting a drink before age 13. More importantly, all those states had higher reported rates of youth alcohol use than Alaska:

- 1.3-5.8% higher reports of ever having had alcohol;
- 3.5-9.5% higher reports of having had alcohol before age 13; and
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Table 1

Public Safety States	US	Alaska	Delaware	Idaho	Kentucky	New Jersey	Average*
Ever had at least one drink of alcohol on at least 1 day	72.5	66.6	71.0	62.5	69.3	74.6	68.8
Drank alcohol for the first time before age 13 years	21.1	16.9	23.5	19.2	21.7	18.0	19.9
Had at least one drink of alcohol on at least 1 day	41.8	33.2	43.7	34.2	37.8	45.2	38.8
Had five or more drinks of alcohol in a row within a couple of hours on at least 1 day	24.2	21.7	23.7	22.3	23.6	26.7	23.6
Usually obtained the alcohol they drank by someone giving it to them	42.2	34.7	39.3	41.4	38.7	32.0	37.2
Had at least one drink of alcohol on school property on at least 1 day	4.5	3.0	5.0	3.5	5.2	NR	4.2

Revenue States	US	Colorado	Georgia	Kansas	Mississippi	Missouri	Average*
Ever had at least one drink of alcohol on at least 1 day	72.5	72.4	67.9	69.2	70.0	70.5	70.0
Drank alcohol for the first time before age 13 years	21.1	22.4	20.7	21.1	26.4	20.4	22.2
Had at least one drink of alcohol on at least 1 day	41.8	40.8	34.3	38.7	39.2	39.3	38.5
Had five or more drinks of alcohol in a row within a couple of hours on at least 1 day	24.2	25.1	18.8	25.5	19.7	25.3	22.9
Usually obtained the alcohol they drank by someone giving it to them	42.2	41.3	35.6	42.5	42.5	41.0	40.6
Had at least one drink of alcohol on school property on at least 1 day	4.5	4.1	4.2	3.2	4.3	3.0	3.8

* Simple Average

Source: Youth Risk Behavior Surveillance System, 2009

http://www.cdc.gov/HealthyYouth/vrbs/state_district_comparisons.htm

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