

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004

8672

11276 SENATE LABOR & COMMERCE



**First American
Title Insurance Company**

3035 "C" Street • Anchorage, Alaska 99503 • Phone (907) 561-1844 • Fax (907) 561-1948

February 11, 2004

Representative Tom Anderson
State Capitol, Room 432
Juneau, AK 99801-1182

Via Fax 907-465-2418

Re: HB 421

Dear Rep. Anderson:

I am State Agency Manager, Counsel & Underwriter for First American Title Insurance Company, the largest underwriter of title insurance in the State of Alaska, and the Immediate Past President of the Alaska Land Title Association, the trade organization made up of the active title insurance agents and underwriters in Alaska. I am writing today to express First American's support for HB 421, relating to reconveyances of deeds of trust.

This bill would solve a growing problem in Alaska and other states, where as years have passed lenders and borrowers have not, for one reason or another, followed through on releasing deeds of trust representing mortgage loans on both residential and commercial properties. Title insurance agents, acting both as insurers of the status of title and as neutral escrow closers of such transactions, often pay off these loans but never receive the paperwork from the lender or borrowers to get the liens released of record at the Recorder's Office. This bill would allow we in the title industry to help future owners of the properties still encumbered with such unreleased, but paid off, loans to clear the record by reconveying (a deed of reconveyance is the document signed by the trustee under a deed of trust) the deeds of trust. This is of benefit to the real estate community as a whole, as it will result in quicker, cleaner real estate closings.

I have spoken to Josh Applebee in your office about the bill, and I would be happy to answer any questions you or others may have about it. Thank you for your assistance and support.

Very truly yours,

FIRST AMERICAN TITLE INSURANCE CO.

Bryan S. Merrell
State Agency Manager, Counsel & Underwriter

cc: John Bitney

WESTERN ALASKA LAND TITLE CO.

Agents for Stewart Title Guaranty Co.


February 11, 2004

The Honorable Tom Anderson
House of Representatives
State Capitol
Juneau, Alaska 99801-1182
VIA Fax: (907) 465-2418

Dear Mr. Anderson;

With HB421 we have an opportunity to speed up the Real Estate closing process. Title searches consistently turn up mortgages, which have been paid in full and have never been released of record. Although lenders are quick to secure their loans, some never produce the proper paperwork to release their interests of record after receiving satisfaction in full. HB421 would at least provide a tool to the industry to help alleviate the backlog of unreleased mortgages which burden the "Public Records". The speedy passage of this bill can only benefit the consumer and the industry.

Sincerely,



Tim Hurley
President

TJH/ds
CC: Representative Dan Ogg

HEB

423

THE
FOLLOWING
DOCUMENT(S)
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COPIES

SENATE COMMITTEE REPORT

DATE: 04/20/04

FURTHER: Judiciary

DATE TURNED
IN TO OFFICE: _____

Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 423(JUD) am

HB 423 TAXICAB DRIVER LIABILITY

An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

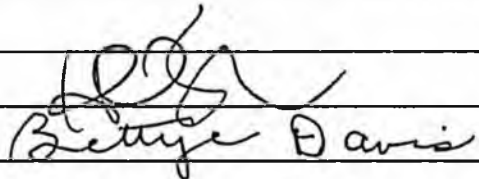
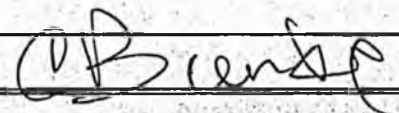
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
 George Davis			X ✓	
CHAIR: 	✓			

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT FOR CSHB 423(JUD) am BY: Representative Tom Anderson

TITLE: "An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage; and providing for an effective date."

House Bill 423 is a bill for taxicab operators who transport a motor vehicle owned by an intoxicated person to their home or another directed residential location. (Another cab will take the intoxicated person to the same residential location.) Absent gross negligence or reckless or intentional misconduct, a person engaged in this activity would not be civilly liable for damages.

There are times when Alaskans find themselves in an "end of evening" dilemma – they are over the .08 blood alcohol limit and shouldn't drive, but are worried and reluctant to leave their car unattended overnight. HB 423 resolves this dilemma by allowing a taxicab operator to drive an intoxicated person home while a second operator follows them home in the intoxicated person's vehicle.

This legislation would allow the intoxicated person and his or her vehicle to get home safely without the taxicab operator who drives the intoxicated person's vehicle fearing liability. HB 423 promotes responsible behavior and encourages people to do the right thing and not drive while intoxicated.

I urge your support of this important piece of legislation.

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, AK 99801-1182

SECTIONAL ANALYSIS CSHB 423(JUD) am BY: Representative Tom Anderson

TITLE: "An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage; and providing for an effective date."

- Section 1: Adds new section to 09.65. Under certain specific circumstances, a taxicab operator is not civilly liable for personal injury or death during the transportation of a motor vehicle owned by an intoxicated person to their home or another directed residential location except as a result of gross negligence or reckless or intentional misconduct. Additionally, owner of vehicle or third-party may not bring civil action against taxicab operator unless gross negligence or reckless or intentional misconduct is involved.
- Section 2: Applicability section.
- Section 3: Repeal date: July 1, 2007.

Changes to HB 423 in (H) STA

Page 1, line 11, after the language "a person employed" insert, in the course and scope of employment. This was added to clarify that the driver must be currently working for the taxicab company at the time of the accident.

Page 2, line 1, after the words "alcoholic beverage" insert, inhalant, or controlled substance. This language conforms to the description given in AS 28.35.030 of a person driving under the influence.

Page 2, line 3, after the words "owner's residence" insert, or designated residential location. This is a clarification so people will not abuse the service by having the taxicab operators drive them to another bar.

HB 423 was amended in the House State Affairs Committee by adding a repeal date of July 1, 2007. Since this is a pilot program in Anchorage it is important to report back to the legislature how successful this program has been.

Changes to CSHB 423(STA) in (H) JUD

Page 1, lines 6-7, after the word "liable" delete [for personal injury, death, or property damage]. Page 1, lines 6-7, after "liable" insert, beyond the limits of any applicable insurance policy purchased by or on behalf of the owner of the vehicle for damages.

Page 2, line 10, delete "personal injury, death, or property damage", and insert any damages. This new language does not limit the damages to personal injury, death, or property damage.

Page 2, lines 12-15, insert A person or entity that participates in making arrangements for transportation of a vehicle under (a) of this section is not liable for damages resulting from a motor vehicle accident described in (a) of this section. This new language gives the organization or person (entity) administering this program the same immunity from civil damages as the taxicab operator.

Changes to CSHB 423(JUD) on the House Floor

Page 2, line 18:
Delete "or"

Page 2, line 20, following "coverage":
Insert "; or"

(3) limit the ability of a person to recover damages under any applicable liability insurance coverage purchased by or on behalf of the person being transported under (a) of this section"

**ANCHORAGE**
CHARR
CABARET, HOTEL, RESTAURANT
& RETAILERS ASSOCIATION

*LGVM e
Jane*

April 20, 2004

Senator Con Bunde, Chair
Labor & Commerce
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: HB 423

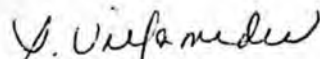
Dear Senator:

I am writing in strong support of HB 423. As you might know we at Anchorage CHARR are working towards implementing the "Off the Road Program". The Off the Road Program is intended to help people make a better decision on not to drive under the influence of alcohol. The mission of the program is to provide a safe mode of transportation for the patron and his/her vehicle. This service can be requested by the patron or by the determination of the establishment to limit liabilities and to protect the general public. This accompaniment program would be provided by the municipal licensed chauffeurs (taxi cab drivers).

Our concerns are the unintentional acts created by our customers driving under the influence that may be harmful to other members of the community.

In the passing of this bill, not only our customers will benefit but the community at large. This bill is intended to get drunk drivers off the road and save lives. We urge you for your support.

Sincerely,


Silvia Villamides
Executive Director

[cc]: Jim Shine, Aide to Rep. Tom Anderson



333 West 4th Avenue, Suite 214
P.O. Box 242023
Anchorage, AK 99524
907.646.4628
anchoragecharr@gci.net

John L. George and Associates
3328 Fritz Cove Road
Juneau Alaska 99801
Tel.907 789-0172 Fax 907 789-6964

Honorable Tom Anderson
Chairman
House labor and Commerce Committee
State Capitol
Juneau, Alaska 99801

Re: House Bill 423

Dear Representative Anderson,

I represent the Property Casualty Insurers Association of America. PCI member companies write thirty eight percent of the automobile insurance premium in the state. The PCI supports HB423 with the amended language faxed to me by your staff on March 15. These amendments preserve recovery by injured individuals from existing insurance policies while they appropriately relieve persons arranging transportation for impaired drivers from liability.

There is no question that insurers and insured owners are better served by having a non impaired permissive driver operating a motor vehicle when the owner is impaired. This bill is a positive step toward removing drunk drivers from the highway.

Sincerely,

John L. George



MADD

Activism | Victim Services | Education™

Mothers Against Drunk Driving
JUNEAU CHAPTER
211 4th St., Suite 314
Juneau, AK 99801
Phone (907)463-2562
Fax (907)463-2540
madd@alaska.net
www.madd.org/ak/juneau

February 10, 2004

Representative Tom Anderson
State Capitol, room 432
Juneau, Alaska 99801

Re: House Bill 423
"An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage; and providing for an effective date."

Dear Representative Anderson:

The MADD Alaska Chapters, *Anchorage, Fairbanks, Juneau and Mat-Su*, support House Bill 423.

House Bill 423 will encourage and protect designated drivers. It is imperative that support is provided for those who drive potential drunk drivers to their destination. A designated driver is "life insurance" for all who use our road system.

House Bill 423 would create a deterrent for those who might otherwise drive impaired if unable to find an alternative method of transportation.

While annual alcohol-related traffic fatalities have decreased by more than 33 percent over the past few decades, the latest statistics show a recent increase with more than 17,400 people killed and more than half a million others injured in alcohol-related crashes in 2002.

Alaska had 87 traffic deaths of which 35 were alcohol-related(40%) in 2002. The previous year our state lost 47 Alaskans out of 89 (53%) because of alcohol.

Sincerely,

Cindy Cashen

Executive Director



Mothers Against Drunk Driving
JUNEAU CHAPTER
211 4th St., Suite 314
Juneau, AK 99801
Phone (907)463-2562
Fax (907)463-2540
madd@alaska.net
www.madd.org/ak/juneau

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Juneau, Alaska 99801

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Sincerely,

Cindy Cashen

Executive Director

*Alaska Cabaret, Hotel,
Restaurant & Retailers Association*



1111 East 80th Ave., Suite 3 - Anchorage, Alaska 99518
(907) 274-8133 • Fax: (907) 274-8640
Toll Free In Alaska: (800) 478-2427

April 28, 2004

To: Chairman Bunde and Members of the Senate Labor and Commerce Committee:

I am writing to you on behalf of the Alaska Cabaret Hotel Restaurant & Retailers Association (Alaska CHARR) to support to the proposed legislation in House Bill 423.

Our organization has hundreds of members statewide, from Ketchikan to Nome, and is the largest state organization representing the hospitality industry.

Our industry carries an overwhelming burden of liability, and even with proper training and education, our business owners and employees can be held responsible for the actions of irresponsible or reckless individuals. We support House Bill 423 because it allows our Members another avenue for providing their customers with responsible service.

House Bill 423 would allow taxi cab drivers to transport a patron *and* their vehicle home if they have surpassed the legal blood-alcohol limit for driving. A factor in drunk driving, particularly in Anchorage where downtown patrons can not leave their vehicles overnight due to snow removal, limited parking hours, etc., is the unwillingness of a patron to leave their vehicle behind. Alaska CHARR feels that if a patron had a the option to take a cab home and have their vehicle taken home at the same time, the number of drunk driving incidences could be decreased.

On behalf of hundreds of Alaskan-owned businesses, Alaska CHARR urges that this Committee and the full Legislature pass House Bill 423.

Sincerely,

Dale Fox

Dale Fox
Executive Director, Alaska CHARR

Subject: [Fwd: Taxicab Liability - HB 423]

Date: Wed, 28 Apr 2004 14:29:40 -0800

From: Senator Con Bunde <senator_con_bunde@legis.state.ak.us>

To: Jane Alberts <Jane_Alberts@Legis.state.ak.us>

Subject: Taxicab Liability - HB 423

Date: Wed, 28 Apr 2004 10:40:27 -0800

From: "Darwin" <thndrths@alaska.net>

To: "Sen. Con Bunde" <Senator_Con_Bunde@legis.state.ak.us>

Senator Con Bunde
Chairman,
Senate Labor and Commerce Committee

Dear Con:

The idea for Taxicab Liability bill (HB 423) was initiated by Anchorage CHARR. In order to reduce the incidences of DWI's, CHARR first got the Municipality of Anchorage to allow bar patrons, who inadvertently got intoxicated, to leave their parked cars on the streets of downtown overnight without threat of ticketing or towing.

The next step was for two cabs to take patrons and their cars home safely. Liability questions killed this same bill in the 22nd Legislature. I have worked with House members and insurance representatives to try to eliminate those concerns.

This is a good bill as MADD and APD also back it. We need this to help reduce DWI's. Please try to pass it out of committee ASAP so it can move through the Senate to the Governor's desk this session. Thanks!

- Darwin



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Anchorage Daily News

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Novel bill can reduce DWI incidents

COMPASS: Points of view from the community

By FRANK DAHL

(Published: March 9, 2004)

During Lent and the upcoming Easter holiday, many of us center on our faith and family as well as on our dedication and responsibility to each other. House Bill 423 is a perfect example of taking responsibility one step further by truly watching out for our friends and patrons. And many state House members agree as they ponder the passage of this bill, seeing what could be its positive effects.

Sponsored by Rep. Tom Anderson, this proposed legislation would help reduce our driving-while-intoxicated problem. The premise behind Rep. Anderson's proposal is that people fail to find an alternative means of transportation when they feel they may be legally intoxicated, because they do not wish to incur the cost of a cab, risk vandalism to their vehicle or be hindered by retrieval of their vehicle the next morning. With no perceived alternative, they opt to drive home intoxicated. Many arrive home safely, but for those who are arrested or who cause an accident or injury, the consequences surpass the negligible cost of a cab or time spent returning the next day sober to locate the car.

Solidly supported by Anchorage Cabaret, Hotel, Restaurant and Retailers Association, the concept is to provide a means through which an intoxicated individual, hesitant to drive because he or she is above the legal limit (recently reduced to a new low), can ask for an employee at the participating bar or restaurant to request cab service, not only for himself or herself but also for the car. The cab company would dispatch a cab with an extra driver who would drive the patron's car home at the same time the intoxicated patron is driven home in the cab. Not a bad idea!

Not only does this solution instill a partnership mentality among community, patron and business, but it also reminds residents of the fact that the hospitality industry cares about your safety. Anchorage CHARR wholeheartedly endorses the concept.

One concern that has arisen stems from the potential for a lawsuit if the cab company employee who drives the individual's vehicle home causes an accident from negligence. The context of the bill is intended to hold harmless the driver, cab company and licensed establishment if intentional misconduct is not a factor. In other words, no one will be liable for acting responsibly. To that end, we must formulate effective insurance language in the bill to maintain the integrity of the no-liability intent.

During troubled times, certain members of society tend to find it easier to cast the first stone rather than seek lasting solutions to complicated issues like alcohol abuse and DWI prevention. The easiest approach is to criticize our laws and legislators and be reactive rather than proactive. Or to mandate harsher penalties and fill our correctional system beyond its capacity while increasing our need for more taxes. And, of course, we must always expect certain self-serving groups to demand more taxes on individual industries as a supposed answer. Higher prices have never dissuaded the

addicted toward lesser consumption. The solution lies in curbing behavior with quality treatment, education and hope or, as an alternative, preventing behavior like driving under the influence from even happening.

HB 423 would eliminate the consequences of a DWI while at the same time working with the hospitality industry, with the cab companies, with the insurance industry, in concert with law enforcement at the city and state level. The innovators and sponsor of this bill should be commended for a novel and positive approach to a growing problem that doesn't need to exist.

HB 423 is right on target for a controllable problem. And it would save the state real tax dollars.

Let 2004 be the year of understanding and compassion, neighbor helping neighbor. Let this year be one in which we stop casting stones and instead embrace, using the stones to build a bridge of cooperation. Rep. Anderson's HB 423 can be the first step.

Frank Dahl is owner of Blues Central in Anchorage.

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Presents

"OFF THE ROAD PROGRAM"

**A free ride home for you and your car
Let us all add safety to our community. Together we can make
Anchorage a safer place to live.**

**ANCHORAGE Cabaret, Hotel, Restaurant, and Retailers Association
(CHARR)
OFF THE ROAD PROGRAM**

Our Vision:

Anchorage CHARR, a unified financially sound organization to protect, foster and grow the hospitality industry serving a strong membership and to maintain a positive relationship with the Anchorage community.

Our Mission:

Our mission is to serve and represent the hospitality industry within the Municipality of Anchorage. Collaborate with responsible members, stakeholders, and businesses as a vital part of the community.

Our Concerns:

Unintentional acts created by patron drivers of vehicles under the influence that may be harmful to other members of the community.

This may occur when:

- **A patron has a need for their vehicle the following morning and does not want the inconvenience of collecting the vehicle.**
- **Vehicles can be towed for a number of reasons thus incurring unwanted costs.**
- **There is also the possibility the vehicle could be vandalized and/or burglarized.**
- **Simply the patron choose not to pay or can not pay for the cost of a taxi.**

"These are reasons some patrons may justify drinking and driving"

Our Solution:

To provide a safe mode of transportation for the patron and his/her vehicle. This service can be requested by the patron or by the determination of the establishment to limit liabilities and to protect the general public. This accompaniment program would be provided by the municipal licensed chauffeurs (taxi cab drivers).

- **Transportation provided from the establishment to the patrons home.**
- **Patron and vehicle arrive home safe together.**
- **Limited or no cost to the patron for this service.**
- **Educate establishment staff and public of the availability of this program and the benefits that it provides.**



January 21, 2004

In order for this program to be successful the cab companies and the liquor establishments must work and communicate closely. To help facilitate this program, the establishments will implement the following strategies and policies:

- 1. Place signs near pay phones, direct lines to cab companies and in other conspicuous areas of the establishment such as restrooms and near the exits where signs can be easily read.**
- 2. Train the establishment staff members on the availability of this program, how to inform patrons, and how to implement the procedures agreed upon by program officials.**
- 3. Make public service announcements (PSA) on in-house sound systems (if establishment is equipped) from time to time and at closing time to help influence patrons decisions to use the program.**
- 4. Pay a portion of the cab fare cost agreed upon by establishments and program officials.**
- 5. Promote program from time to time in conjunction with other advertising and promotions. Make program informational hand outs available to patrons in the establishments.**
- 6. Track program usage (in conjunction with the cab companies) to assess effectiveness and demographics and to provide informational statistics for program officials to use in promoting and or improving this program.**

Anchorage CHARR feels, with the establishments implementing these strategies and policies will help assure the success of this exciting and new collaboration.

**John G. Pattee
Anchorage CHARR**

*RNT Services D.B.A. Checker Cab Company
3215 Mountain View Drive
Anchorage, Alaska 99501-3108*

Office (907) 274-3333 Fax (907) 258-7775 24-Hour Dispatch (907) 276-1234

Regarding: **Off The Road Program**

In order for this program to work and be successful the Restraunt's, Lounge's and all Taxicab Companies **MUST** work together and communicate closely with everyone. To help facilitate this, Checker Cab Company will implement the following procedure and policies:

1. We will have a minimum of six (6) designated taxi drivers on duty every night to be available for this program.
2. We will set a flat rate fee of \$40.00 per car deliveries made from any licensed establishment to one (1) destination in the Anchorage Area, for **BOTH** the patron and his/her vehicle.
3. Every Car Delivery that we do will be logged into a log book in the Dispatch office as it comes in, so it will be easy to track our progress with this program and how well it is working to benefit the Anchorage Community.
4. Train All Taxicab Drivers and Dispatch Employees with our Company about this program, incase designated driver's are not available they will be able to cover the car delivery safely.
5. Promote, with all the taxi drivers help, how this program is available to **ALL Customers** headed to any drinking establishment in the Anchorage Area, A Safe and Convenient way to enjoy all licensed establishments and not have to worry about retrieving their vehicle the next day if it has not been towed away.

RNT Services and Checker Cab Company feel that this program will work to help solve some of the drinking and driving problems that exist here in the Anchorage Area and will make the Community a much safer community for everyone to live in.

Nancy R Brockway
Owner - RNT Services
Office Manager - Checker Cab Company

Bill jumps 'Off the Road' hurdle

■ **DRUNK:** Program would see car, driver home by cabbie.

The Associated Press

JUNEAU — Drunken drivers and their vehicles could get a ride home if a bill that passed the House on Tuesday has its intended effect.

State Rep. Norm Rokeberg, R-Anchorage, introduced the bill, which limits liability for taxis transporting drunken drivers' cars. He said he's trying to clear the way for an Anchorage program called "Off the Road" to get off the ground.

The Downtown Licensed Beverage Association, the Downtown Partnership and corporate sponsors have pitched in to fund the program, which would pay for cab drivers to take both an individual and his car home from participating downtown bars,

Rokeberg said.

The program should remove one obstacle that prevents drunken drivers from giving up their keys, Rokeberg said.

"Many drivers are really reluctant to leave their dearest possession, sometimes their vehicle, in a parking lot," Rokeberg said.

Often they need their car to get to work the next day, they worry about vandalism or they fear it will be towed, he said.

High insurance costs have kept the "Off the Road" program from starting, Rokeberg said. He said insurance would have cost taxi companies \$1,000 per month per cab.

The bill exempts cab drivers operating the drunken drivers' vehicle from liability in an accident except in cases of gross negligence or reckless or intentional misconduct.

The vehicle owner's insurance would still have to pay for damages in an accident, the

same as if the owner had been driving.

Rep. Eric Croft, D-Anchorage, said that provision removed his concern about the bill. Without it, he said, he had feared accident victims would have no recourse.

The bill passed the House 37-0. Rep. John Davies, D-Fairbanks, gave notice of reconsideration of his vote, so the measure could come up for a final vote today. After that, it would go to the Senate.

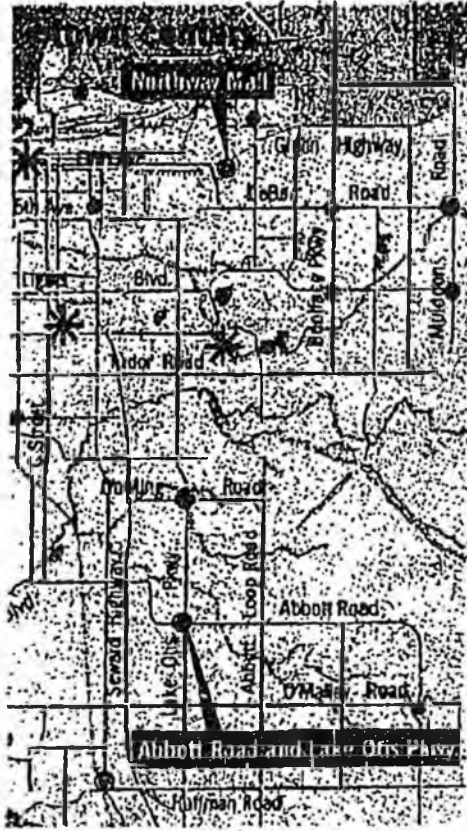
The measure is House Bill 88.

In other news at the Capitol

on Tuesday:

• The House State Affairs Committee approved House Joint Resolution 30, by Rep. Pete Kott, R-Eagle River. It urges the U.S. Congress to begin the process of amending the U.S. Constitution to prohibit desecration of the U.S. flag.

• Groups on both sides of the abortion issue held rallies on the Capitol steps to commemorate the anniversary of Roe vs. Wade, the U.S. Supreme Court decision that legalized abortion in the United States.



Area of shopping, public facilities and medium-to high-density is a focal point for seven sub-areas in the Anchorage Bowl.

(907) 336-7178

The Bradley House

Feb 11 2004 5:12PM

Wednesday, January 30, 2002 B-7

oice of the Times

A CONSERVATIVE VOICE FOR ALASKANS

WILLIAM J. TOBIN
Senior editor

DUI taxi bill a positive approach

By FRANK DAHL

The early part of the year is a time for reflection, for many reasons. Many of us center on our faith and family and lives, but also on our dedication and responsibility to each other. House Bill 68 is a perfect example of taking responsibility one step further by truly watching out for our friends and patrons. And the state House agrees, as they recently passed the bill to the state Senate.

Sponsored by Rep. Norm Rokeberg, this proposed legislation will help reduce our DUI (driving under the influence of alcohol) problem. The premise behind Rep. Rokeberg's proposal is that people fail to find an alternative means of transportation when they are legally intoxicated because they do not wish to incur the cost of a cab, risk vandalism to their vehicle or be hindered by retrieval of their vehicle the next morning. With no "perceived" alternative, they opt to drive home intoxicated. Many arrive safely at home, but for those who are arrested, or cause an accident or injury, the consequences surpass the negligible cost of a cab or time spent returning the next day sober to locate the car.

Proposed by the Anchorage Downtown Partnership and Downtown License Beverage Association, the concept is to provide a means through which an intoxicated individual, hesitant to drive because he/she is above the legal limit (.08 blood-alcohol content), can ask an employee at the participating bar or restaurant to request cab service for himself and his vehicle. The participating cab company will dispatch a cab with an extra driver who will subsequently drive the patron's vehicle home at the same time the intoxicated patron is driven home in the cab. Not a bad idea. And best of all, public safety is not compromised.

Not only does this solution instill a partnership mentality between community, patron and business, but it also



reminds residents of the fact that the hospitality industry cares about your safety. Anchorage Cabaret, Hotel, Restaurant & Retailers Association, for example, wholeheartedly endorses the concept. And many establishments have endorsed the bill and are eager to participate upon enactment of the program. In the end, it's a win-win for everyone.

One concern that has arisen stems from the potential for a lawsuit. If the cab company employee, who drives the individual's vehicle home, causes an accident from negligence. The context of the bill is intended to hold harmless the driver, cab company and licensed establishment if intentional misconduct is not a factor. In other words, no one will be liable for acting responsibly. To that end, we must formulate effective insurance language in the bill to maintain the integrity of the no-liability intent.

During troubled times, members of society tend to find it easier to cast the first stone, rather than seek lasting solutions to issues like alcohol abuse and DUI prevention. The easiest approach is to criticize our laws and legislators, and be reactive, rather than proactive. Or, mandate harsher penalties and fill our correctional system beyond its capacity while increasing our need for more taxes.

But sometimes, no matter how hard one tries, it is impossible to understand the mindset of why people do what they do. Drunks don't make thought-out decisions. They act and react. Driving under the influence is no exception. Many of us are guilty of bad judgment. The solution lies in curbing behavior with quality treatment and education, or, as an alternative, preventing behavior like driving under the influence from even happening.

HB 68 eliminates the consequence of a DUI, while at the same time partnering the hospitality industry with the cab industry with the insurance industry, in concert with law enforcement at the city and state level. The innovators and sponsor of this bill should be commended for a novel and positive approach to a growing problem that doesn't need to exist.

HB 68 is right on target for a controllable problem. And it will save the state of Alaska real tax dollars.

Let 2002 be the year of understanding, neighbor helping neighbor. Let this year be one in which we stop casting stones and instead, embrace using the stones to build a bridge of cooperation. HB 68 can be the first step.

Frank Dahl is president of the Anchorage Cabaret, Hotel, Restaurant and Retailers Association (CHARF).

Dahl

Anchorage CHARR
 OFF THE ROAD PROGRAM
 Budget

Category	July	August	September	October	November	December	Total
Operation:							
Salaries	0	0	0	0	0	0	0
Payroll taxes	0	0	0	0	0	0	0
Accounting	500	500	500	500	500	500	3000
Tax return preparation	0	0	0	0	0	0	0
Bank charges	100	100	100	100	100	100	600
Advertising (events)	0	0	14,000	16,000	0	0	30000
Printing	0	0	8,000	0	2,000	0	10000
Entertainment	100	100	100	100	100	100	600
Telephone	50	50	50	50	50	50	300
Utilities	0	0	0	0	0	0	0
Repairs & Maint.	0	0	0	0	0	0	0
Administrative O.H.	2312.5	2312.5	2312.5	2312.5	2312.5	2312.5	13875
Medical insurance	0	0	0	0	0	0	0
Insurance - other	500	500	500	500	500	500	3000
Legal	4000		2000	0	0	2000	8000
Transportation cost	6000	6000	6000	6000	6000	6000	36000
Miscellaneous	0	0	0	0	0	0	0
Subtotal Operations	13562.5	9562.5	33562.5	25562.5	11562.5	11562.5	105375

BUDGET
Continuation

Category	January	February	March	April	May	June	Total
Operation:							
Salaries	0	0	0	0	0	0	0
Payroll taxes	0	0	0	0	0	0	0
Accounting	500	500	500	500	500	500	3000
Tax return preparation	0	0	0	0	0	0	0
Bank charges	100	100	100	100	100	100	800
Advertising (events)	0	0	14,000	16,000	0	0	30000
Printing	0	0	8,000	0	2,000	0	10000
Entertainment	100	100	100	100	100	100	600
Telephone	50	50	50	50	50	50	300
Utilities	0	0	0	0	0	0	0
Repairs & Maint.	0	0	0	0	0	0	0
Administrative O.H.	2312.5	2312.5	2312.5	2312.5	2312.5	2312.5	13875
Medical Insurance	0	0	0	0	0	0	0
Insurance - other	500	500	500	500	500	500	3000
Legal	4000		2000	0	0	2000	8000
Transportation cost	6000	6000	6000	6000	6000	6000	36000
Miscellaneous	0	0	0	0	0	0	0
Subtotal Operations	13562.5	9562.5	33562.5	25562.5	11562.5	11562.5	105375

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 423(STA)
(H) Publish Date: 3/12/04

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act relating to accidents involving the RDU CIVIL
vehicle of a person under the influence of an alcoholic..." Component Torts and Workers' Compensation
Sponsor Representative Anderson
Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
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CHANGE IN REVENUES ()						
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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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill limits the liability for personal injury, death, or property damage resulting from a motor vehicle accident in circumstances where the damages result from driving the vehicle of a person under the influence of an alcoholic beverage.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director
Division: Administrative Services
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General
Agency: Department of Law

Phone 465-3673
Date/Time 2/9/04 1:15 PM
Date 2/9/2004

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 423(STA)
 (H) Publish Date: 3/12/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Taxicab Driver Liability RDU Statewide Support
 Component ABC Board
 Sponsor Rep. Anderson
 Requester H.State Affairs Component No. 2690

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
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CHANGE IN REVENUES ()						
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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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill provides legal liability protection to taxicab/limousine drivers and liquor licensees and their employees trying to provide a "safe ride" home for alcohol impaired patrons.

No fiscal impact is anticipated to the Department of Public Safety.

Prepared by: Doug Griffin, Director Phone 269-0351
 Division ABC Board Date/Time 2/9/04 2:28 PM
 Approved by: Commissioner William Tandeske Date 2/9/2004
 Agency Public Safety

HB

428

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

SENATE COMMITTEE REPORT

TE: 3/31/04

FURTHER: Judiciary

DATE TURNED
IN TO OFFICE: _____

Law and Commerce Committee considered CS FOR HOUSE BILL NO. 428(JUD) am

HB 428 CIVIL PENALTY: UNDERAGE ALCOHOL PURCHASES

Act relating to civil liability for acts related to obtaining alcohol for persons under 21 years of age or for persons under 21 years of age being on licensed premises."

Committee recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Karen Stepin</i>	✓			
<i>Betty Davis</i>	X			
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
CHAIR: <i>O Bunde</i>	✓			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 428
(H) Publish Date: 2/26/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Civil Penalty/Underage Alcohol BRU Alaska Court System
Purchases Component Trial Courts
Sponsor Representative Meyer
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
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CHANGE IN REVENUES ()						
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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 (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 428.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
Division Alaska Court System Date/Time 2/24/04 9:46 AM
Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 2/24/2004
Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 428
 (H) Publish Date: 2/26/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An act related to civil liability for acts related to RDU Statewide Support
obtaining alcohol for persons under 21 years... Component ABC Board
 Sponsor Representative Meyer
 Requester H. Labor and Commerce Component No. 2690

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
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CHANGE IN REVENUES ()						
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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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated by the Department of Public Safety.

Prepared by: Douglas B. Griffin, Director Phone 269-0351
 Division: ABC Board Date/Time 2/24/04 9:35 AM
 Approved by: Commissioner William Tandeske Date 2/24/2004
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB428CS-DPS-ABC-4-B-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An act related to civil liability for acts related to RDU Statewide Support
obtaining alcohol for persons under 21 years... Component ABC Board
 Sponsor Representative Meyer
 Requester S. Labor & Commerce Component No. 2690

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
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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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The ABC Board may adopt regulations regarding the form of notice required of liquor licensees to maintain a civil penalty action under the provisions of this bill. It is assumed that the regulations, if needed, can be adopted in the normal course of the ABC Board regulation process and therefore, will require no additional funding.

Prepared by: Douglas B. Griffin, Director Phone 269-4532
 Division ABC Board Date/Time 4/8/04 3:19 PM
 Approved by: Commissioner William Tandeske Date 4/8/2004
 Agency Department of Public Safety



FOOD & SPIRITS

P.O. Box 111369
11321 Old Seward Hwy
Anchorage, AK 99511
907 336-7177

2/13/04

Representative Kevin Meyer
State Capitol, Room 513
Juneau, AK 99801

RE: HB 428

Dear Representative Meyer:

This letter acknowledges my full support of House Bill 428. It is legislation that will have a long term positive affect not only in our communities but for the hospitality industry as well.

By holding adults of legal age to purchase alcohol responsible for providing for minors is legislation the industry will gladly enforce. I am always surprised when adults claim these actions are harmless. In banquet situations I have seen parents give children alcohol such as champagne and am obligated to tell them their actions on-premise are illegal. This legislation will empower licensees to enforce the law and make all adults think twice before passing a glass of alcohol to a minor or in any public situation for that matter.

I see HB 428 as deterrence to providing alcohol to minors, educational to the public and an incentive for licensees to get the word out.

Sincerely,

Chuck Edwards
Manager



MADD
Activism | Victim Services | Education™

Anchorage Chapter
4105 Turnagain Boulevard, Suite A • Anchorage, AK 99517
(907) 562-6890/Fax (907) 562-6896
Email: info@maddalaska.com
Visit our Web Site: www.maddalaska.com

Our Mission is to stop drunk driving, support the victims of this violent crime and prevent underage drinking

February 24, 2004

Representative Kevin Meyer
Alaska State Legislature
Juneau, AK 99811

RE: HB 428

Dear Representative Meyer,

On behalf of the Anchorage Chapter of Mothers Against Drunk Driving, I would like to express our support for HB 428 statewide civil penalties for Underage Alcohol Purchases.

This has been a successful approach for the Anchorage Municipality and will discourage underage alcohol consumption throughout the state.

Sincerely,

Marti Greeson

Marti Greeson
Executive Director



MADD
Activism | Victim Services | Education™

Mothers Against Drunk Driving
JUNEAU CHAPTER
211 4th St., Suite 314
Juneau, AK 99801
Phone (907)463-2562
Fax (907)463-2540
madd@alaska.net
www.madd.org/ak/juneau

February 10, 2004

Representative Kevin Meyer
State Capitol, room 513
Juneau, Alaska 99801

Re: House Bill 428

"An Act relating to civil liability for acts related to obtaining alcohol for persons under 21 years of age or for persons under 21 years of age being on licensed premises."

Dear Representative Meyer:

The MADD Alaska Chapters, *Anchorage, Fairbanks, Juneau and Mat-Su*, support House Bill 428.

In order to further limit youthful involvement in alcohol-related crashes, MADD advocates criminalization of actions by adults who provide for minors.

MADD believes there should be more effective and stringent enforcement of the minimum drinking age law, by means of administrative, civil, and criminal measures, to further limit illegal underage access to alcohol and thus reduce youthful involvement in alcohol traffic crashes.

House Bill 428 supports Community Policing which is a philosophy that promotes and supports organizational strategies to address the causes and reduce the fear of crime through problem-solving tactics and community-police partnerships.

HB 428 provides an incentive for liquor stores to prevent irresponsible adults from furnishing alcohol to minors and allows them to be part of community policing.

Sincerely,

Cindy Cashen

Executive Director



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: March 31, 2004

TO: Senator Con Bunde
Chairman, Senate Labor and Commerce Committee

FROM: Representative Kevin Meyer *Ki*

RE: CS HB 428 (JUD)am Civil *Ki* Underage Alcohol Purchases

The following changes were made to CS HB 428(JUD) on the House Floor:

Page 1, line 9
After: "A person"
Insert: ", "

Page 1, line 10
After: "AS 04.16.060"
Insert: ", "

Page 2, line 1
After: "to the"
Delete: "defendant a notice demanding the relief authorized to the defendant at the defendant's last known address 15 days or more before the action is commenced"
Insert: "at the defendant's last known address 15 days or more before the action is commenced a notice demanding the relief authorized."

Page 2, line 3
Delete: "The Department of Law"
Insert: "The board"

All of the above amendments were technical in nature and did not cause any substantial changes to CS HB 428 (JUD).



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

SPONSOR STATEMENT

CS HB 428 (JUD)am

“An Act relating to civil liability for acts related to obtaining alcohol for persons under 21 years of age or for persons under 21 years of age being on licensed premises.”

Under CS HB 428 (JUD)am Civil Penalty: Underage Alcohol Purchases, an adult who orders or receives an alcoholic beverage, for the purpose of selling, giving, or serving it to a person under the age of 21 years, can be civilly liable to the licensee for a penalty of a \$1,000. Likewise, the parent or legal guardian of a minor that solicits an adult to violate AS 04.16.060, can be civilly liable for a penalty of \$1,000 to the licensee from which the alcoholic beverage was purchased, ordered, or received.

There is nothing new about misguided adults buying alcohol for minors. Often, minors ask a stranger outside of a liquor store to buy alcohol.

Alcohol remains a leading drug problem among our nation's young people, with earlier and earlier initiation of consumption. Underage drinking is associated with the leading causes of death among young people, including car crashes, murder, and suicide. CS HB 428 (JUD)am will provide an economic deterrent for adults and for minors to abstain from purchasing or soliciting the purchase of alcohol.

Currently, the Municipality of Anchorage has a similar ordinance to CS HB 428 (JUD)am in place. The money that is collected by the licensees goes toward alcohol education and intervention programs, as well as to the employees of the licensee as incentives for paying close attention to all customers.

The method of deterrent that CS HB 428 (JUD)am will provide increases the awareness of the overall cost that alcohol and underage drinking has on our communities. CS HB 428 (JUD)am provides an economic incentive for employees of liquor stores and bars to pay close attention to customers, for minors to refrain from soliciting alcohol from adults, and for irresponsible adults to think twice before providing alcohol to a minor upon request.

Last Updated: March 30, 2004

Em
Session: S
Interim: 716 \

Sponsor Statement

--- (907) 465-4945
1X: (907) 465-3476
3 Fax: (907) 269-0197

Article for *TOAST Magazine*
Community News Release
February 5, 2004

Third Party Purchasers

The disheveled man in his fifties looked a little out of place at the counter with the 3 six-packs of maltalternative beverages. While the clerk suspended the sale, a look outside the building confirmed the presence of a van containing three nervous teenagers. After a quick interview with security personnel, the three admitted giving a public inebriate \$50 to purchase the beverages for them. All four were arrested and turned over to the police, who took the adult into custody, and released the minors to their parents after issuing them citations. The minors explained that this particular inebriate routinely made himself available to purchase alcohol for the local high school crowd.

There is nothing new about misguided adults buying alcohol for minors, but what might surprise you is how often minors are able to obtain alcohol from a third party, and who the minors are asking to buy for them. Over the last several weeks, Mothers Against Drunk Driving (MADD), in cooperation with the Anchorage Police Department, has conducted a survey to determine how often adults will buy alcohol for obviously underage total strangers. While the survey has just begun, 40% of the Anchorage adults approached by the teens agreed to buy for them. A recent survey performed by the Los Angeles Police Department produced similar results, 46% of the adults approached agreed to buy for the minor. As greater pressure is brought to bear on sources of fraudulent identification, the national trend seems to be that more and more minors are turning to adults to obtain alcohol.

Brown Jug has taken an aggressive approach in dealing with third party purchases for minors by conducting surveillance with trained security personnel to arrest minors and adults who violate AS 04.16.060. It is a criminal offense in Alaska for a minor to solicit an adult to buy alcohol for the minor, and for the adult to order or receive an alcoholic beverage from a licensee for the purpose of giving it to a minor.

Since initiation of the third party interdiction program, Brown Jug security personnel have made over 120 arrests. This program has also resulted in arrests for other criminal conduct, such as felony drug charges, weapons charges, as well as parole violations. Store level employees are trained to recognize the potential signs of a third party purchase, but are not authorized to detain the customer. If the employee believes the alcohol is destined for a minor they are to deny the sale and contact security if necessary.

In analyzing the arrests made, we have identified three primary groups of adults who purchase for minors. The first group is made up of older siblings or friends of the minor who believe that they are doing their underage friend a favor. The second group is made up of public inebriates. Minors have learned that the "Will Work for Food" crowd is easily persuaded to purchase alcohol. Disturbingly, the third group is made up of sex offenders. When we interview minors we find that they are shocked to learn the criminal history of the person they solicited. Approaching strangers and public inebriates for alcohol is far more dangerous than they think. More than one arrest has resulted in profuse appreciation from parents who realized what very likely was about to happen to their daughter.

Article for *TOAST Magazine*
Community News Release
February 5, 2004

Anchorage Municipal Ordinance 10.50.23 provides that minors and adults who violate AS 04.16.060 are liable to the licensee for a civil penalty of \$1000. In partnership with Akeela House, MADD, and Standing Together Against Rape (STAR), Brown Jug is waiving \$700 of the civil penalty if the participants successfully complete the educational classes offered. Akeela provides all case management, so the time required by the licensee is minimized. Essentially, the licensee is responsible for making a demand for the \$1000 civil penalty by first class mail, signing up the participants when they respond, and forwarding the participant name to Akeela. The case manager at Akeela is responsible for scheduling participants and coordinating classes with other agencies. On third party cases, the rate of participation have been impressive; virtually all of the adults and minors contacted, signed up immediately, the rest committed to sign up on a specific date.

What are the signs that a third party purchase may be occurring?

1. Minors in vehicles parked around the side of the building, when parking is available directly in front of the door;
2. The adult in the store is buying several different products; and
3. The adult denies anyone is in his or her vehicle.

What steps can be taken to prevent third party purchases?

1. The policy at Brown Jug is that everyone in a customer's party must be 21 years old, or be the child, spouse, or legal ward of the customer. This includes persons in the customer's vehicle.
2. Consider installing outdoor cameras to monitor blind spots outside the store. This gives the clerks at the registers the ability to scan the parking lot without having to leave the register.
3. Educate employees to be vigilant and to look out for suspicious transactions.

O. C. Madden III
Personnel/Loss Prevention Manager
Brown Jug, Inc.

By Jan Goehring

Lots of kids party, and alcohol is easy to get," says Jane McKnight, a California high school junior.

"In our class, we have a 'go to' guy for alcohol. He can't even drive yet, but he looks older and knows a store where they don't card him. Some kids have fake IDs, some get alcohol from their parents, and others just ask an adult going into a store to buy it for them," she adds. Jane thinks her school is about average when it comes to drinking behavior.

Research supports her comments. Nearly 50 percent of teens have had at least one drink by the time they reach eighth grade, and 20 percent say they have been drunk, according to the National Institute on Alcohol Abuse and Alcoholism.

Approximately 30 percent of 12th graders "binge" drink—had more than five drinks at one time in the last two weeks. More young people drink than use other drugs or smoke tobacco. "The fact is, alcohol is the illegal drug of choice for kids," says Wendy Hamilton, national president of Mothers Against Drunk Driving.

So is this just a rite of passage in a culture where alcohol is the norm among adults or is it a problem demanding attention? The consequences of underage drinking can be devastating. Teens tend to drink to excess when they do drink. Traffic crashes are one of the most obvious dangers, with alcohol involved in more than one-third of youth traffic deaths. Underage drinking also is linked to suicide, educational difficulties, violence and sexual activity.

Myriad laws, regulations and programs are in place to prevent underage consumption. Since Congress established the drinking age as 21 in 1984, statistics improved, but kids still drink. It's a problem that seems to elude solutions.

THE ADULT CONNECTION

A recent report, "Reducing Underage Drinking: A Collective Responsibility," from the National Academy of Sciences (NAS), offers recommendations. Mandated by Congress,

Jan Goehring covers alcohol sales and licensing issues for NCSL. Jeanne Kaufmann, who works on adolescent and school health, also contributed to this article.

LOTS OF KIDS DRINK...

Keeping teens away from alcohol is tough, but not impossible.

the study acknowledges that kids get alcohol from adults—either directly or indirectly—and efforts to curb the problem need to focus on adults and society at large.

"We have to find effective ways to protect our nation's youth while we respect the interests of responsible adult consumers of alcohol," says Richard Bonnie, director of the Institute of Law, Psychiatry and Public Policy at the University of Virginia and chair of the committee that wrote the report.

"We are heartened to see that the report recognizes the important role parents play in keeping alcohol out of children's hands," says Maria Tildon of the Century Council. The council, funded by distilled spirits companies, promotes responsible decision-making about alcohol, focusing on drunk driving and underage drinking problems through a variety of programs.

Recommendations in the NAS report include national adult and youth-oriented media campaigns, partnerships between industry and private and public organizations to prevent the problem, and a reduction in how much drinking is portrayed in movies and music videos.

It also calls for reducing the amount of alcohol marketing aimed at kids. The Center on Alcohol Marketing and Youth argues that high schoolers are overexposed to alcohol advertising and influenced by its youthful themes. Jeff Becker, president of the Beer Institute, a national trade association, opposed this recommendation during congressional testimony on the report last fall. He cited a Roper Youth Report poll that shows that parents are the No. 1 influence on their children's decision whether to drink.

John Kaestner of Anheuser-Busch Companies agrees. "A teen's exposure to—or awareness of—beer advertising has nothing to do with what can help that teen make good decisions about respecting the law and himself when it comes to underage drinking," he says.

The Roper report lists a number of state policy recommendations, as well. For example, it urges states to enhance existing laws, includ-

ing strengthening compliance checks in stores to make sure they follow drinking-age laws. It also encourages states to improve efforts to prevent and detect the use of fake IDs require all sellers and servers of alcohol to complete training for checking IDs and spotting fake ones, implement enforcement programs to deter adults from purchasing for minors and establish a keg registration system.

All states prohibit the sale of alcohol to youth and have zero tolerance laws for those under age 21 who drink and drive.

Illinois recently adopted a law that allows someone who is injured by a drunk or impaired minor to sue the adult who supplied the alcohol.

"We wanted to send a message that it is not

Continued on Page 22



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Continued from Page 20

UNDERAGE DRINKING STATISTICS

- ◆ 28.5 percent of those aged 12 to 20 reported drinking alcohol in 2001.
- ◆ Among young adults aged 18 to 25 years, 22.8 percent drove under the influence of alcohol in the last 12 months.
- ◆ More than 40 percent of those who begin drinking before age 13 will develop alcohol abuse or dependency problems at some point in their lives.
- ◆ About 12 percent of eighth graders, 22 percent of 10th graders and 29 percent of 12th graders report binge drinking (five drinks in a row) in the last two weeks.
- ◆ Rates of binge drinking and heavy alcohol use are higher among males than females.
- ◆ Young adults aged 18 to 22 enrolled full time in college were more likely than their peers not enrolled full time to report binge and heavy drinking.

Sources: Leadership to Keep Children Alcohol Free; National Household Survey on Drug Abuse, 2000, 2001; U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.

OK for adults to give alcohol to kids," says Illinois Representative Kevin Joyce, the bill's sponsor.

Kansas Senator Kay O'Connor sponsored a measure in 2003 to create the misdemeanor crime of hosting underage drinkers.

The bill was sparked by the death of a teen who crashed his car after leaving a beer party at a house where the parents were home.

"Parents make their kids popular by allowing these drinking parties," says O'Connor. The measure passed the Senate and carried over to the House this session.



REPRESENTATIVE
 KEVIN JOYCE
 ILLINOIS



SENATOR
 KAY O'CONNOR
 KANSAS

TURNING TO TAXES

Increasing excise taxes on alcohol, especially beer, was another NAS recommendation. The rationale is that kids would no longer be able to afford to buy beer, and the revenue could be used to fund underage anti-drinking programs. Industry opposes this idea and cites research showing it won't work.

"It's ridiculous to think that hiking the price of a six-pack by 25 or 50 cents is going to stop a teenager intent on breaking the law," says Kaestner.

"What do you raise them to? When does it become cost-prohibitive for teens?" wonders Representative Joyce.

California teen Jane doesn't know what exactly should be done, but does know kids drink a lot and sometimes "it's scary."

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Brown Jug aims to turn ID busts into life lessons

CLASS: Liquor retailer creates alcohol awareness program.

By LISA DEMER
Anchorage Daily News

(Published: December 8, 2003)

One evening last fall, a man tried to buy wine coolers, vodka and Mike's Hard Lemonade for a couple of 15-year-old girls. The head of security at Brown Jug made a citizen's arrest, handcuffing the buyer. Police came. The man was busted, and so were the girls.

That may seem a fitting end to the store's role. But Brown Jug, one of the state's biggest liquor retailers, has a reputation for being extra aggressive in preventing sales to kids as well as adults who buy for them.

The company has pursued \$1,000 civil claims against people who try to buy booze illegally. Now the retailer wants to transform its campaign against underage drinking into an effort that not only stings the wallet but also convinces youths not to drink.

Under the new approach, anyone who goes through a new alcohol awareness program crafted for Brown Jug will get a break on the civil penalty. The store will seek \$300 instead of \$1,000.

"We're trying to educate on the responsible approach to the product," said Ed O'Neill, one of Brown Jug Inc.'s owners.

The program isn't free. Participants will have to pay another \$290 for the main course, 15 to 16 hours of classroom sessions led by Akeela Inc., a private substance abuse prevention and treatment agency.

Two other agencies are joining in. Standing Together Against Rape will talk to participants about sexual assault and its connections to alcohol.

Participants also must listen to people whose lives have been upended by drinking. The panel, put together by Mothers Against Drunk Driving, includes people hurt by drunken drivers and those on the other side, inmates serving time for killing someone while driving drunk. There's a separate \$35 fee for that panel.

Other retailers are starting to be more diligent about checking IDs.



This fake ID is made from a scanned document that was altered and then laminated over the original ID. (Photo by Erik Hill / Anchorage Daily News)



Brown Jug vice chairman Ed

"But no one is in Brown Jug's league," said Doug Griffin, director of the state Alcohol Beverage Control Board. "It shows good leadership on behalf of this company and this industry to do the right thing."

O'Neill hopes more retailers and bars follow suit.

Brown Jug pushed through a local Anchorage ordinance five years ago that allows liquor stores and bars to seek civil penalties against youths who walk in without a parent or guardian. Big yellow signs on Brown Jug's front doors warn kids to stay away. In 2001, the provision was put into state law.

The civil measure is needed as both deterrent and punishment because prosecutors rarely pursue fake ID cases, said O.C. Madden III, Brown Jug's manager of personnel and loss prevention.

Since 1998, Brown Jug has demanded \$1,000 payments from more than 900 underage youths who tried to buy something -- from beer to cigarettes to Coke. Those not trying to buy booze are likely just testing the store, Madden said. Not all have paid, but many have, Madden said. The civil cases now fill more than 20 binders.

Last year, the Anchorage Assembly approved a measure to allow liquor establishments to seek similar civil penalties against adults who buy for kids, and the kids who are part of the scheme.

Those cases are more often prosecuted, but the consequence may be a small fine and community work service. So, under this provision, Brown Jug has sought \$1,000 civil payments from another 120 kids and adults.

Madden has noticed the adults trying to buy for kids often fit in one of three categories: older friends or siblings, public inebriates or registered sex offenders. Over the Thanksgiving weekend, a 34-year-old man with a record of sexually abusing a minor was caught at a Brown Jug store trying to buy beer and liquor for three youths, including a 17-year-old boy, according to Brown Jug.

Dozens of confiscated IDs that Madden keeps in his office show how kids try to trick the clerks. Some are homemade, sloppy and obvious. One kid scanned his real license into a computer, fiddled with the dates, and glued a printout of his reworked card atop the laminate of the real one.

But other cards are bought through the Internet as slick renditions. Fake IDs from New Jersey have been especially popular lately. Kids also have schemes to get IDs from the state Division of Motor Vehicles, Madden said. They may use someone else's birth certificate, especially an older sibling's, he said.

The bust involving the two 15-year-old girls prompted Brown Jug to add the education component. The girls probably didn't realize how close they were to real trouble, Madden said. The man had intended to take them to a drinking party where they would have been the only girls.

O'Neill put out the word about the new education program in a recent e-mail to dozens of community council activists, Assembly members and police officers. Some people replied to the group with praise, but at least one took issue with how the store rewards its clerks who catch minors.

A Brown Jug clerk who seizes an ID suspected of being fake gets \$20 from the store and another \$250 if the store wins a civil penalty or judgment, Madden said. The IDs are sent to the ABC board, where owners can collect them.

O'Neill displays confiscated IDs and 22 binders containing paperwork on 40 fake ID cases at company offices in Midtown Anchorage. (Photo by Erik Hill / Anchorage Daily News)

Click on photo to enlarge

The incentive doesn't sit well with Tim Stevens, who is active on the Huffman-O'Malley Community Council.

"I commend your desire to curb underage drinking but I do not care for your methods," Stevens e-mailed back to the group. "Seems to me its just another way of putting extra money in your employees pockets at the expense of the offenders parents."

But other people like the approach.

"This small monetary caveat (civil penalty/diversion program) is nano-scale in comparison to a life being saved," Carol Holden, an officer on the Taku-Campbell Community Council, wrote in an e-mail reply. "We need to make winners out of those who support the laws. Half of the solution is reward, the other is penalty."

"As a taxpayer, I am sick and tired of no one taking any responsibility for their action and we are suppose to keep paying for more police to enforce the laws," wrote Bonnie Jack, an aide to Assemblywoman Fay Von Gemmingen. "I say, 'Good Job, Brown Jug!' "

People are just now signing up for the first of the new alcohol education courses. Adults trying to buy for kids will spend a Friday evening and all day Saturday in alcohol class. Those under 21 will spend four weeknights.

The classes are revamped from the Prime for Life course that middle and high school students already can take after being suspended for drugs or alcohol to get back to school more quickly.

"We dispel myths. We take away the shame and guilt and trappings that go with this whole issue," said Diane Ogilvie, director of prevention, education and training at Akeela Inc.

"It is designed to require you to be very honest about yourself."

Daily News reporter Lisa Demer can be reached at ldemer@adn.com and 257-4390.

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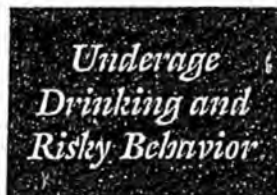
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Making the Link



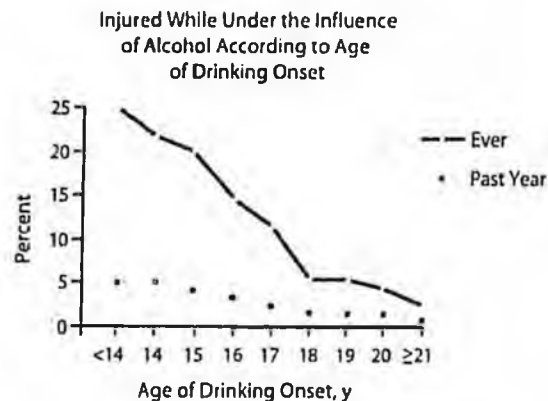
A national survey reported that 13 percent of youths, aged 12 to 17, had at least one serious alcohol problem related to drinking in the past year.¹

Underage drinking is linked to an increase in risky sexual behavior.

- According to a national survey of sexually active young people, 12 percent of teens aged 15 to 17 reported having unprotected sex as a result of having been drinking or using drugs. In addition, 24 percent reported that because of their substance use, they had "done more" sexually than they had planned.²
- Teenage girls who are heavy drinkers are five times more likely than nondrinkers to engage in sexual intercourse and a third less likely to use condoms, which can result in pregnancy and sexually transmitted diseases.³

Underage drinking is linked to an increased risk of fatalities and unintentional injuries.

- In 2000, youths aged 12 to 17 who reported past year alcohol use (19.6 percent) were more likely than youths who did not use alcohol (8.6 percent) to be at risk for suicide.⁴
- Young drinking drivers are involved in fatal crashes at twice the rate of drivers aged 21 and older.⁵
- Early age of onset drinking may be an indicator of increased risk of alcohol-related injury. Those who start drinking before age 14 are 12 times more likely to be injured while under the influence of alcohol sometime in their life.⁶



No. of Respondents
 130 845 1507 3155 2861 5693 2213 2078 7315

P<.001 for comparison of association between age of drinking onset and percentage engaging in each outcome

Source: Hingson, et al. 2000.

Early initiation is linked to future alcohol use and dependency problems.

- According to a longitudinal study of students in three States, middle school students were almost three times more likely to use alcohol if they had previously used alcohol in elementary school.⁷
- If drinking is delayed until age 21, a child's risk of serious alcohol related problems is decreased by 70 percent.⁸

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¹ Substance Abuse and Mental Health Services Administration, National Household Survey on Drug Abuse Population Estimates 1998, Rockville, MD: U.S. Department of Mental Health and Human Services, 1999.
² Kaiser Family Foundation. Survey Snapshot: Substance Use and Risky Sexual Behavior: Attitudes and Practices Among Adolescents and Young Adults. Menlo Park CA: The Henry J. Kaiser Foundation, 2002.
³ The National Center on Addiction and Substance Abuse at Columbia University. Substance Abuse and the American Woman. New York: Columbia University, June 1996.
⁴ Office of Applied Studies. Substance Abuse and Mental Health Services Administration. NHSDA Report: Substance Use and the Risk of Suicide Among Youths. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2002.
⁵ National Highway Traffic Safety Administration (NHTSA). 2000 Youth Fatal Crash and Alcohol Facts. Washington, DC: US Department of Transportation, 2001.
⁶ Hingson RW, Heeren T, Jamako A, et al. Age of drinking onset and unintentional injury involvement after drinking. JAMA 284(12):1527-1533, 2000.
⁷ Wilson N, Battistich V, Syme L, et al. Does elementary alcohol, tobacco, and marijuana use increase middle school risk? J Adolesc Health 30(6):442-447, 2002.
⁸ Grant BF, Dawson DA. Age at onset of alcohol use and association with DSM-IV alcohol abuse and dependence: Results from the National Longitudinal Alcohol Epidemiologic Survey. J Subst Abuse 9:103-110, 1997.



Making the Link

Underage Drinking and Violence

Underage drinking is linked to violent and aggressive behavior.

According to a national survey, youths ages 12 to 17 who reported violent behaviors in the past year reported higher rates of past year illicit drug or alcohol use compared with youths who did not report violent behaviors.¹

Almost 12 percent of adolescent drinkers (about 1.2 million 7th – 12th graders) engage in alcohol-related physical fighting.²

A national study indicates that those who began drinking before age 14 were 11 times more likely to have ever been in a fight while drinking or after drinking than adults who began drinking after the age of 21.³

Youths ages 12 to 17 who had engaged in past month binge alcohol use were almost four times as likely to have carried a handgun in the past year compared with youths who had not engaged in binge drinking.⁴

Studies suggest that boys who drink are prone to fighting and sexual aggression.

In one study, males were almost twice as likely as females to engage in alcohol-related physical fighting (15.6 percent of males and 8.0 percent of females).⁵

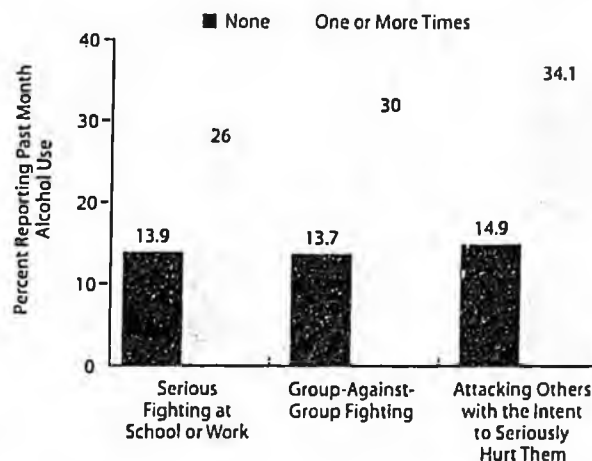
Among male high school students, 39 percent say it is acceptable for a boy to force sex with a girl who is drunk or high.⁶

Studies suggest that girls who drink are more likely to be victims of self-inflicted violence.

Among eighth grade girls who drink heavily, 37 percent report attempting suicide, whereas 11 percent of girls who do not drink report attempting suicide.⁷

Researchers estimate that alcohol use is implicated in one- to two-thirds of sexual assault and “date rape” cases among teens and college students.⁸

Percentage of Youths Aged 12 to 17 Reporting Past Month Alcohol Use, by Whether or Not They Participated in Violent Behaviors During the Past Year: 1999*



* Data presented differ from previously published data from the 1999 NHSDA because of corrections made to imputation procedures.
 Source: NHSDA Report. Youth Violence Linked to Substance Use, 2001.

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¹ Office of Applied Studies. Substance Abuse and Mental Health Services Administration. NHSDA Report. Youth Violence and Substance Use, 2001 Update. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2002.

² Swahn MH. Epidemiology of alcohol-related fighting among adolescents. Paper presented at the 129th Annual Meeting of the American Public Health Association, October 23, 2001, Atlanta, GA.

³ Hingson R, Heeren T, Zakocs R. Age of drinking onset and involvement in physical fights after drinking. *Pediatrics* 108(4):872-877, 2001

⁴ Office of Applied Studies. Substance Abuse and Mental Health Services Administration. NHSDA Report: Youths Who Carry Handguns. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2001.

⁵ Swahn. Epidemiology of alcohol-related fighting among adolescents.

⁶ Office of the Inspector General, U.S. Department of Health and Human Services. Youth and Alcohol: Dangerous and Deadly Consequences. Washington, DC: Health and Human Services, 1992.

⁷ Windle MA, Miller-Tutzauer C, Domenico D. Alcohol use, suicidal behavior, and risky activities among adolescents. *J Res Adolesc* 2(4):317-330, 1992.

⁸ Office of the Inspector General. Youth and Alcohol.



Making the Link



Communities need to do more to reduce the availability of alcohol to youth.

Research shows that controlling alcohol availability is effective in preventing alcohol-related problems.¹

These facts on alcohol availability show the challenge communities face:²

- Where access to alcohol is greater, consumption is greater. When consumption rates are high, problems related to alcohol increase dramatically.
- Local communities have the power to control alcohol availability, but most do not make full use of their power and resources.

Questions the community should address to help develop policies.³

What are the problems related to underage drinking in the community?

- What is the extent of underage drinking? Which groups of young people are using alcohol?
- When and where does underage drinking take place?
- When adults serve alcohol in their homes to other adults, are nonalcoholic alternatives also offered? Are underage youth typically served alcohol in private homes?
- How is alcohol marketed in the community? Are young people the target of any of this marketing?

What are the law enforcement issues?

- How many establishments that sell alcohol are within walking distance in a typical neighborhood?
- Is the 21-year-old legal drinking age strictly enforced in the community?
- Do members of the community support the police in their efforts to enforce the drinking age?
- What happens to vendors who habitually sell alcohol to minors?
- What happens to minors who purchase alcohol? Is the infraction taken seriously?

Actions communities can take to prevent underage access to alcohol.

The Center for Substance Abuse Prevention found that six approaches show the most promise for effective prevention.⁴

- Prevent underage youth from obtaining alcohol.
- Establish laws and policies to govern alcohol distribution methods, “happy-hour” policies, minimum legal purchase age, alcohol taxes, and licensing of alcohol outlets.
- Promote and enforce responsible beverage service.
- Change the conditions of availability—for example, regulate outlet density, create restrictions on alcohol sales, and develop regulations for alcohol at special events and locations.
- Limit the hours and days of alcohol sales.
- Use a community-based approach—involve concerned citizens and community groups, law enforcement and public officials, in an effort to recognize the need to change local laws, regulations, and policies.

¹ Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention. Prevention Enhancement Protocols System (PEPS). Preventing Problems Related to Alcohol Availability: Environmental Approaches, Parent and Community Guide. Rockville, MD: Substance Abuse and Mental Health Services Administration, 1999.

² Ibid.

³ Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention. Underage Drinking Prevention Action Guide and Planner. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2001.

⁴ Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention. Prevention Enhancement Protocols System (PEPS).

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**American Medical Association
Office of Alcohol and Other Drug Abuse
Robert Wood Johnson Foundation National Alcohol Program Offices
515 North State Street, Chicago, IL 60610**

Policy Options for Reduction of Alcohol Problems (3/03)

Family and Home

- Family policy, traditions, values
- Parental monitoring (of alcohol use, availability, child activities, after school hours)
- Parental modeling
- Supervise and monitor teenage parties (ban alcohol)
- Responsible/social hosting
- Clear family rules consistently enforced
- Parent-child communications

Specific to Schools (K-12)

- Adopt comprehensive school policy (prevention, intervention, enforcement) and support services
- Support after school activities Ban alcohol on school property
- Ban alcohol at all school events
- Ban alcohol advertising and sponsorship of activities
- Ban product advertising on student clothing

Opportunities for Social/Normative Controls

Community

- Counter-advertising campaigns
- Correction of misperceptions
- Highlight/counter second-hand effects of drinking (violence, diminished performance, etc.)
- Youth Advocacy (training, mentoring)
- Peer interactions
- Consumer education/media literacy
- Assure access to and promote alcohol screening, intervention and treatment services
- **Community Cues:**
 - Visible, consistent, clear enforcement
 - Low bar density
 - Restricted or banned alcohol service, promotion and advertising at public events (fairs, festivals, celebrations) and on public property
 - Merchant voluntary refusals to sell child-oriented drinks; reduce in store ads and promotions/displays

Media (Community, campus, organizations)

- Ban alcohol advertisements
- Prioritize stories about alcohol issues
- Limit pro-alcohol use images
- Place warnings on alcohol advertisements
- Portray only responsible alcohol use
- Refuse advertising which promotes unsafe or underage drinking practices (e.g., happy hours and drink specials)

Law enforcement (Community, Campus)

- Check alcohol outlets for compliance with state and municipal licensing and safety codes
- Conduct compliance checks
- Prioritize enforcement against adults who illegally provide alcohol to youth
- Alcohol incident data collection, mapping and publication
- Educate public, key populations about problems, laws, enforcement measures

Stadiums and Arenas (Community, Campus)

- Restrict sales and consumption to certain areas
- Sell only low-alcohol or non-alcoholic beverages
- Cease alcohol sales before end of event
- Prohibit bringing your own alcohol
- Ban alcohol advertisements
- Alcohol-free tail gate areas
- Prohibit re-entry to stadium

Hotels/motels

- Restrict age of room renters
- Adult supervision of party rooms/facilities

Worksites

- Restrict alcohol at work events
- Discourage alcohol consumption during work day
- Prohibit use of alcohol as a bonus

Insurance and Health Care Policies

- Premium discounts for
 - Outlets that train servers
 - Individuals who sign waivers of coverage if they have alcohol-related crashes
- Coverage of alcohol screening, intervention and treatment services

Religious institutions

- Restrict access to alcohol at social events
- Prohibit use of alcohol as a prize
- Refuse alcohol sponsorship of events and activities

Public Policy Options

Access: Underage

- Maintain & enforce minimum legal drinking age (MLDA), purchase/possession age
- Minimum age of seller
- Keg registration
- Drivers' license enhancement
- Require age identification
- Restrict sales of classes of alcohol
- Social Host Liability
- Ban minors in bars
- Ban adult sales and/or provision to minors – social host liability

Access: How and When Alcohol is Sold

- Maintain Public/private control of alcohol distribution systems
- Restrict hours and days of sale
- Restrict or ban sales at community events
- Mandatory server training
- Require server licensing
- Commercial/Dram shop/server liability
- Stop state preemption of local control
- Ban Electronic/internet sales
- Licensing and permit controls/limits
- Ban drive-up sales and sales as gas stations
- Ban home delivery
- Reduce drink/container size and number of drinks per sale

Zoning: Where Alcohol is Consumed and Sold

- Lower outlet Density
- Restrict outlet Locations (near schools, parks, churches, residential areas)
- Monitor outlet types (restaurant, tavern, off-sale, etc.)
- Ban sale and consumption in parks, public spaces (including government buildings & property, sidewalks, fairgrounds) – conditional permits only for special events
- Ban sales, consumption in stadiums/ greatly restrict sales
- Pass noise, nuisance, public disturbances, public intoxication ordinances
- Lease requirements (e.g. party size limitations, landlord accountability)

Pricing

- Raise excise taxes
- Increase license fees and penalties
- Ban or limit happy-hour sales
- Ban drink-specials (2 for one, all you can drink, ladies night, etc.)

Advertising and Promotion

- Require and post visible warning signs and labels (health risks, DUI, caloric and alcoholic content)
- Restrict alcohol advertisements/signage (location, number, size, placement, visibility)
- Refuse alcohol producer and distributor sponsorship of events, publications, activities
- Restrictions of alcohol advertisements on television and radio
- Advertising to children
- Restrict or ban alcohol billboards

Enforcement Mechanisms

- Administrative penalties – civil rather than criminal offenses more likely to be implemented
- Compulsory compliance checks
- Restricting open house assemblies
- Hotlines to report sales to minors or intoxicated persons
- Adequate funding for enforcement

Drinking and Driving

- Zero tolerance
- Lower legal BAC
- Graduated Licensing for minors
- Check points for intoxicated driving
- Media Campaigns
- Ban open containers in cars
- Administrative License Review
- Mandatory screening and referral for DUI offenders

Alcohol Merchants

- Mandatory manager and staff training and incentives (for compliance)
- Check age identification
- Post warning signs/ distribute warning fliers
- Secret shopper program
- Prohibit sales to individuals accompanied by minors (parents and guardians excepted)
- Eliminate drinking competitions and drink specials
- Serve drinks in standard sizes
- Promote food and non-alcoholic beverages
- Campus permits, restrictions or bans
- Service to intoxicated patrons/ over service

Some Useful Alcohol Policy and Alcohol Advocacy Resources

- American Medical Association Alcohol Programs: www.alcoholpolicysolutions.net
- Center on Alcohol Marketing and Youth: www.camv.org
- Center for Science in the Public Interest (CSPI) Alcohol Program: www.cspinet.org
- Higher Education Center (HEC) for Alcohol and Other Drug Prevention: www.edc.org/hec
- Leadership to Keep Children Alcohol Free: www.alcoholfreechildren.org
- Lincoln Responsible Hospitality Council:
www.interlinc.ci.lincoln.ne.us/city/council/rhc/index.html
- Marin Institute: www.marininstitute.org
- Mothers Against Drunk Driving: www.madd.org
- National Council on Alcoholism and Drug Dependency (NCADD): www.ncadd.org
- NIAAA College Task Force: www.collegedrinkingprevention.gov
- OJJDP Underage Drinking Enforcement Training Center: www.udetc.org
- Trauma Foundation - Alcohol and Violence Project: www.tf.org/tf/alcohol/ariv
- University of Minnesota Division of Epidemiology: www.eni.umn.edu/alcohol

For research, data, analyses, discussion of issues, and news:

- National Institute on Alcohol Abuse and Alcoholism (NIAAA): www.niaaa.nih.gov
- Join Together: www.jointogether.org

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FOR IMMEDIATE RELEASE

Nationwide Strategy to Combat Underage Drinking Requires Shared Responsibility; Action Also Needed to Improve Compliance With Laws

WASHINGTON -- More young people drink alcohol than use other drugs or smoke tobacco, and underage drinking costs the nation an estimated \$53 billion annually in losses stemming from traffic fatalities, violent crime, and other behaviors that threaten the well-being of America's youth. Curbing underage drinking is an uphill battle because alcohol is legal and readily available to adults. To tackle the problem, a new report from the National Research Council and Institute of Medicine of the National Academies offers a comprehensive strategy

Science in the Headlines

The National Academies
Op-Ed Service

that requires a deep, shared commitment from many institutions and individuals, including alcohol manufacturers and retail businesses, the entertainment industry, and parents and other adults in local communities.

Federal and state governments should help forge the commitment to curtail alcohol consumption by minors, the report adds. For example, the federal government should do more to educate adults about existing laws and the consequences of underage drinking. Federal and state governments also should provide additional financial assistance and other support to reinforce community-based initiatives, and to research the effectiveness of the proposed strategy itself and related policies.

"All segments of U.S. society should address underage drinking in a serious, coordinated, and sustained manner," said Richard J. Bonnie, John S. Battle Professor of Law and director of the Institute of Law, Psychiatry, and Public Policy at the University of Virginia, Charlottesville, and chair of the committee that wrote the report. "We have to find effective ways to protect our nation's youth while we respect the interests of responsible adult consumers of alcohol. The recommendations in this report attempt to strike the right balance." The congressionally mandated study lays out a strategy that includes heightened adult supervision of children's behavior and calls upon the alcohol and entertainment industries to take stronger steps to shield young people from unsuitable messages about alcohol consumption. Taken as a whole, the plan would have a considerable impact, the committee said, adding that the strategy should be subject to ongoing refinement.

To fund the proposed activities and to help reduce underage consumption, Congress and state legislatures should raise excise tax rates on alcohol – particularly on beer, which studies show is the alcoholic beverage that most young people prefer. Alcohol is much cheaper today, after adjusting for inflation, than it was 30 to 40 years ago. Higher tax rates should be tied to the Consumer Price Index to keep pace with inflation. Increasing the cost of alcohol has well-documented deterrent effects on underage drinkers, the report points out.

A National Wake-Up Call

Most adults express concern about underage drinking and voice support for public policies to

curb it. Yet surveys show that youth often obtain alcohol from adults. Studies also show that many parents underestimate both the extent of the problem and their own children's alcohol-consumption habits.

States and localities should use a wide range of educational and enforcement measures to boost compliance with laws that prohibit selling or providing alcohol to children, adolescents, and young adults under the legal drinking age of 21. The aim is to deter adults and youths alike, the report says. Among the recommended steps are increasing the frequency of compliance checks, in which authorities monitor whether businesses are obeying minimum-drinking-age laws and levy fines when necessary, and requiring all sellers and servers of alcohol to complete state-approved training as a condition of employment. Likewise, the federal government should require states to achieve specified rates of retailer compliance with youth-access laws as a condition of receiving federal funds. And states should enhance efforts to prevent and detect the use of false identification by minors who want to purchase alcohol – for example, by issuing driver's licenses and state ID cards that can be electronically scanned.

In addition, states that allow Internet sales and home delivery of alcohol should adopt regulations that require customers to sign statements verifying their identity and age at the time of delivery. At the local level, police, working with community leaders, should create policies for detecting and shutting down underage drinking parties, the report says.

State and local leaders should develop efforts to reduce underage drinking that are tailored to specific circumstances of the problem in their communities, the report says. A broad range of public and private organizations and institutions, including the federal government, should encourage and fund community efforts that have a solid science base.

Likewise, the federal government should fund and actively support the development of a national media campaign to encourage parents and other adults to take steps in their own households and neighborhoods to discourage underage drinking. Officials should carefully craft this activity to make sure that it would reach a diverse audience, the report says.

All intervention and education programs, the committee stressed, should be rigorously

evaluated.

Roles for Alcohol and Entertainment Industries

A substantial portion of alcohol advertising reaches an underage audience or is presented in a style that is attractive to youth, the report says. For example, television ads for alcohol often appear during programs where the percentage of underage viewers is greater than their percentage in the overall U.S. population.

The committee recommended that trade associations in the alcohol industry and individual companies strengthen their advertising codes to prohibit placement of commercial messages in venues where a large portion of the audience is underage. These groups also should establish independent, external review boards to investigate complaints about ads and enforce codes. In 1999 the Federal Trade Commission issued similar recommendations urging the industry to toughen its advertising standards for alcoholic beverages. For years, those standards have permitted ad placement in media where adults constitute at least 50 percent of the audience. The industry is expected to soon announce tougher standards that will restrict marketing to audiences with a much larger proportion of adults.

In addition, alcohol companies, advertising firms, and commercial media should refrain from marketing practices -- such as certain product designs or promotion techniques -- that may appeal to young people, the report says.

The alcohol industry also should join with private and public entities to create and fund an independent, nonprofit foundation that is focused solely on preventing and reducing underage drinking, the committee said. The industry currently invests in programs that were established with that stated goal; however, the results of these programs typically are not assessed using rigorous scientific methods.

The entertainment media have key roles to play, too. Officials in the music, television, and film industries should use rating systems and codes to reduce the likelihood that large numbers of young listeners and viewers will be exposed to unsuitable messages about alcohol consumption -- even when adults are expected to make up the majority of the audience. The

Motion Picture Association of America, for instance, should consider content about alcohol use when rating films, and assign mature ratings for movies that portray drinking in a favorable light, the report says.

The overall goal of the committee's broad strategy is to promote public awareness of the importance of reducing underage drinking, as well as greater accountability in mass communication. To this end, Congress should provide funding for the U.S. Department of Health and Human Services to routinely track youth exposure to alcohol ads by monitoring advertising practices. Likewise, HHS should regularly review representative samples of movies, TV programs, music recordings, and videos offered to audiences that are 15 percent or more underage. Findings from this work should be reported to Congress and the public, the committee said. Moreover, HHS should issue a comprehensive report to Congress each year on trends in underage drinking and progress in reducing the problem.

Larger Government Investments Needed

The use of alcohol among adults is deeply rooted in American culture, and beliefs vary widely about alcohol consumption and expectations for young people. But underage drinking is dangerous, the report emphasizes. It is a significant factor in youth traffic fatalities, and associated with suicide, other violence, and academic failure. When people start drinking in childhood or adolescence, they increase their risk of developing alcohol-related problems as adults.

In the 2002 Monitoring the Future survey, a federally sponsored study, about 72 percent of 12th graders and 39 percent of eighth graders reported that they had consumed some alcohol in the past year. That study also showed that more than a quarter of high school seniors had consumed five or more drinks in a row in the previous two weeks.

Federal and state excise taxes are potentially important tools for preventing and reducing underage drinking and its harmful consequences, the committee concluded. Extensive research indicates that even small changes in these tax rates can decrease the prevalence of drinking among youths, who tend to have limited discretionary income. Current federal excise tax rates of \$2.14 per 750-ml. bottle of 80-proof spirits, 33 cents per six pack of beer, and 21

cents per bottle of wine represent a long downward slide in the value of these taxes. Further, the federal government needs to enhance and better organize research in this area, the report says. A federal, interagency coordinating committee should be formed, with the secretary of HHS serving as chair, to provide national leadership on the topic. HHS should create a National Training and Research Center on Underage Drinking, and collect more detailed data on the problem -- gathering information on regional trends and on brands of alcohol that are popular among young people, for instance. HHS also should issue annual reports on progress in implementing the proposed strategy.

State policy-makers should designate an agency to spearhead and coordinate their activities and programs in this area, the report says. Also, residential colleges and universities, which face serious alcohol-related problems among students under 21, should develop, adopt, and evaluate comprehensive prevention approaches in partnership with local communities.

The report was sponsored by the U.S. Department of Health and Human Services. The National Research Council and the Institute of Medicine are private, nonprofit institutions that provide science and health policy advice under a congressional charter. The Research Council is the principal operating arm of the National Academy of Sciences and the National Academy of Engineering. A committee roster follows.

Pre-publication copies of **Reducing Underage Drinking: A Collective Responsibility** are available from the National Academies Press; tel. 202-334-3313 or 1-800-624-6242 or on the Internet at <http://www.nap.edu>. The cost of the report is \$50.00 (prepaid) plus shipping charges of \$4.50 for the first copy and \$.95 for each additional copy. Reporters may obtain a copy from the Office of News and Public Information (contacts listed above).

NATIONAL RESEARCH COUNCIL
and
Institute of Medicine
Board on Children, Youth, and Families

Committee on Developing a Strategy to Reduce and Prevent Underage Drinking

This document was supported by the Office of Juvenile Justice and Delinquency Prevention, in conjunction with its Enforcing Underage Drinking Laws program. The opinions in this document do not necessarily reflect the official position of the US Department of Justice.

Using Alcohol Policy to Reduce Underage Drinking: Strategies that Work

The Underage Drinking Enforcement Center

Pacific Institute for Research and Evaluation

Calverton, Maryland

To a large extent, community environments determine whether and how much young people drink.¹ This environment consists of the community's alcohol-related norms and regulations and the availability of alcohol to young people (see figure). Policymakers and concerned citizens can help to shape their community environment to support healthy choices about alcohol use.

Controlling Alcohol Availability to Young People

There is no better established principle in prevention than this: If a community makes it more difficult for young people to obtain alcohol, underage drinking is reduced. In addition, because younger drinkers obtain alcohol from older people (friends, siblings, parents, and other adults), reducing the *overall* availability of alcohol in a community will reduce alcohol problems among young people.

- *Enforcement of laws against underage drinking* – Underage drinking laws are among our most important tools to reduce underage drinking, and the better the enforcement, the better the results. Enforcement efforts are most efficient and effective when they focus on adults (retailers, parents, older friends) who provide alcohol to underage drinkers. Nevertheless, enforcement aimed at young people themselves can send a message about community norms and may deter them from attempting to buy alcohol.
- *Reducing overall availability* – Reducing the overall availability of alcohol makes alcohol

less convenient for young people to obtain. It also sends a message to young people that alcohol does not have to be the central feature of social life. One important way to reduce the overall availability is to reduce the number of alcohol outlets relative to community size and population. Communities can also prohibit alcohol outlets in areas that are frequented by young people, for example, near schools. Finally, communities can restrict alcohol availability at public events, such as fairs and festivals or in other public places, such as beaches and parks.

Controlling the Ways in Which Alcohol Is Advertised and Promoted

Alcohol advertising and promotions are highly visible features of most community landscapes. The message often conveyed to young people is that drinking is expected, acceptable, and desirable. States and communities can reduce these messages through a variety of strategies:

- Controlling the location and content of outdoor advertising
- Prohibiting the distribution or sale to minors of alcohol promotional material (e.g., T-shirts).
- Restricting or eliminating alcohol industry sponsorship of local community events.

¹ *Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices*, Washington, D.C.: OJJDP, USDOJ. Presented at OJJDP National Leadership Conference, 7/11-14/99.

- Community environments can exert powerful controls on drinking among young people
- If a community makes it more difficult for young people to obtain alcohol, underage drinking is reduced
- Alcohol advertising and promotions too often communicate to young people that drinking is expected, acceptable, and desirable.

The National Highway Traffic Safety Administration, under the Department of Transportation, provides a number of resources for the prevention of underage drinking, including the Community How To Guides On Underage Drinking Prevention. NHTSA also funds the National Association of Governors' Highway Safety Representatives' Underage Drinking Prevention Project (UDPP). The UDPP uses a comprehensive, community-based approach to address the issue of underage drinking.

The Effects of Lowered Legal Blood Alcohol Limits for Young Drivers

Alexander Wagenaar, Ph.D.*, Patrick O'Malley, Ph.D.***, and Colette

be detected.

Tapert, S., Brown, G., Kinderman, S., Cheung, E., Frank, L., and Brown, S. fMRI measurement of brain dysfunction in alcohol-dependent young women. *Alcoholism: Clinical and Experimental Research*, 25(2):236-245, 2001.

¹ See *Science, Kids, And Alcohol - Heavy Alcohol Use and Nervous System Development*.

- Evidence is increasing that alcohol-dependent young people experience deficits in cognitive functioning
- Functional magnetic resonance imaging (fMRI) revealed changes in brain functioning that may underlies these deficits
- Heavy drinking patterns leading to withdrawal pose particular threats to brain functioning in young women.

This document was supported by the Office of Juvenile Justice and Delinquency Prevention, in conjunction with its Enforcing Underage Drinking Laws program. The opinions in this document do not necessarily reflect the official position of the US Department of Justice.

Enforcement of Underage Drinking Laws: Strategies that Work

The Underage Drinking Enforcement Center

Pacific Institute for Research and Evaluation

Calverton, Maryland

Laws establishing 21 as the minimum purchase age for alcohol (adopted in all states by 1988) have been shown to be extremely effective in reducing underage alcohol consumption and its consequences¹. According to the National Highway Traffic Safety Administration, the 21-year-old purchase age has saved more than 19,000 young lives through reductions in alcohol-related traffic crashes. There have also been reductions in injuries, homicides, suicides, and other alcohol-related problems.^{2,3}

Despite the effectiveness of 21-year-old purchase age laws, more vigorous enforcement would further reduce underage drinking and save even more young lives. Evaluations have shown repeatedly that when the following techniques are applied, rates of sales to minors drop dramatically:

Enforcement aimed at retailers

Because there are many fewer sellers of alcohol than there are purchasers, strategies aimed at retailers are efficient. They are also very successful in reducing sales of alcohol to minors.⁴

Enforcement aimed at retailers includes the following key elements:

- Vigorous use of compliance checks
- Applying appropriate sanctions to merchants who sell to underage individuals
- Educating merchants regarding their responsibilities under the law
- Developing media coverage and community support for enforcement.

Enforcement aimed at other sources of alcohol

Young people obtain alcohol from many sources, including older friends and siblings, adults who agree to buy for them, and even parents. Some strategies for reducing these sources of alcohol include:

- Enacting keg registration laws that make the purchasers of kegs of beer responsible if minors are served from those kegs.
- Enforcing laws that prohibit buying alcohol for minors and citing adults who purchase for them
- Holding adults responsible if alcohol is served to minors in their homes
- Conducting enforcement campaigns to prevent or safely disperse parties where minors are drinking.

Enforcement aimed at young people

Little research is available demonstrating the effectiveness of enforcement aimed at young people. However, enforcement programs, such as "Cops in Shops," send a message about community norms and may deter young people from attempting to buy alcohol. Such youth only-approaches should be used in combination with other proven strategies.

O'Malley, P., and Wagenaar, A. Effects of minimum drinking age laws on alcohol use, related behaviors, and traffic crash involvement among American youth 1976-1987. *Journal of Studies on Alcohol*, 4:807-818, 1991

Jones, N.; Pieper, C.; and Robertson, L. The effect of legal drinking age on fatal injuries of adolescents and young adults. *American Journal of Public Health* 82:112-115, 1992.

³ Parker, M., and Rebhun, L. *Alcohol and Homicide: A Deadly combination of Two American Traditions*. Albany, NY: State University of New York Press, 1995.

**ALCOHOL BEVERAGE CONTROL
ENFORCEMENT:
Legal Research Report**

Division of Legal Analysis and Enforcement
Center for Policy Analysis and Training
Pacific Institute for Research and Evaluation

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**ALCOHOL BEVERAGE CONTROL ENFORCEMENT:
Legal Research Report**

Table of Contents

Introduction.....1

Attempted Purchase/ Purchase of Alcohol by Minors.....3

Possession of Alcohol by Minors.....7

Consumption of Alcohol by Minors.....11

Use of False Identification Cards.....14

Furnishing Alcohol to Minors.....17

Furnishing Alcohol to Intoxicated Individuals.....20

Responsible Beverage Service.....22

Keg Registration.....25

False and Misleading Advertising.....28

Advertising that Targets Minors.....30

Happy Hours and Drink Specials.....33

Conclusion.....36

ALCOHOL BEVERAGE CONTROL ENFORCEMENT

Legal Research Report

Introduction

With the enactment of the 21st Amendment in 1933, the United States ended its experiment with national Prohibition. The amendment gave states the primary authority for determining whether alcohol could be sold legally and, if so, how. Since that time, 51 different alcohol control systems (in each state and the District of Columbia) have evolved, creating a patchwork of laws and regulations with wide variation across jurisdictions. In practice, the federal government retains primary authority over the production of alcohol, and the states exercise primary jurisdiction over the retail distribution system.

A fundamental premise of the state regulatory systems is that alcoholic beverages are potentially hazardous products and therefore should be subject to special conditions not applied to other commercial products. Underage drinking and intoxication are of particular concern because of their connection to alcohol-related motor vehicle crashes. States vary widely in their approach to these alcohol problems, and although these variations may have enormous implications for prevention and treatment, few studies have described them or assessed their effectiveness. This report addresses this gap in the research literature by analyzing variations in 12 key legal policies addressing underage drinking and drinking to intoxication:

- Purchase of alcohol by minors
- Attempted purchase of alcohol by minors
- Possession of alcohol by minors
- Consumption of alcohol by minors
- Use of false ID cards
- Furnishing alcohol to minors
- Furnishing alcohol to intoxicated individuals
- Responsible Beverage Service
- Keg registration
- False and misleading advertising
- Advertising that targets minors
- Limitations on happy hours and drink specials.

A typology in chart form is presented for each policy. The 50 states plus the District of Columbia are listed on the left-hand side. Selected variables and exceptions related to each policy appear across the top. Checkmarks indicate the presence of the policy and its variables and exceptions. An introductory section for each policy defines the variables and exceptions and briefly analyzes the policy, including noteworthy characteristics or variations and the relationship of the policy to other policies in the report. The legal research is current as of January 1, 2003.

PLEASE NOTE:

- 1. Each of the typologies contains variables that have been defined in specific and narrow ways that may not mirror either the law of any particular state or the customary definition in any one state or group of states. We chose the categories and definitions with legal conventions and requirements in mind. Please refer to the definitions as you interpret the variables in each category. State law may cover a topic generally but not include the specific language required in our definitions.*
- 2. Our analysis is based on a review of state statutes and regulations. In some cases, alcohol beverage control (ABC) agencies may have implemented laws in a manner that accomplishes the result we were seeking even though the laws themselves do not meet our criteria. The charts do not include the results of this formal or informal administrative decision making.*
- 3. Our analysis focuses exclusively on state legislation. Although local jurisdictions may have enacted provisions that fit into these categories, we did not include these provisions in our analysis.*

ATTEMPTED PURCHASE/PURCHASE OF ALCOHOL BY MINORS

In 1984, Congress enacted the National Minimum Drinking Age Law, which required that states – as a condition of receiving state highway funds – prohibit persons under the age of 21 from purchasing or publicly possessing alcohol. By 1988, every state had passed legislation to meet the federal funding requirements. Since that time, there have been significant reductions in fatal highway traffic crashes and other public health problems as a result of the federal and state legislation raising the minimum purchase age.¹ This positive public health impact has occurred despite insufficient enforcement. Researchers have hypothesized that effective enforcement would enhance the beneficial impact of the legislation, and they have noted that some states have provisions that hamper enforcement efforts.²

Accordingly, most states specifically prohibit minors from purchasing alcohol. However, four states – Delaware, Indiana, New York, and Vermont – prohibit minors from purchasing alcohol only if the minor uses fraudulent identification or false statements. It is unclear how significant this variation is in practice. As discussed below, a purchase made in these states without using fraudulent means is probably still illegal under possession statutes. In addition, several states have exceptions to their purchase statutes that allow minors to purchase alcohol under limited circumstances. Unlike possession statutes (see below), the exceptions are relatively rare and provide very limited opportunities for minors to purchase alcohol. The most common exception – a purchase that occurs as part of a compliance check – provides an important tool for reducing illegal sales to minors. Exceptions included in the chart below are defined as follows:

- **Employment**—one state permits minors to purchase alcohol if in connection with their employment.
- **Student**—two states allow minors to purchase alcohol if in connection with being a student or for educational purposes.
- **Religious services**—one state permits minors to purchase alcohol if in connection with religious services.
- **Medical treatment**—two states permit minors to purchase alcohol if in connection with medical treatment.
- **Parent, guardian, or custodian consent or presence**—two states allow minors to purchase alcohol in the presence of, accompanied by, or with the consent of a parent, guardian, or custodian.
- **Spouse consent or presence**—one state allows minors to purchase alcohol in the presence of or with the consent of their legal-aged spouse.
- **Law enforcement**—13 states permit minors to purchase alcohol in connection with an investigation or “sting” operation conducted in conjunction with law enforcement officials (and, in several states, licensees or employers, see footnotes in the chart below) to identify illegal alcohol sales. This

¹ Wagenaar A and Toomey T. (2002). Effects of minimum drinking age laws: Review and analyses of the literature from 1960 to 2000. *Journal of Studies on Alcohol, Supplement No. 14*: 206-225.

² Wagenaar A. and Wolfson M. (1994). Enforcement of the legal minimum drinking age in the United States. *Journal of Public Health Policy* 15: 37-53.

exception often requires parental consent and specifies a minimum age at which minors can participate; many states require minors to be at least 18 years old. Many states may have this exception as part of an administrative decision even though there is no statutory provision. As noted above, our analysis does not include such decisions.

In contrast to the possession and consumption statutes analyzed below, no state exempts purchases in private settings, probably because to do so would appear to violate the National Minimum Drinking Age Law of 1984.

The same exceptions apply or can be applied by implication to statutory provisions that prohibit attempted purchase of alcohol by minors. Attempted purchase is often, but not always, explicitly included in the statute related to the purchasing of alcohol by minors. Attempted purchases are conceptually a lesser-included part of the offense of purchasing – one cannot purchase alcohol without attempting to purchase it. Most states permit prosecutions for attempted crimes that involve affirmative acts even if the statutory crime does not explicitly include “attempt” language. Thus, states that do not explicitly include “attempted purchase” language probably still permit prosecution for such an offense. In addition, law enforcement officials did not identify the lack of an “attempted purchase” statute as a barrier to law enforcement.

Purchase provisions should be analyzed in conjunction with possession statutes (see below for analysis of possession statutes). Arguably, one cannot purchase alcohol without possessing it although one can possess it without purchasing (or attempting to purchase) it. Thus, a minor who purchases alcohol is potentially liable for two offenses. Purchasing alcohol is generally considered the more serious of the two offenses. This is an important factor in the analysis of several states’ lack of a purchasing statute comparable to that of the other 46 states and the District of Columbia.

Attempted Purchase/Purchase of Alcohol by Minors

	Attempted Purchase by Minors	Purchase by Minors	EXCEPTIONS						
			Employment	Student	Religious Services	Medical Treatment	Parent/Guardian/Custodian Consent/Presence	Spouse Consent/Presence	Law Enforcement
Alabama	√	√							
Alaska		√							
Arizona		√							√
Arkansas		√							
California	√	√							√
Colorado	√	√							
Connecticut	√	√							
Delaware ³									
District of Columbia	√	√							
Florida	√	√							
Georgia	√	√			√	√			
Hawaii		√							√

³ Delaware does not have a statute that specifically prohibits attempted purchase or purchase but does prohibit “obtaining” alcohol in connection with making a false statement.

	Attempted Purchase by Minors	Purchase by Minors	EXCEPTIONS						
			Employment	Student	Religious Services	Medical Treatment	Parent/Guardian/Custodian Consent/Presence	Spouse Consent/Presence	Law Enforcement
Idaho	√	√							
Illinois ⁴		√							√
Indiana ⁵									
Iowa	√	√							
Kansas ⁶	√	√							√
Kentucky	√	√							
Louisiana		√				√			
Maine		√							
Maryland		√							
Massachusetts	√	√							
Michigan ⁷	√	√							√
Minnesota ⁸	√	√		√					
Mississippi		√							
Missouri	√	√							
Montana	√	√							
Nebraska	√	√							
Nevada		√							
New Hampshire	√	√							
New Jersey	√	√							
New Mexico	√	√							
New York ⁹									
North Carolina	√	√							
North Dakota	√	√							
Ohio	√	√							
Oklahoma	√	√					√		√
Oregon ¹⁰	√	√							√
Pennsylvania	√	√							√
Rhode Island	√	√							
South Carolina		√	√	√					
South Dakota	√	√							

⁴ Illinois's exception allows minors to purchase or possess alcohol if they are participating in a licensee "sting operation."

⁵ Indiana does not have a statute that specifically prohibits attempted purchase or purchase, but does prohibit attempted purchase or purchase in connection with making a false statement of age. Enforcement officials indicated that they use the possession statute or law prohibiting minors in taverns.

⁶ Kansas's exception allows minors to "violate the provisions of the Kansas Liquor Control Act" if they are under the direction of a licensee self-compliance program.

⁷ Michigan's exception allows minors to "purchase or receive" alcohol as a part of an undercover operation by direction of an employer.

⁸ Minnesota's exception allows attempted purchase or purchase by minors if they are supervised by a person 21 years or older for "training, education, or research purposes."

⁹ New York does not have a statute that specifically prohibits attempted purchase or purchase but does prohibit attempted purchase or purchase through "fraudulent means."

¹⁰ Oregon's exception indicates that its prohibitions do not apply to minors who are acting under the direction of a licensee for the purpose of investigating possible violations by the licensee's employees of laws prohibiting sales to minors.

	Attempted Purchase by Minors	Purchase by Minors	EXCEPTIONS						
			Employment	Student	Religious Services	Medical Treatment	Parent/Guardian/Custodian Consent/Presence	Spouse Consent/Presence	Law Enforcement
Tennessee	√	√							√
Texas	√	√							√
Utah	√	√							
Vernont ¹¹									
Virginia	√	√							
Washington ¹²	√	√							√
West Virginia	√	√							√
Wisconsin	√	√					√	√	
Wyoming	√	√							
State Totals	36	47	1	2	1	2	2	1	13

¹¹ Vermont does not have a statute that specifically prohibits attempted purchase or purchase but does prohibit "procuring" or "attempting to procure" alcohol in connection with false representations of age.

¹² Washington's exception allows minors 18 years and older to purchase alcohol if they are participating in employer self-compliance checks.

POSSESSION OF ALCOHOL BY MINORS

As noted above, the National Minimum Drinking Age Law of 1984 provides that states will lose certain highway funds unless they make the purchase and public possession of alcohol by minors illegal. The statute does not provide specific guidance regarding the definition of "public possession," which by its terms does not include possession in privately owned locations.

All states prohibit possession of alcohol by minors to some extent, and all appear to be in compliance with the federal statute. However, states apply various statutory exceptions, and these exceptions are more expansive and more prevalent than those found in purchasing statutes.

Exceptions found in the chart below are defined as follows:

- **Employment**—45 states permit minors to possess alcohol in connection with their employment. One state, Wyoming, also allows possession by minors who are licensees.
- **Student**—six states permit minors to possess alcohol in connection with being a student or for educational purposes (often specifically linked to culinary schools).
- **Religious services**—18 states allow minors to possess alcohol in connection with religious services.
- **Medical treatment**—14 states allow minors to possess alcohol in connection with medical treatment.
- **Parent, guardian, or custodian consent or presence**—33 states permit minors to possess alcohol in the presence of, accompanied by, or with the consent of a parent, guardian, or custodian. States vary widely in terms of which relatives must be present for the exception to apply and in what circumstances. For example, Massachusetts allows possession by minors if they are "accompanied by parent or legal guardian"; Delaware allows possession in the "private home" of any "members of the same family"; Oregon allows possession of alcohol in a "private residence . . . accompanied by parent or guardian . . . with [his or her] consent," etc.
- **Spouse consent or presence**—nine states permit minors to possess alcohol in the presence of or with the consent of their legal-aged spouse.

Three exceptions are related: the first, Any Private Location, includes Private Residence, which, in turn, includes Only Minor's/Parent's/Guardian's Home. States were categorized according to the most narrowly drawn category into which their statutory provisions fit. States vary in the extent of the private property exception and the specific wording.

- **Any private location**—ten states allow minors to possess alcohol in any private location (including any private residence or venue). This exception is often implied by statutory provisions that indicate the converse – that is, a state prohibits minors from possessing alcohol in any *public* place.
- **Private residence**—seven states allow minors to possess alcohol only in a private residence.

- **Only minor's, parent's, or guardian's home**—four states permit minors to possess alcohol only in the minor's, parent's, or guardian's home or primary residence.
- **Law enforcement**—nine states permit minors to possess alcohol in connection with an investigation or "sting" operation conducted by law enforcement officials (and, in several states, licensees or employers, see footnotes below) to identify illegal alcohol sales. This exception often requires parental consent and specifies a minimum age at which minors can participate; many states require minors to be at least 18 years old. Many states may have this exception as part of an administrative decision even though there is no statutory provision. As noted above, our analysis does not include such decisions.

The exceptions related to possession on private property and in private residences are the most important in terms of underage drinking and related problems. Law enforcement officials report that the exceptions can create significant barriers to preventing or ending underage drinking parties in private settings, particularly in private residences. Many communities report that these events often involve heavy drinking, drinking and driving, sexual assaults, and other forms of violence. Yet in some states, the minors involved in the events are not violating the law, and if no adult is present, no crime is being committed.

As with purchase statutes, the law enforcement exception provides an important tool for enforcing prohibitions on sales to minors. Note that this exception probably does not need to be present in both the possession and the purchase provisions. An effective compliance check can be conducted if the minor involved is allowed to purchase or possess alcohol as part of the enforcement procedure.

Possession of Alcohol by Minors

	Possession by Minors	EXCEPTIONS									
		Employment	Student	Religious Services	Medical Treatment	Parent/Guardian/Custodian Consent/Presence	Spouse Consent/Presence	Any Private Location	Private Residence	Only Minor's/Parent's/Guardian's Home	Law Enforcement
Alabama	√	√									
Alaska	√				√	√	√				
Arizona	√	√		√							
Arkansas	√	√									
California ¹	√	√				√		√			
Colorado ²	√			√	√	√		√			
Connecticut	√	√			√	√	√	√			
Delaware ³	√	√		√		√			√		

¹ California's exception allows possession when a minor is making a delivery by order of a parent, relative, or another adult designated by the parent.

² Colorado's exception requires the knowledge and consent of the owner of the private property when minors possess or consume alcohol (in addition to the consent or presence of a parent or guardian). Also, it is an affirmative defense to illegal possession or consumption that existence of ethyl alcohol in a minor's body is due solely to ingested confectionery or a beverage that contained less than 0.5 percent of ethyl alcohol by weight.

³ Delaware's exception includes "members of the same family" and allows possession or consumption in the "private home of any of said members."

	Possession by Minors	EXCEPTIONS									
		Employment	Student	Religious Services	Medical Treatment	Parent/Guardian/Custodian Consent/Presence	Spouse Consent/Presence	Any Private Location	Private Residence	Only Minor's/Parent's/Guardian's Home	Law Enforcement
District of Columbia	√	√									
Florida	√	√	√								
Georgia	√	√		√	√	√				√	
Hawaii	√	√		√	√	√		√			√
Idaho ⁴	√	√				√			√		
Illinois ⁵	√	√		√		√		√			√
Indiana	√	√									
Iowa	√	√			√	√			√		
Kansas ⁶	√	√				√					√
Kentucky	√	√									
Louisiana	√	√		√	√	√	√		√		
Maine	√	√				√			√		
Maryland ⁷	√	√		√		√			√		
Massachusetts	√	√				√					
Michigan ⁸	√	√		√							√
Minnesota	√	√				√				√	
Mississippi	√	√				√	√	√			
Missouri	√	√			√	√					
Montana	√	√		√	√	√					
Nebraska	√	√		√	√					√	√
Nevada	√	√		√	√	√	√	√			
New Hampshire	√	√									
New Jersey ⁹	√	√	√	√		√					
New Mexico	√	√				√		√			
New York	√	√	√			√					
North Carolina	√										
North Dakota	√	√									
Ohio	√			√	√	√	√				
Oklahoma	√	√				√		√			
Oregon ¹⁰	√			√		√			√		√

⁴ Idaho's exception allows possession of beer or wine when the minor is making a delivery by order of his or her parent.

⁵ Illinois's exception allows minors to purchase or possess if they are part of a licensee's "sting operation."

⁶ Kansas's exception allows minors to "violate the provisions of the Kansas Liquor Control Act" if they are under the direction of a licensee's self-compliance program.

⁷ Maryland's exception allows possession or consumption of alcohol by minors if an adult member of their immediate family allows it.

⁸ Michigan's exception allows minors to "purchase or receive" alcohol as a part of an undercover operation by direction of an employer.

⁹ New Jersey's exception allows possession or consumption of alcohol by minors with the permission of and in the presence of a relative 21 years or older.

¹⁰ Oregon's exception indicates that its prohibitions do not apply to minors who are acting under the direction of a licensee for the purpose of investigating possible violations by the licensee's employees of laws prohibiting sales to minors.

	Possession by Minors	EXCEPTIONS									
		Employment	Student	Religious Services	Medical Treatment	Parent/ Guardian/ Custodian Consent/ Presence	Spouse Consent/ Presence	Any Private Location	Private Residence	Only Minor's/ Parent's/ Guardian's Home	Law Enforce- ment
Pennsylvania	√			√							√
Rhode Island	√	√									
South Carolina	√	√	√	√		√				√	
South Dakota	√	√			√	√	√				
Tennessee	√	√									
Texas	√	√				√	√				√
Utah	√	√									
Vermont	√	√	√								
Virginia	√	√				√					
Washington	√	√	√	√	√	√					
West Virginia	√	√									√
Wisconsin	√	√				√	√				
Wyoming ¹¹	√	√				√		√			
State Totals	51	45	6	18	14	33	9	10	7	4	9

¹¹ Wyoming's exception allows a minor licensee to possess alcohol.

CONSUMPTION OF ALCOHOL BY MINORS

Most but not all states prohibit consumption of alcohol by minors as well as possession. Possession and consumption are closely linked. One can't consume alcohol without possessing it although one can possess it without consuming it. Possession and consumption are usually treated as equivalent offenses and are seldom charged separately. Nevertheless, law enforcement officials report that it is important to have a separate law for each activity. The distinction may facilitate enforcement at drinking parties where the alcohol cannot be recovered, but evidence of consumption is available through observation or breath or urine tests. We were unable to verify through any legal analysis that such a fact pattern would be more easily accomplished through a prohibition against consumption than through a possession provision. The evidence appears to be equally relevant to both activities because one cannot consume without possessing. However, specific fact patterns in case law have made this distinction between possession and consumption, indicating that a minor may not necessarily be charged with possession despite evidence of consumption.

Moreover, in states maintaining a distinction between these provisions, the employment exception appears to hold some significance: a minor employee of an alcohol establishment may be permitted to possess but not to consume. In addition, some states apply different exceptions to their possession and consumption statutes.

Exceptions to consumption of alcohol by minors are identical (except for the employment Exception) to those found in the possession statutes. Please refer to the definitions above.

Consumption of Alcohol by Minors

	Consumption by Minors	EXCEPTIONS								
		Student	Religious Services	Medical Treatment	Parent/Guardian/Custodian Consent/Presence	Spouse Consent/Presence	Any Private Location	Private Residence	Only Minor's/Parent's/Guardian's Home	Law Enforcement
Alabama	√									
Alaska	√			√	√	√				
Arizona	√		√	√						
Arkansas										
California	√									
Colorado ¹	√		√	√	√		√			
Connecticut										
Delaware ²	√		√		√			√		
District of Columbia	√									
Florida										
Georgia										
Hawaii										

¹ Colorado's exception requires the knowledge and consent of the owner of the private property when minors possess or consume alcohol (in addition to the consent or presence of a parent or guardian). Also, it is an affirmative defense to illegal possession or consumption that existence of ethyl alcohol in minor's body is due solely to ingested confectionery or a beverage that contained less than 0.5 percent of ethyl alcohol by weight.

² Delaware's exception includes "members of the same family" and allows possession or consumption of alcohol by minors in the "private home of any of said members."

	Consumption by Minors	EXCEPTIONS								
		Student	Religious Services	Medical Treatment	Parent/ Guardian/ Custodian Consent/ Presence	Spouse Consent/ Presence	Any Private Location	Private Residence	Only Minor's/ Parent's/ Guardian's Home	Law Enforcement
Idaho	√									
Illinois	√		√		√			√		
Indiana	√									
Iowa										
Kansas ³	√				√					√
Kentucky										
Louisiana	√		√	√	√	√		√		
Maine	√				√			√		
Maryland ⁴	√		√		√			√		
Massachusetts										
Michigan	√	√	√							
Minnesota	√				√				√	
Mississippi										
Missouri										
Montana	√		√	√	√					
Nebraska	√		√						√	√
Nevada	√									
New Hampshire										
New Jersey ⁵	√		√		√					
New Mexico										
New York	√	√			√					
North Carolina	√									
North Dakota	√		√							
Ohio	√		√	√	√	√				
Oklahoma	√				√					
Oregon	√		√		√			√		
Pennsylvania	√		√							
Rhode Island	√									
South Carolina										
South Dakota	√		√	√	√	√				
Tennessee	√		√							
Texas	√				√	√				
Utah	√			√						
Vermont	√	√								
Virginia										
Washington	√		√	√	√					

³ Kansas's exception allows minors to "violate the provisions of the Kansas Liquor Control Act" if they are under the direction of a licensee's self-compliance program.

⁴ Maryland's exception allows possession or consumption of alcohol by minors if an adult member of their immediate family allows it.

⁵ New Jersey's exception allows possession or consumption of alcohol by minors with the permission and in the presence of a relative 21 years or older.

	Consumption by Minors	EXCEPTIONS								
		Student	Religious Services	Medical Treatment	Parent/ Guardian/ Custodian Consent/ Presence	Spouse Consent/ Presence	Any Private Location	Private Residence	Only Minor's/ Parent's/ Guardian's Home	Law Enforcement
West Virginia	√									
Wisconsin	√				√	√				
Wyoming										
State Totals	36	3	17	9	19	6	1	6	2	2

USE OF FALSE IDENTIFICATION CARDS

There are several policies that address the use of false identification cards by minors. Specific prohibitions against the use of such cards to purchase alcohol are usually found in the ABC codes in each state. Associated policies include the following: (1) prohibitions against lending or transferring false identification cards for the purpose of purchasing alcohol; (2) prohibitions against the manufacture or sale of false identification cards; (3) exemptions for alcohol retailers who mistakenly rely on apparently valid identification cards that are false; and (4) the rights of retailers to confiscate false identification cards.

Though all of these policies are relevant in deterring underage purchases of alcohol, we focused our research on two: (1) prohibiting the use of false identification by minors to purchase alcohol; and (2) prohibiting the lending or transferring of false identification cards to others. We determined that these two provisions were important to law enforcement in deterring underage purchases and were also the most feasible in terms of conducting the necessary legal research.

Prohibitions against the manufacture or sale of false identifications are also important to law enforcement, but according to secondary sources, many sales of false identifications are made in interstate commerce via the Internet. It is unclear to what extent a state has authority to regulate these sales. Because this rapidly developing policy area would require extensive review of the case law in each state, we determined that it was not feasible to analyze this area for this project.

The exemption for retailers who mistakenly rely on false identification cards is a provision more closely associated with illegal sales than with illegal purchases. The existence of this provision in a state will have no effect on the likelihood of a minor using a false identification card for his or her purchase. Thus, we did not include this provision in our research.

Finally, although the right of a retailer to confiscate false identification cards might reduce illegal sales by removing the confiscated IDs from circulation, this provision does not appear to increase the likelihood of detection or prosecution, and secondary sources suggest that false identifications are readily available (and therefore easily replaced after confiscation). Consequently, we did not include this provision in our research.

It is worthwhile to note that state statutes may prohibit false statements and/or the use of false identification cards. Interviews with state alcohol law enforcement officials confirm our legal analysis: a statute that prohibits the use of false statements includes by inference the use of a false identification card. In other words, presenting a false identification card is equivalent to making a false statement. We have concluded that it is not necessary to distinguish between "false statement" and "false identification" language in the statutes. A minor who makes a false statement regarding age but does not use a false identification card is most likely to be prosecuted for an illegal attempted purchase whether or not the false identification statute encompasses the use of both false statements and false identification cards.

The chart below indicates that all 50 states and the District of Columbia prohibit the use of false identification cards by minors, and the majority make lending and transferring identification cards illegal as well.

Use of False Identification Cards

	Use of False ID Cards by Minors	Lending/Transferring ID Cards
Alabama	√	
Alaska	√	
Arizona	√	
Arkansas	√	√
California	√	√
Colorado	√	√
Connecticut	√	
Delaware	√	
District of Columbia	√	
Florida	√	√
Georgia	√	
Hawaii	√	√
Idaho	√	√
Illinois	√	√
Indiana	√	√
Iowa	√	√
Kansas	√	√
Kentucky	√	
Louisiana	√	√
Maine	√	√
Maryland	√	
Massachusetts	√	√
Michigan	√	√
Minnesota	√	√
Mississippi	√	√
Missouri	√	
Montana	√	
Nebraska	√	√
Nevada	√	√
New Hampshire	√	√
New Jersey	√	√
New Mexico	√	√
New York	√	√
North Carolina	√	√
North Dakota	√	
Ohio	√	
Oklahoma	√	
Oregon	√	√
Pennsylvania	√	
Rhode Island	√	√
South Carolina	√	√
South Dakota	√	√
Tennessee	√	
Texas	√	
Utah	√	√
Vermont	√	

	Use of False ID Cards by Minors	Lending/Transferring ID Cards
Virginia	√	√
Washington	√	√
West Virginia	√	
Wisconsin	√	√
Wyoming	√	√
State Totals	51	32

FURNISHING ALCOHOL TO MINORS

All states and the District of Columbia prohibit furnishing alcoholic beverages to minors, even though the 1984 federal legislation does not explicitly require this prohibition. The prohibition usually applies to both commercial and noncommercial servers, although extensive case law research would be required to determine which states limit the prohibition to commercial sellers. This is because the language is unclear in many statutes. In addition, the prohibition is usually found in the Alcoholic Beverage Control Codes, which apply primarily to commercial sellers and servers. Because of these difficulties, we did not determine whether the prohibition found in each state applies to noncommercial as well as commercial transactions.

The states vary widely regarding the specific acts that are prohibited. Arizona law, for example, states that it is illegal to "sell, furnish, dispose of or give [alcohol], or cause [alcohol] to be sold, furnished, disposed of or given" to an underage person. California's provision is almost identical but omits the reference to "disposing of" alcohol to a minor. Kansas prohibits delivering and exchanging alcohol with a minor in its list of prohibitions. Michigan, on the other hand, only includes the terms "sell" and "give". Our analysis concluded that it wasn't important which specific prohibited acts were included in the state statutes. Michigan's short list of "sell" and "give" is as effective legally as the longer lists found in other states. As noted above, even if the list appears incomplete (e.g., it does not appear on its face to cover noncommercial transactions), courts may interpret the statutory language expansively. We therefore did not catalog the specific acts that were prohibited, but merely confirmed that both sales and gifts were included.

The categories of exceptions applied to minor possession, consumption, and purchase of alcohol also apply to those who provide alcohol to minors.¹ States do not always apply the same exception to both the provider and the minor. California, for example, permits minors to possess alcohol in private venues, but it is illegal for anyone to provide alcohol to minors in either public or private settings. In certain situations, courts may conclude that an exception for the provider should be implied from that granted to the minor even if it is not explicitly included in the statutes (and vice versa). This is particularly relevant to exceptions for the parents and relatives and for employment. For example, a court might conclude that if a law that explicitly allows a minor to possess alcohol in the presence of his or her parent, the parent is permitted to provide it to the child.

As in the possession statutes, exceptions are provided for furnishing alcohol to persons under the age of 21 who are employees of licensed establishments. These exceptions are often covered under separate statutes that deal with the minimum age of sellers and servers in licensed outlets. We did not include these in this chart. Exceptions included in the chart are defined as follows:

- **Parent/guardian**—23 states permit parents and legal guardians to provide alcohol to their minor children or wards.
- **Legal-aged spouse**—eight states allow a person age 21 years or older to provide alcohol to his or her underage spouse.
- **Religious services**—nine states permit alcohol to be served to minors in connection with religious services.

¹ Note that these exceptions apply to noncommercial furnishers of alcohol. States that have these exceptions, by implication, prohibit noncommercial service of alcohol to minors. As noted above, states without an exception listed in our chart may permit noncommercial furnishing to minors generally.