

HB

281

22-LS1001C
Ford
2/20/02

*Adopted
2-22-02*

CS FOR HOUSE BILL NO. 281(JUD)

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION**

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES MEYER, Dyson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to civil liability for providing alcoholic beverages to a person under 21**
2 **years of age; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1. AS 04.21.020 is amended to read:**

5 **Sec. 04.21.020. Civil liability of persons providing alcoholic beverages. (a)**
6 **Except as provided under (b) and (d) of this section. a [A] person who provides**
7 **alcoholic beverages to another person may not be held civilly liable for injuries**
8 **resulting from the intoxication of that person unless the person who provides the**
9 **alcoholic beverages holds a license authorized under AS 04.11.080 - 04.11.220 [,] or**
10 **is an agent or employee of such a licensee and**

11 **(1) the alcoholic beverages are provided to a person under the age of**
12 **21 years in violation of AS 04.16.051, unless the licensee, agent, or employee secures**
13 **in good faith from the person a signed statement, liquor identification card, or driver's**
14 **license meeting the requirements of AS 04.21.050(a) and (b), that indicates that the**

1 person is 21 years of age or older; or

2 (2) the alcoholic beverages are provided to a drunken person in
3 violation of AS 04.16.030.

4 (b) A [NOTWITHSTANDING (a) OF THIS SECTION, A] person who sells
5 or barter an alcoholic beverage to another person in violation of AS 04.11.010 is
6 strictly liable (1) to the recipient or another person for civil damages if, while under
7 the influence of the alcoholic beverage, the person receiving the alcoholic beverage
8 engages in conduct that results in civil damages and the recipient's being under the
9 influence of the alcoholic beverage substantially contributes to the civil damages; and
10 (2) for the cost to the state or a political subdivision of the state to criminally prosecute
11 a person who receives an alcoholic beverage from a person who violates AS 04.11.010
12 if the prosecution results from the violation of AS 04.11.010 described in this
13 subsection. [IN THIS SUBSECTION, "CIVIL DAMAGES" INCLUDES
14 DAMAGES FOR PERSONAL INJURY, DEATH, OR INJURY TO PROPERTY OF
15 A PERSON, INCLUDING THE STATE OR A POLITICAL SUBDIVISION OF
16 THE STATE.]

17 (c) In an action under (b) or (d) of this section, it is not a defense that the
18 person receiving the alcoholic beverage voluntarily consumed the alcoholic beverage
19 or that the person receiving the alcoholic beverage was voluntarily under the influence
20 of the alcoholic beverage.

21 * Sec. 2. AS 04.21.020 is amended by adding new subsections to read:

22 (d) A person who knowingly furnishes or delivers an alcoholic beverage to a
23 person under 21 years of age in violation of AS 04.16.051 is civilly liable to the
24 recipient or another person for civil damages if, while under the influence of the
25 alcoholic beverage, the person receiving the alcoholic beverage engages in conduct
26 that results in civil damages and the recipient's being under the influence of the
27 alcoholic beverage substantially contributes to the civil damages.

28 (e) In this section, "civil damages" includes damages for personal injury,
29 death, or injury to property of a person, including the state or a political subdivision of
30 the state.

31 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 APPLICABILITY. This Act applies to a civil action that accrues on or after the
3 effective date of this Act.

4 * Sec. 4. This Act takes effect July 1, 2002.



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 19

Sponsor Statement

HB 281

“An Act relating to civil liability for providing alcoholic beverages to a person under 21 years of age; and providing for an effective date.”

Under House Bill 281, an adult who knowingly furnishes alcohol to a person under the age of 21 can be held civilly liable for the resulting damages.

Recent tragedies have highlighted the problem of underage drinking and the consequences of adults providing alcohol to minors. Civil liability laws alone will not eliminate underage access to alcohol. However, they do take a step in the right direction. Adults who provide alcohol to minors should be accountable in civil court as well as criminal court.

In Alaska, as well as across the nation, underage drinking is a significant problem. Minor consumption is a factor in nearly half of all teen automobile crashes. Alaskan teens are 4 times more likely to cause fatal crashes when driving under the influence. It also contributes to suicides, homicides and fatal injuries, and is a factor in sexual assaults. Alcohol is readily available to minors because of irresponsible adults that knowingly serve, sell, and supply alcohol to minors.

Whether it is a parent, neighbor, or older sibling, adults must be held accountable when they provide alcohol to minors. Liability laws, such as HB 281, will hopefully assist in deterring adults from furnishing alcohol to minors.

02/11/02

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 281
(H) Publish Date: 2/13/02

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Civil Liability for Providing Alcohol BRU _____
Sponsor Representative Meyer Component _____
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 | FY 2008 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Amy Erickson, Committee Aide Phone 465-4954
Division H. L&C Date/Time 2/11/02 12:00 AM
Approved by: Representative Murkowski Date 2/12/02
Agency _____

HB 281 Civil Liability for Providing Alcohol

Title and Description of Effected Statutes

AS 04.11.010 License or permit required to manufacture, sell, and possess for sale alcohol.

AS 04.11.080 Types of licenses or permits required to manufacture, sell, and possess for sale alcohol

AS 04.11.090-04.11.220 Description of each license and permit required to manufacture, sell, and possess for sale alcohol

AS 04.16.030 Prohibited conduct relating to drunken persons

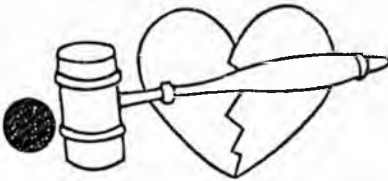
AS 04.21.050 Proof of age required

AS 04.16.051 Furnishing or delivery of alcoholic beverages to persons under 21

*AS 04.21.020 Civil liability of persons providing alcohol to persons under 21

- (a) A person who provides alcoholic beverages to another person may not be held civilly liable for injuries resulting from the intoxication of that person unless the person who provides the alcoholic beverages holds a license authorized under AS 04.11.080-04.11.220, or is an agent or employee of such a license and
- (1) the alcoholic beverages are provided to a person under the age of 21 years in violation of AS 04.16.051, unless the licensee, agent, or employee secures in good faith from the person a signed statement, liquor identification card, or driver's license meeting the requirements of AS 04.21.050(a) and (b), that indicates that the person is 21 years of age or older; or
 - (2) the alcoholic beverages are provided to a drunken person in violation of AS 04.16.030.
- (b) Notwithstanding (a) of this section, a person who sells or barter an alcoholic beverage to another person in violation of AS 04.11.010 is strictly liable (1) to the recipient or another person for civil damages if, under the influence of the alcoholic beverage, the person receiving the alcoholic beverage engages in conduct that results in civil damages and the recipient's being under the influence of the alcoholic beverage substantially contributes to the civil damages; and (2) for the cost to the state or a political subdivision of the state to criminally prosecute a person who receives an alcoholic beverage from a person who violates AS 04.11.010 if the prosecution results from the violation of AS 04.11.010 described in this subsection. In this subsection, "civil damages" includes damages for personal injury, death, or injury to property of a person, including the state or a political subdivision of the state.
- (c) In the action under (b) of this section, it is not a defense that the person receiving the alcoholic beverage voluntarily consumed the alcoholic beverage or that the person receiving the alcoholic beverage was voluntarily under the influence of the alcoholic beverage.

VICTIMS



*For Justice, Inc. 1057 W. Fireweed Lane, Suite 101 • Anchorage, AK 99503
(907) 278-0977 • Fax: (907) 258-0740 • e-mail: vjf@alaskalife.net*

FEB 06 2002

January 30, 2002

Representative Kevin Meyer
Session: State Capital
Juneau, Alaska 99801-1182

Dear Representative Meyer:

I am generating this letter in support of HB 281. Victims for Justice often deals with victims and co-victims who have suffered as a result of youth under the influence of alcohol. Rarely is there a consequence for the person or persons who provide youth with alcohol. Because of the incident last summer involving Officer Justin Wollam and four youth (three of whom are now dead) many people (co-victims) are still suffering and will continue to suffer. Maybe after these people who provide our youth with alcohol are held to a higher standard of accountability the general public will think twice before contributing to a minor.

Sincerely,

A handwritten signature in cursive script that reads "Donna S. Garner".

Donna Garner
Executive Director



**Mothers Against Drunk Driving
Anchorage Chapter**

3600 Arctic Boulevard Box 3 • Anchorage, AK 99503 • (907) 562-6890/Fax (907) 562-6896
• Email: mgreeson@maddalaska.com

January 24, 2002

FEB 06 2002

Representative Kevin Meyer
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Representative Meyer,

On behalf of the membership, board of directors and staff of the Anchorage Chapter of MADD, I am writing in support of HB 281, "An Act relating to civil liability for providing alcoholic beverages to a person under 21 years of age."

Adults are frequently involved in purchasing or providing alcohol to underage persons and must be held to a high standard. Individuals under the age of 21 are in developmental stages of their lives and learning to make appropriate choices. When faced with the temptation and opportunity to participate in what they perceive as adult behaviors, their choices may be inappropriate. Adults must take responsibility for maintaining healthy standards and examples for young people learning good decision-making skills.

Adults who knowingly and intentionally entice young people to pursue dangerous behaviors must be held accountable. Civil liability will hold adults to a legal and ethical standard regarding the growth and safety of our youth.

Sincerely,

Marti Greeson
Executive Director

Drunk Driving is Breaking Alaska's





Mothers Against Drunk Driving • Juneau Chapter
211 Fourth St. Suite 102 • Juneau, AK 99801

January 24, 2002

House Bill Number 281,
Sponsor: Representative Meyer

After discussion and agreement, the Alaska Chapters of Mothers Against Drunk Driving (MADD) endorses House Bill 281 which will impact those without a proper license who sell to minors. By making this action a civil crime victims from underage drinking may take action and receive due compensation from the illegal sale of alcohol.

MADD's mission includes the prevention of underage drinking and this bill will assist in lowering the rate of sales to minors. Underage drinking is a "gateway drug"(leading to other addictive substances) besides being the most popular one in Alaska.

Respectfully,

Cindy Cashen
MADD Juneau Chapter
MADD Anchorage Chapter
MADD Homer Chapter

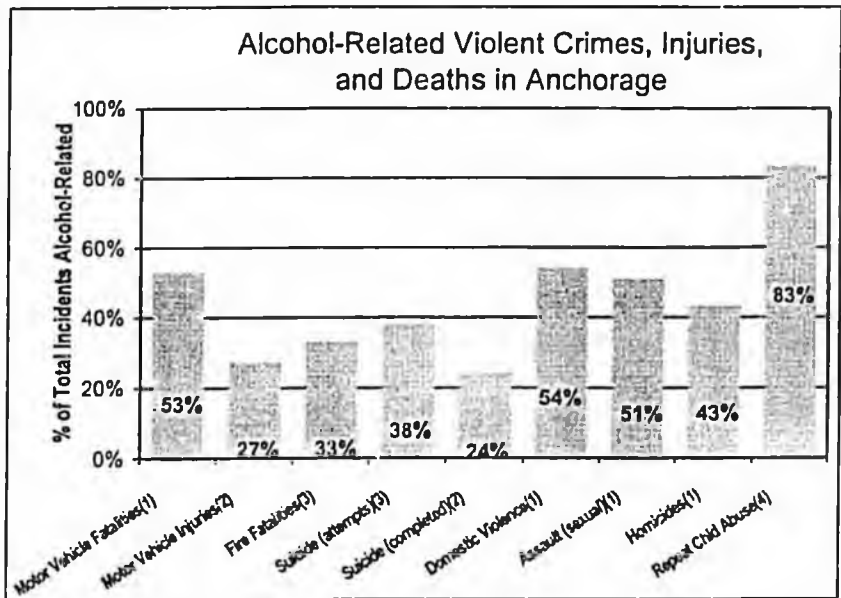
Alcohol & Anchorage

Community Problems Related to Alcohol

Why Should We Care about Alcohol?

The second hand effects of alcohol

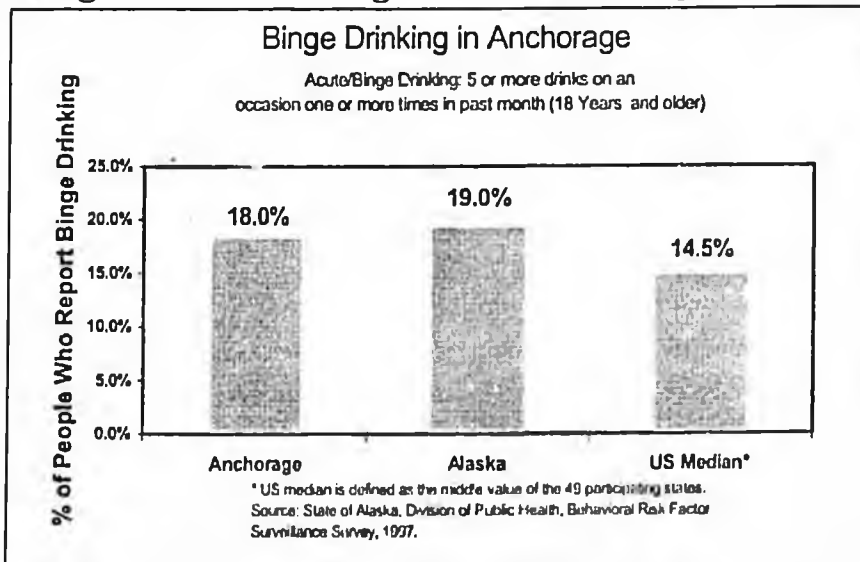
Alcohol is a common thread in the most serious problems facing Anchorage residents, including violence at home, injuries at work and injuries outdoors. Public funds from property taxes pay for government services, about 1/3 of it responding to alcohol-related emergency needs for fire, police, health and law. As city budgets are squeezed, funds for popular programs like libraries, recreation centers, pools, snowplowing, ski trails and classroom size are sacrificed to assure resources for alcohol related public protections.



(1)-Anchorage Police Dept. Report, Crime Analysis, 1999; (2)-SOA, DPH, Alaska Trauma Registry, 1994-1998; (3)-Alaska Fire Marshall Office, 1999; (4)-SOA, DFYS, Special audit of repeat child abuse cases, 1997

The second hand effects of alcohol threaten public safety & enrichment.

High Risk Drinking and Community Problems

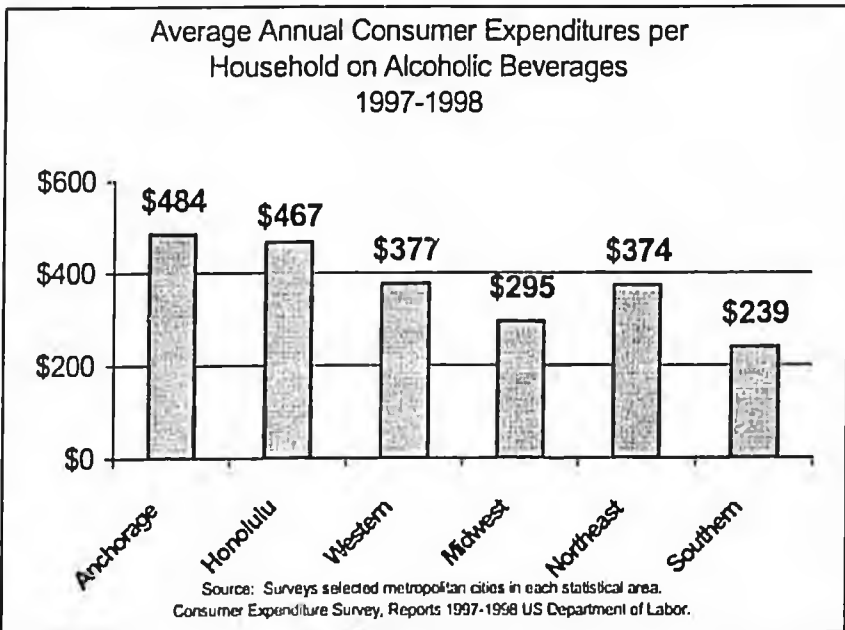


We must shrink the pool of high risk drinkers. High risk binge drinking is part of a larger picture. Serious injuries from car crashes and family violence are associated with binge drinking. (1) Bingeing is when someone consumes 5 or more drinks on 1 occasion. (2) In an Anchorage, 10 year study of domestic violence, alcohol was identified in 48% of the cases and the injuries were severe when alcohol was a factor. (3)

Shrinking the pool of high risk drinkers improves public safety.

Household consumption influences underage drinking

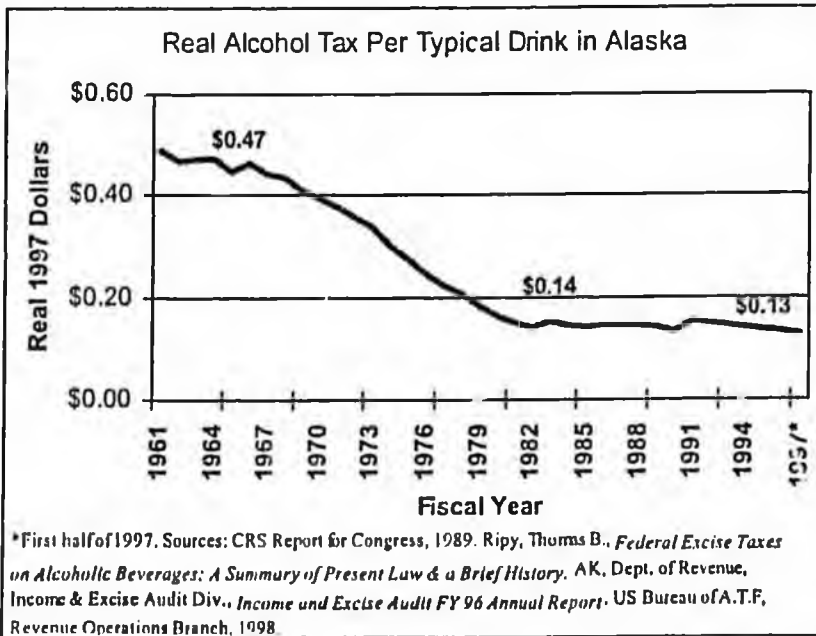
Anchorage residents consume more alcohol than the US average in terms of per household expenditure. About 1/2 of all Americans report that one or more of their close relatives have a drinking problem. (4) Alcohol dependence is hereditary and associated with early onset, <15 yrs., of drinking. The earlier a person begins drinking, the more likely they are to be injured while under the influence. (5) According to the Youth Risk Behavior Survey (YRBS), 1995, 51% of high school youth self-report as current users of alcohol and 1/3 are drinking to get drunk. The Alaska Department of Motor Vehicles (DMV) assessment of minor drivers,



Repeat juvenile drinking violations precede adult criminal behavior.

(April-July, 2000) reported an average blood alcohol content (BAC) of .157-percent, representing 1.5 times the adult legal limit to drink and drive, (.10 BAC). Alaska law requires zero-tolerance (.00 alcohol) for minor drivers yet Alaskan teens are 4 times more likely to cause fatal crashes when driving under the influence. When minor consuming goes unchecked, it often becomes drinking and driving as an adult. (DMV, 2000)

Price influences community problems



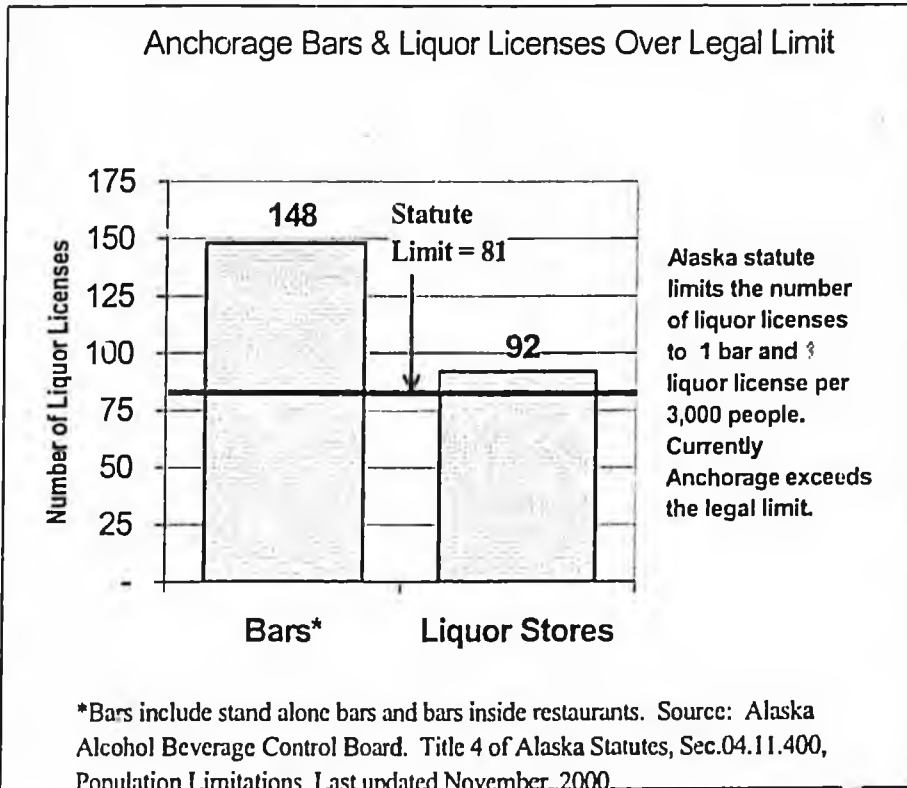
The real price of alcohol in Alaska has eroded 50-74% since 1968. (6) The legislature has not increased the excise tax in 18 years and the tax has never been adjusted for inflation. Alaskans who drink pay about 3 cents of state tax on a bottle of beer. As a result, taxes pay only 5% of the state costs for alcohol related services. In a local survey, 2/01 by Moore, 68% of people surveyed supported increased alcohol taxes. It has been reported that states with higher alcohol taxes have lower associated community problems. (8)

Alcohol does not pay its fair share of the cost for alcohol related problems.

Number of liquor licenses influences public safety

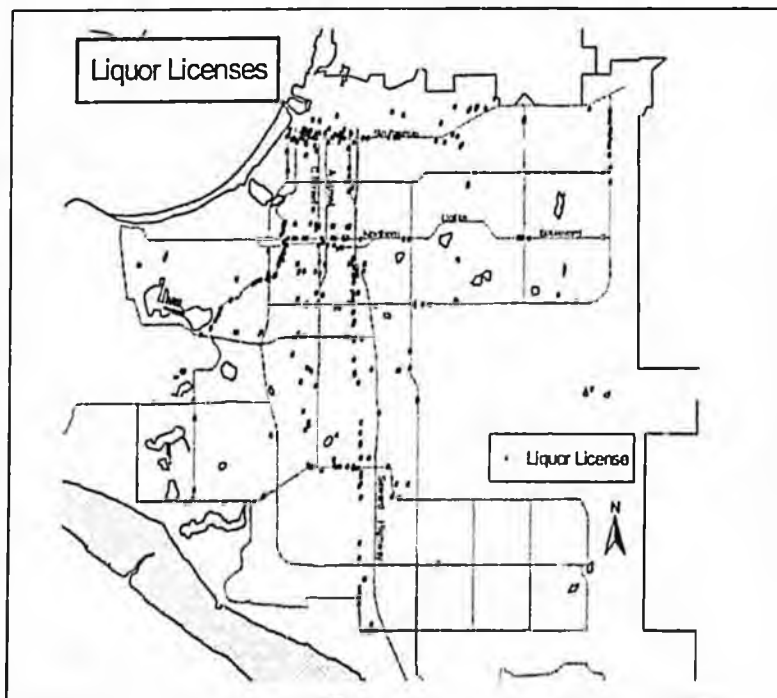
Controlling the availability of alcohol promotes public safety. Alaska law controls the number and

type of liquor licenses, restricts the hours of sale, sets licensing fees and controls the sale of alcohol through transfer and revocation of liquor licenses. State law limits the number of liquor license by population. Anchorage exceeds the legal limit by about 67 bars and 11 liquor stores licenses. These excess licenses have "grandfather rights" and are only eliminated when they are revoked for violations (selling to minors/intoxicated people) or voluntarily returned to the state of Alaska by the owner.



Location of bars/liquor stores influences public safety

Anchorage land use laws control how, when and where alcohol is distributed. A Conditional Use Permit (CUP) is required to sell alcohol. The process considers the number of liquor outlets (density) in one area. Controlling for density protects against alcohol-related problems. (9) The Municipal Assembly has the power to approve, deny or revoke a CUP depending on whether the location for liquor sales is *compatible with surrounding uses; including proximity to childcare centers, recreation centers, schools, churches.* Other land use controls include regulating the hours of sale, prohibiting happy hours and limiting multiple drink sales to the same individual.



The number and location of alcohol outlets effect neighborhood safety.

Recommendations for Alcohol Controls that Enhance Anchorage Health and Welfare

To provide public safety for community health, prevention strategies regarding alcohol control must be comprehensive and population-wide so that protections apply to everyone in the community and do not single out any one individual. Successful strategies include, but are not limited to:

- Pricing on alcohol (excise taxes, inflation-proofing, taxes based on percent of alcohol content)
- Strategies to reduce sales of alcohol to minors and alcohol-impaired people
- Reduce the % of blood alcohol to legally drive a motor vehicle from .10 to .08 BAC.

Model Laws/Ordinances

To reduce the supply of alcohol to youth under age 21 years

- Limit on alcohol advertising and promotion that targets people under 21 years
- Restrict alcohol sales on public property (parks)
- Post warning signs at alcohol establishments: "Supplying alcohol to people under age 21 is a crime"
- License individuals who serve or sell alcohol

Source: University of Minnesota, Alcohol Epidemiology Program, 2000

Alcohol Control Policy Timeline

1900: Alaska liquor license is created and required to sell alcohol, \$1,000 permit fee established.

1979: Alaska Local Option law; communities can prohibit the sale and importation of alcohol, restrict the types of licenses available, and restrict alcohol sales to community-owned liquor stores.

1983: Anchorage restricts hours of sale of alcohol from 20 hours per day to 16.

1983 (AK), 1991 (US): Small increases in alcohol excise taxes for beer, wine and spirits.

1984: Anchorage Municipal ordinance prohibits happy hours and limits multiple drink sales to the same individual.

1985: Alaska state law reduces the number of liquor licenses by population (from 1/1500 pop. to 1/3000 pop. for bar/liquor store licenses).

1985-87: (US) The Minimum Legal Drinking Age (MLDA) is raised nationwide from 18 to 21 years of age.

1986: Alaska state law is amended to allow communities to prohibit possession by the local option election.

References

1. Alcohol Health & Research World, Vol. 17, No. 1, 1993
2. State of Alaska, DHSS, Division of Public Health, Behavioral Risk Factor Survey, Anchorage Region data, 1998
3. Municipality of Anchorage, DHSS, Analysis of Police Action & Characteristics of Reported Domestic Violence in Anchorage, Alaska, 10 year study, 1989-98
4. Alcoholism: Getting the Facts, NIH Publication, No. 96-4153, 12pp, 1996
5. Journal of American Medical Association, Vol. 284, No 12, 9/27/2000, "Age of Drinking Onset & Unintentional Injury involving drinking"
6. Alcohol Epidemiology Program, University of Minnesota, 2000
7. 1999 Annual report, State of Alaska, Advisory Board on Alcoholism & Drug Abuse, Alaska Dept. of Revenue, Fall, 2000
8. US Dept. of Health & Human Services, NIH NIAAA, 1997, 9th Special Report to the US Congress on Alcohol and Drug Abuse
9. University of Southern California Chronicle, 1995, "More Bars and Liquor Stores Equals More Violent Crime, Research Shows, Vol 14, No 29, April 24, 1995

MOA/DHHS Community Health Promotion
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MOA/DHHS
Community Health Promotion



ADULTS DON'T GIVE TEENS ALCOHOL.... GET IT????

By Barbara Cooke © Chicago Tribune 2000

Mike and Molly throw the best keg parties in town. The beer flows as burly varsity football players collect car keys at the door. Teens mill around, shouting over the pounding music, hugging and "high-fiving" the couple. Mike and Molly are so popular they could have been voted Prom King and Queen.

The problem is Mike and Molly graduated high school 25 years ago, and this is their son's graduation party. And the family is planning a few more beer bashes during the summer.

"Some parents see drinking as a sign of an adulthood. 'Now that you're graduating, you're an adult.' But they're STILL under 21," stressed Richard Yoast, director of the American Medical Association's office of Alcohol and Other Drug Abuse. "Some parents seek the approval of their teens and want to be looked up to. It astounds me that they think that as long as they are serving the alcohol, they can control their kids and other kids' actions."

"These parents think they should be nominated for 'Parents of the Year'. They regard themselves as enlightened crusaders for their teens. They walk the walk and talk the talk," explains Carleton Kendrick, Family Education Network family therapist. "They're so desperate to be considered cool by their kids that they believe the law doesn't apply to them. They think they're wiser and better than the parents who won't provide alcohol."

When you add drinking to natural teenage curiosity and pleasure seeking, the results can range from lowered self esteem of a girl who had sex with several guys at a party, throwing up all over someone's carpet and saying something regrettable, to tragedies like diving into a shallow pond, fighting and injuring or killing someone, Kendrick notes. "These parents know that kids are going to drink but they've decided to be the responsible ones and supervise their drinking. Why not pass out condoms and foam and say, 'You're going to do this anyway so why not here? Go have some safe sex and have fun'."

Interestingly, the mixed messages that parents send when they "bargain" with teens and allow them to drink at home may be to blame for excessive teen drinking. A 1993 study of 15,000 students by the Minnesota-based Johnson Institute, which fights alcohol use at school and work, showed that permissiveness at home affects adolescent choices more than peer pressure. Many times this sends the message that fun revolves around a can of beer. The University of Michigan's Monitoring the Future most recent study reveals that 82 percent of 12th graders admitted drinking during the past year. But it comes as a shock to many parents that some parents feel they can be "buddies" with their teens if they let them drink.

George Lesmes, an Evanston resident and father of four teenagers, was amazed to discover that some parents serve kids. "Alcohol for teens is zero tolerance in our house. It's totally inappropriate. And our kids all know that they do not have our permission to drink at anyone's house."

His oldest son Tony, 19, a sophomore at University of Illinois, said, "I think parents who serve alcohol to their kids' friends have a real problem. Why would they want to have a bunch of drunk kids in their house? And what parent in their right mind would put their kids and other kids in the position to get into trouble?"

"It's pretty pathetic if parents rely on their teen's definition of fun. Of COURSE I liked to drink in high school and thought it was really cool when certain parents let us drink at their house," recounted Leslie Cornis, a data base account manager from Chicago. But now, at

age 28, an older wiser Cornis says, "I knew back then it was wrong. When I have kids I won't appreciate it when other parents serve alcohol."

Your teen may whine, "You're the ONLY parent who won't let their kids drink when they're seniors." But the Princeton, New Jersey-based Robert Wood Johnson Foundation commissioned a study in 1998 and found that 96 percent of Americans view underage drinking as a significant problem and support measures that would reduce teen drinking. The study also showed that 83 percent of respondents favored punishment of adult providers. "Underage drinking is a factor in nearly half of all teen automobile crashes. It also contributes to suicides, homicides and fatal injuries, and is a factor in sexual assaults and date rapes," Robert Wood Johnson vice president Nancy Kaufman stated.

The University of Minnesota's School of Public Health found that teens whose parents or friends' parents provided alcohol for parties were more likely to drink, get into traffic crashes, get involved in violence and participate in thefts. Mothers Against Drunk Driving surveys estimate that when parents "bargain" with their kids and let them drink as long as they promise not to drive, teens are more likely to drive after drinking or be in a car with someone who is drinking.

"Parent-sponsored drunkfests make it harder for the kids who don't drink and parents who won't let their kids drink. It's almost an inherent challenge that these parents lay down by saying, 'I'm sponsoring this because I think your teen is mature enough to drink responsibly.'" Kendrick asserted. "A teen who doesn't drink or whose parents say it's wrong thinks, 'What's wrong with me? Am I the only one who feels this way?'" But there is a huge difference between kids experimenting with alcohol and kids drinking with adult approval."

Debby Hutter, a Wilmette mother of four adolescents, agreed with Kendrick's assessment. "I feel like I would be ostracized if I said my daughters couldn't go to a prom or graduation party because there was drinking going on. My daughters say to me, 'Mom. You just don't get it.' But I don't get how parents—even if they take away the car keys—can justify serving 16, 17 and 18 year olds beer. Kids make bad choices, but what can you do when parents facilitate those choices? It's totally disgusting to watch these kids get drunk!"

"Some kids don't want to drink. They want an out and their parents provide a good excuse. If kids say 'Want some?' and they say, 'No, my parents will kill me,'" most kids say, "Ok, that's cool, there's more for me!" said Courtney Michna, 18, a New Trier High School senior. "But if parents are saying 'Go ahead, it's perfectly fine to drink,' then what out do they have?"

National Family Partnership spokesperson Milton Creagh reminds parents that too many drinks ingested either accidentally or intentionally can result in alcohol poisoning...which can result in death.

"Alcohol is a drug that numbs the brain. If too much is used, it paralyzes the nerve center in the brain and puts the brain to sleep. When the brain slows down, so does the respiratory system," said Creagh. "When the lungs and heart stop sending oxygen to the brain, breathing stops. Are you going to monitor every teen at your party to make sure there's no binge drinking going on?"

In fact, the Centers for Disease Control reports that 32 percent of high schoolers are binge-drinkers. Yet a poll conducted by the group Drug Strategies showed that only three percent of parents thought their teens had indulged in binge-drinking in the past month.

In 1997 a 16-year-old Orland Park girl won an \$80 bet by chugging a quart of 107-proof alcohol at a party. The Sandburg High School sophomore had been drinking with her best friend for six hours before they returned to her friend's house at 2 AM and fell asleep on the bed. They found her dead the next day. Her blood alcohol level was .381.

Louis Kraus, division head of child and adolescent psychiatry at Evanston Hospital, recalled parents defending their actions with, "They're going to college in a few months and they'll do what they want and I can't stop them, so why should I try now?" They forget

that 70 to 80 percent of first time sexual encounters occur when kids are under the influence. They're also less likely to use a condom, because their decision making is totally impaired. Just one night and they can carry away an infection that lasts a lifetime."

"Adolescent males get a few drinks in them and soon they drop every barrier to civilized behavior. The more drinks they consume, the quicker they degenerate into base instincts," asserted Jerry Elsnor, executive director of the Illinois State Crime Commission. "When you provide the beer, and those hormones are running wild, you have only yourself to blame!"

"Making it 'safe' for kids to drink is a complete contradiction of terms!" maintained Shepherd Smith, president of the Washington, DC-based Institute for Youth Development. "We have laws regulating use by age because of the lack of physical maturity and psychological maturity. We've learned that people under the age of 21 have dramatically impaired judgement."

Smith urged parents to rethink just what 'responsible drinking' is for someone under the age of 18. "Parents think THEY did it, so their kids can do it too. After all, parents don't want to say what they did as teens was all wrong."

What to do if you find out that your teen is going to a party where parents are serving alcohol? "You can say, 'You can't go', or you can call the parents and remind them in a non-confrontational way that neighbors often call the police and it's embarrassing and legally costly to parents when they are arrested. When police come to break up a party, everyone is arrested, even those who are not drinking," suggested Smith. "Some parents even call the police and ask them to call the parents and remind them what the consequences could be."

Creagh recounted a party two years ago where parents let their teenager have a drinking party. They collected the car keys and went upstairs. But there was a fight and one of the boys was stabbed to death. The fingerprints of another guest were on a knife and he was charged with murder, yet he never remembered stabbing the boy because he was so drunk.

"Adults who serve alcohol are playing economic Russian Roulette," Creagh maintained. "I say to them, 'If you can't dig deep and find the moral backbone to refuse to serve alcohol to your teenagers and their friends, then at least look at the legal ramifications that could cost you all your money. Maybe that will pound some sense into your head.'"

"Parents are supposed to have arrived at maturity, while kids are supposed to be passing through adolescence on the way to adulthood. You can empathize, but you don't have to join your teen," Kendrick asserted. "They need you to point them in the right direction and keep them safe. You're supposed to give them wisdom, not a keg party in the basement."

It's The Law

What is the state of the law in the state of Illinois right now? Paul Froehlich, coordinator of the Operation Straight ID Program for the Illinois Secretary of State's office, explained that the Illinois Liquor Control Act of 1997 makes it illegal to sell or provide alcohol to anyone under the age of 21. Any person who does so is guilty of a Class A misdemeanor, which includes a fine of not less than \$500. Any city or town with home rule provisions can add to, but not lessen, the penalty. Many times this punishment is viewed as a slap on the wrist.

Parents must understand that, "if you host a party and provide alcohol, you're contributing to the delinquency of a minor. Unless the child is 21 years old, you can't authorize or allow him to drink," said Froehlich. "Any of your child's friends who drink at your house are your responsibility." A parent can be criminally prosecuted for providing alcohol to a minor. In other words, if an underage drinker breaks into someone's house, vandalizes property, rapes or kills someone, parents are criminally responsible if they provided them alcohol.

Illinois State Representative Tom Dart and State Senator Patrick J. O'Malley will cosponsor a Child Safety Act bill next session that allows civil suits against adults who serve alcohol illegally to adolescents younger than 18 year old. This "social ho liability" legislation is aimed at preventing teen drinking that results in death and serious bodily injury.

"Illinois law addresses penalties for taverns or liquor stores who sell alcohol to minors," O'Malley said. "Now we're telling adults who provide alcohol to kids under the age of 18 that they could face civil penalties and lawsuits if someone is in an accident or killed as a result of these kids drinking alcohol. It's contributing to the delinquency of a minor."

Richard Mallen, a Chicago attorney, said that civil cases were thrown out several years ago because there were no laws in the state of Illinois that held adults responsible for serving alcohol to a minor, so courts "invited legislators to make a change. The wording is 'knowingly'. Thirty states have civil liability laws now," Mallen explained. "Kids are kids. They think they can handle it, but they can't it. They are not mature enough. It's up to adults to guide them. It's lucky that more kids are not killed or hurt."

Carleton Kendrick, a Boston area family therapist, agreed that change rests in the lap of adults. "Legislation can not enforce the morality that is not present in a parent."