



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration



# LEARN THE LAW: PREVENTING AND REDUCING UNDERAGE DRINKING SERIES 1-24

THE INTERAGENCY COORDINATING COMMITTEE  
ON THE PREVENTION OF UNDERAGE DRINKING





Alcohol remains the most widely used substance by young people. To address this public health issue, the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD) – made up of 16 federal agencies – coordinates the federal approach to prevent underage drinking.

However, it is parents, teachers, coalition members, and other committed people like you who do the lion’s share of the work to reduce underage drinking at the state and local levels. You are all valuable partners in the nationwide community that is working collaboratively every day to tackle this issue.

To assist your critical efforts, the ICCPUD has created the annual *Report to Congress on the Prevention of Underage Drinking* and the *State Performances and Best Practices (SPBP) for the Prevention and Reduction of Underage Drinking Report*. The SPBP Report describes best practices and promising approaches in prevention, intervention, and enforcement, including 26 legal policies; analyzes data on state enforcement of underage drinking laws and prevention programs, collaborations, and expenditures; and, compares states’ performance in reducing underage drinking. These two reports, as well as 51 individual *State Reports*, are required under the *Sober Truth on Preventing Underage Drinking (STOP) Act*, the federal law that created the ICCPUD.

Between 2020 and 2021, the ICCPUD shared these legal policy summaries in a series called “*Learn the Law*.” This document contains each of those Learn the Law issues to provide a summary of all the current legal policy summaries in the *SPBP Report*. Below each Learn the Law issue, there is a link to the full legal policy summary which describes the policy, the exceptions to the policy, the status of states regarding the policy, and any policy trends. It also includes maps, charts, data sources, and citations.

To access any of these policy summaries or to view and download the annual *Report to Congress on the Prevention of Underage Drinking*, the *SPBP Report* or the 51 individual *State Reports*, please go to [www.stopalcoholabuse.gov](http://www.stopalcoholabuse.gov).

If you have any questions or a request for further information on a related topic or issue, please contact us at [underagedrinking@samhsa.hhs.gov](mailto:underagedrinking@samhsa.hhs.gov).



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# Table of Contents

POLICY #1.....pg 1 Underage Possession, Consumption, and Internal Possession	POLICY #13.....pg 13 Retailer Interstate Shipment
POLICY #2.....pg 2 Underage Purchase and Attempted Purchase	POLICY #14.....pg 14 Increasing Alcohol Tax Rates
POLICY #3.....pg 3 Furnishing Alcohol to Minors	POLICY #15.....pg 15 Penalty Guidelines for Sales/Services o Minors
POLICY #4.....pg 4 Hosting Underage Drinking Parties	POLICY #16.....pg 16 Minimum Age for On-Premises Server
POLICY #5.....pg 5 Social Host Liability	POLICY #17.....pg 17 Minimum Age for Off-Premises Server
POLICY #6.....pg 6 Youth Blood Alcohol Concentration Limits	POLICY #18.....pg 18 Dram Shop Liability
POLICY #7.....pg 7 Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)	POLICY #19.....pg 19 Mandatory/Voluntary Server-Seller Training (RBS)
POLICY #8.....pg 8 False Identification (“False ID”)	POLICY #20.....pg 20 Restrictions on Drink Specials
POLICY #9.....pg 9 Graduated Driver’s Licenses	POLICY #21.....pg 21 Wholesaler Pricing Provisions
POLICY #10.....pg 10 Compliance Check Protocols	POLICY #22.....pg 22 Keg Registration
POLICY #11.....pg 11 Home Delivery	POLICY #23.....pg 23 High-Proof Grain Alcoholic Beverages
POLICY #12.....pg 12 Direct Sales/Shipments from Producers	POLICY #24.....pg 24 Distance Limitations Applied to New Alcohol Outlets



# POLICY #1:

## Underage Possession, Consumption, and Internal Possession



After the repeal of Prohibition in 1933, the 21st Amendment allowed each state to set its own alcohol consumption laws.

At that time, most states chose to set a minimum legal drinking age (MLDA) at 21 years of age. However, when the U.S. lowered the legal voting age from 21 to 18 in 1971, more than half of the states also lowered their MLDA to 18, 19, or 20 years of age.

It was not until the National Minimum Drinking Age Act of 1984 that states were required to raise their MLDA to 21 or risk losing federal highway funds.

As a result, many people assume that it is illegal for a person under the age of 21 to consume or possess any alcohol in the U.S.

Additionally, in recent years, many states have enacted laws prohibiting “internal possession” of alcohol by persons under the age of 21. These provisions

typically require evidence of alcohol in the minor’s body, but do not require any specific evidence of possession or consumption.

### Did you know that...

- Although a variety of laws limit youth access to alcohol, 14 states have no laws that prohibit people under the age of 21 from consuming alcohol?
- 16 states allow people under the age of 21 to possess alcohol when a family member consents or is present?
- 10 states allow people under the age of 21 to possess alcohol when on private property?

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Underage Possession, Consumption, and Internal Possession policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZ5>



## POLICY #2: Underage Purchase and Attempted Purchase



Although most states prohibit individuals under the age of 21 from purchasing alcohol, did you know that 4 states do not prohibit it? Additionally, although law enforcement routinely conducts checks on merchant compliance or stings to identify merchants who illegally sell alcoholic beverages to minors, only 24 states are allowed to actually use people under the age of 21 in those operations.

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Underage Purchase and Attempted Purchase policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZV>



## POLICY #3: Furnishing Alcohol to Minors



Even though all states prohibit furnishing alcohol to minors, most minors obtain alcohol from adults – including parents, older siblings, peers, or strangers – solicited to purchase alcohol for the minor. As such, adult furnishing of alcohol plays a significant role in making alcohol more available to youth.

Illegal furnishing of alcohol is a serious persistent problem that is best addressed by increased enforcement of the law. However, due to exceptions in some state furnishing laws, adults can legally provide alcohol to minors under certain circumstances in some states.

Exceptions fall into two categories:

1. “Family Exceptions” which permit minors’ parents, guardians, or spouses to furnish them with alcohol.
2. “Location Exceptions” which permit minors’ parents, guardians, or spouses to furnish them with alcohol but only in specified locations (for example, the parents’ homes or another private residence).

### Did you know that...

- 19 states have family exceptions to their laws prohibiting the furnishing of alcohol to minors?
- 12 states have location exceptions to their laws prohibiting the furnishing of alcohol to minors?

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Furnishing Alcohol to Minors policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZp>



## POLICY #4: Hosting Underage Drinking Parties



Underage drinking parties pose significant public health risks. They are high-risk settings for binge drinking and associated alcohol problems, including impaired driving. Youth and young adults are often introduced to heavy drinking behaviors at these events by older adults. Such parties often occur on private property, with or without the knowledge or presence of a parent or other responsible adult. State host party laws seek to make underage drinking parties less likely by imposing liability on adult hosts who host or allow the parties.

Liability generally occurs through criminal proceedings that can lead to sanctions such as fines or imprisonment. These laws apply even if the adult cannot be shown to have furnished the alcohol for the party. Some state host party laws explicitly address underage drinking parties and others are broader in scope and prohibit individuals from allowing underage drinking on their properties generally.

### Did you know that...

- **Only 31 states have host party laws?**
- **In 23 of those 31 states, laws require that the host knew about the party to trigger liability?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Hosting Underage Drinking Parties policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZv>



## POLICY #5: Social Host Liability



As discussed in the last Learn the Law email about the “Hosting Underage Drinking Parties” policy, underage drinking parties pose significant public health risks. They are high-risk settings for binge drinking and associated alcohol problems, including impaired driving.

Social host liability laws allow third parties injured in alcohol-related incidents (often motor vehicle crashes) to sue social hosts for monetary damages. Social hosts are people who furnish alcohol in social settings and are not licensed vendors.

Social host laws serve two purposes:

- To create a disincentive for social hosts to furnish alcohol to individuals under age 21 due to the risk of litigation and possible substantial monetary losses.
- To allow those injured due to illegal furnishing of alcohol to individuals under age 21 to gain compensation from the person(s) responsible for their injuries.

Currently, 34 states have social host liability laws. Almost half of those states impose limits on liability, including limiting the damages that may be recovered, limiting who may be sued, and having standards of proof of wrongdoing that are stricter than usual negligence standards.

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Social Host Liability policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZw>



# POLICY #6:

## Youth Blood Alcohol Concentration Limits



As recommended by the Community Preventive Services Task Force, blood alcohol concentration (BAC) limit policies establish the maximum amount of alcohol a minor can have in his or her bloodstream when operating a motor vehicle. The research clearly shows that as BAC increases, cognitive and motor skills needed to operate a motor vehicle are increasingly impaired.

Underage drivers' ability to safely operate a motor vehicle may be impaired at lower BAC than that of adults because of lower body mass, lack of physiological development, and lack of driving experience.

BAC values that exceed the legal limit can be detected by breath, blood, or urine tests, and are generally expressed as percentages. For example, a BAC of 0.08 percent means that a person has 8 parts of alcohol per 10,000 parts blood in the body.

**Although all states mandate a lower BAC limit for youth than the 0.08 mandated for drivers over age 21, did you know that...**

**Only 14 states and the District of Columbia consider any underage alcohol consumption while driving to be a violation of the law and have set the BAC limit to zero?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Youth Blood Alcohol Concentration Limits policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZf>



## **POLICY #7:** **Loss of Driving Privileges for Alcohol Violation by Minors** **(“Use/Lose” Laws)**



Starting in the 1980s, states began enacting laws to deter underage drinking by imposing a punishment that young people would consider significant: the loss of a driver’s license. These are called “Use/Lose” laws. More specifically, “Use/Lose” laws authorize suspension or revocation of driving privileges as a penalty for underage purchase, possession, or consumption of alcoholic beverages.

### **These laws vary between states.**

- **12 states have no Use/Lose laws.**
- **10 states (of the 38 states that do have Use/Lose laws) set the upper age limit that the law applies to at age 18.**
- **28 states have made license suspension or revocation mandatory when an individual is found purchasing, possessing or consuming alcoholic beverages.**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Loss of Driving Privileges for Alcohol Violations by Minors policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZ7>



## POLICY #8: False Identification (“False ID”)



One way that individuals under the age of 21 obtain alcohol is through using apparently valid ID cards that falsely state their age as 21 or over. Current technology, including high-quality color copiers and printers, has made “false ID cards” (false identification) easier to fabricate, and the Internet provides ready access to many false ID vendors.

To combat this, all states prohibit the use of false ID cards by minors to obtain alcohol. However, some states have also enacted additional laws pertaining to false identification for obtaining alcohol.

### Did you know that...

- **40 states and the District of Columbia authorize suspension of minors’ driver’s licenses for using false ID cards in the purchase of alcohol?**
- **24 states prohibit lending, transferring, or selling false ID cards to minors for the purpose of purchasing alcohol?**
- **13 states prohibit manufacturing false ID cards?**
- **42 states require distinctive licenses for persons under the age of 21?**
- **12 states permit retailers to seize apparently false ID cards?**
- **5 states permit retailers to sue minors for damages when they use a false ID card?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the False Identification policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZA>



## POLICY #9: Graduated Driver's Licenses



Teenagers are at the highest risk for motor vehicle crashes, including alcohol-related crashes. Graduated driver licensing delays full licensure for teenage drivers. This program allows beginning drivers to gain experience under less risky conditions and reduces the chances of teenagers driving while intoxicated.

On January 1, 1996, only one state (Maryland) had a three-stage GDL law, which included:

- A minimum supervised learner's period;
- An intermediate license (once the driving test is passed) that limits unsupervised driving in high-risk situations;
- A full-privilege driver's license after completion of the first two stages.

However, by 2000, 23 jurisdictions had enacted three-stage GDL laws, and by 2012, the rest of the jurisdictions had followed suit. Although all states now have a three-stage GDL law, the minimum age for each stage and the extent to which different restrictions for each stage are imposed vary across jurisdictions.

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Graduated Driver's Licenses policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZs>



# POLICY #10:

## Compliance Check Protocols



Compliance checks involve an underage operative (a “decoy”) – working either with local law enforcement officials or with agents from the state alcoholic beverage control agency (ABC) – who enters an alcohol retail establishment and attempts to purchase an alcoholic beverage from a server, bartender, or clerk. The main goal of compliance checks is to decrease the likelihood that retailers will sell alcohol to minors, thereby reducing youth access to alcohol.

To ensure that state and local law enforcement agencies follow uniform procedures, most states issue formal compliance check protocols or guidelines. These protocols establish that if a decoy successfully purchases alcohol, then the establishment and the clerk or server may be subject to administrative or criminal penalties. However, if the protocols are not followed, then these penalties may be dismissed.

### Did you know that...

- **36 jurisdictions have formal written compliance check protocols?**
- **Although the minimum age of the decoy ranges, 14 states require the decoy to be at least 18 years of age?**
- **31 jurisdictions have guidelines for the decoys’ appearance (e.g., appropriately dressed for decoy’s age, and no hats, excessive makeup, or facial hair)?**
- **Only 15 states require mandatory training for decoys?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Compliance Check Protocols policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZH>



## POLICY #11: Home Delivery



Consumers may choose to purchase alcohol from retail home delivery outlets in a variety of ways, including in-person, over the phone, over the internet, or via an app. Alcohol retailers may be prohibited or limited in their ability to deliver alcoholic beverages to customers who are not present at their retail outlet. Some of the restrictions that states place on alcohol retailers include requiring a state permit, limiting the volume that can be delivered, or requiring clearly marked delivery vehicles.

Although research is limited, these “Home Delivery” prohibitions and restrictions are important because home delivery of alcohol may increase alcohol availability to youth by increasing opportunities for underage persons to subvert minimum age purchase requirements. Given current times, it is important to monitor these laws in order to protect the health, wellness, and safety of our communities.

### Did you know that...

- **Eight states prohibit alcohol retailers from delivering any type of alcohol (e.g., beer, wine, and spirits) to customers who are not present at their retail outlet?**
- **11 states permit alcohol retailers to deliver any type of alcohol to customers who are not present at their retail outlet without restrictions?**
- **17 states permit alcohol retailers to deliver alcohol (either beer, wine, spirits, or some combination of the three) but with restrictions?**
- **15 states have no home delivery law for any type of alcohol?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Home Delivery policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZF>



## POLICY #12: Direct Sales/Shipments from Producers



In the U.S., alcohol is sold through a three-tier production and distribution system with separate production, wholesale, and retail elements. This system was put in place following the repeal of Prohibition to prevent alcohol producers from owning or controlling retail outlets – a practice that had previously led to unsafe retail practices. These practices – which included aggressive marketing, selling cheap alcohol, and selling to intoxicated individuals, etc. – resulted in excessive alcohol consumption that led to harms to both individuals and their communities.

Recently, many states have created exceptions to the three-tier system to permit alcohol producers to sell and ship alcohol directly to consumers. These sales are often conducted over the Internet. Research has demonstrated that Internet alcohol vendors use weak (if any) age verification, thereby allowing minors to successfully purchase alcohol online. To address this situation, states that permit direct sales/shipments to consumers have included provisions to deter youth access, such as requiring an initial in-person transaction before any future shipments can be made, age verification, specific statements on the packaging, and more.

### Did you know that...

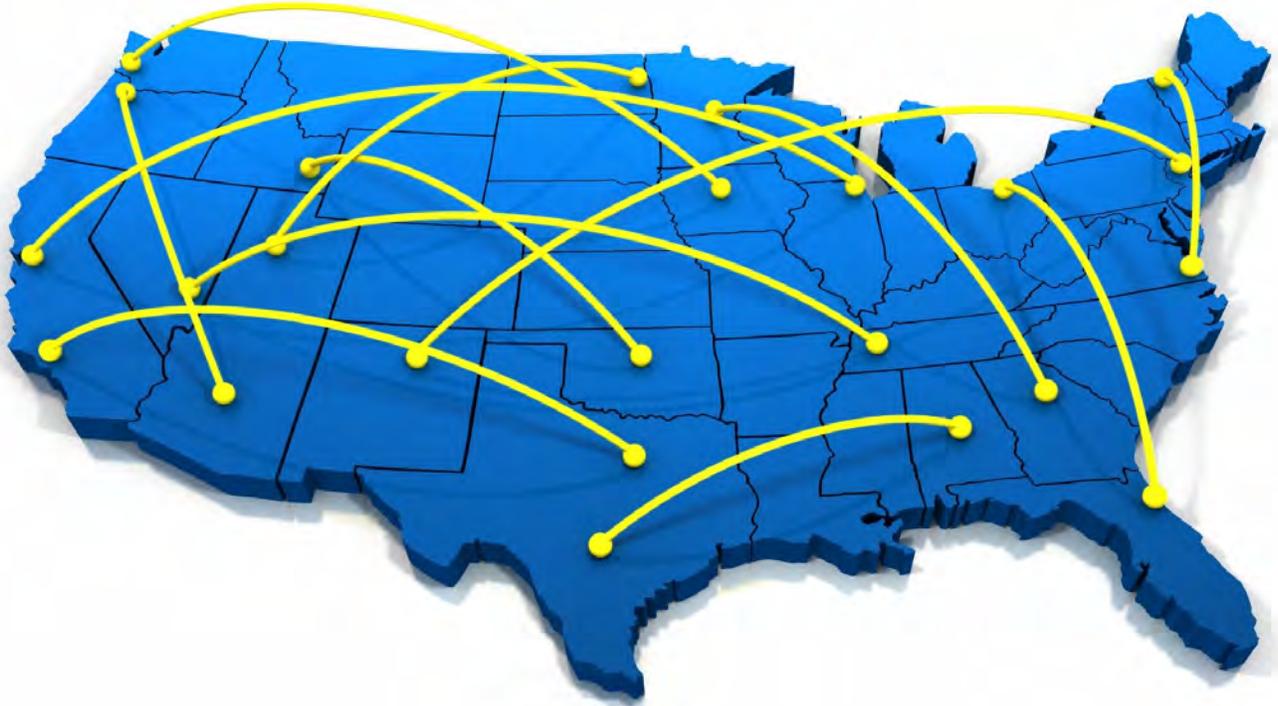
- **Seven states prohibit alcohol producers from directly selling or shipping alcohol to consumers?**
- **27 of the remaining 44 states that permit direct sales or shipments from producers to consumers, require some form of age verification, whether by shippers, deliverers, or both?**
- **One state (Arkansas) requires an in-person transaction at the producers' place of business and verification of valid age identification before shipments to the consumers can be made?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Direct Sales/Shipments from Producers policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZM>



## POLICY #13: Retailer Interstate Shipment



Retailer Interstate Shipments laws prohibit retailers from (or permit) shipping alcohol directly to consumers located across state lines, usually by ordering alcohol over the Internet. It is related to, but distinct from, the previous policy topics discussed in the last two policies. The policy on direct sales/shipments addresses alcohol shipments by alcohol producers (not retailers), and the policy on home delivery involves retailer deliveries to consumers within the same state (not interstate).

Research has shown that retailer interstate shipments may be an important source of alcohol for underage drinkers as most vendors use weak—if any—age verification at the point of order, and age verification at delivery is inconsistently applied.

Currently, 33 states prohibit retail interstate shipments for all three alcohol beverage types (e.g., beer, wine, and spirits). Additional states prohibit only one or two beverage types. Spirits are the most commonly prohibited beverage (43 states), followed by beer (40 states), and wine (33 states).

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Retailer Interstate Shipment policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZe>



# POLICY #14:

## Increasing Alcohol Tax Rates



Alcohol is a unique legal commodity that plays a significant role in the economy. And yet, its use can cause significant harms to drinkers, their families, and their communities. The U.S. has spent over two centuries trying to figure out the best way to regulate alcohol in order to prevent public health harms. Research has shown that increasing the retail pricing of alcohol has considerable effects on underage drinking, college drinking, and binge drinking. Moreover, increasing the cost of alcohol is also significantly related to reductions in youth traffic crashes, violence on college campuses, and crime among people under 21.

One way that policymakers affect the price of alcohol is through taxation. Although alcohol taxes are an imperfect index of retail prices, tax rates are relatively easy to measure and provide a useful proxy for economic availability. The U.S. Community Preventive Services Task Force recommends increasing alcohol taxes to reduce excessive drinking among adults and youth.

### Did you know that...

- **Alcohol can be (and often is) taxed at three levels of government: federal, state, and local?**
- **State taxes (like federal taxes) are generally highest for spirits and lowest for beer?**
- **Between 2003 and 2017, there were 40 tax rate increases and 9 tax rate decreases across all U.S. jurisdictions?**
- **When measured in real-dollar terms to account for inflation, state alcohol excise taxes have declined about 30 percent since 1991?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Increasing Alcohol Tax Rates policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZu>



## POLICY #15: Penalty Guidelines for Sales/Services to Minors



States typically include administrative penalties in their statutes prohibiting sales to minors. Penalties may include warning letters, fines, license suspensions, a combination of fines and suspensions, or license revocation. Many alcoholic beverage control (ABC) agencies issue penalty guidelines to alert licensees to the sanctions that will be imposed if they violate the law by selling or serving alcohol to an individual under age 21.

In the majority of states, the ABC agencies are responsible for bringing charges against alcohol licensees, including when licensees or their employees violate laws by selling or serving alcohol to individuals under the age of 21.

### Did you know that...

- **At least 28 jurisdictions have defined administrative penalty guidelines for licensees that sell alcohol to underage youth?**
- **The majority of states impose fines or license suspensions for first offenses?**
- **More than one-half of the states with penalty guidelines include license revocation as a possible or certain penalty after multiple offenses?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Penalty Guidelines for Sales/Services to Minors policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZJ>



# POLICY #16:

## Minimum Age for On-Premises Server



All states specify a minimum age for employees who serve (e.g., servers or waitpersons) or dispense (e.g., bartenders) alcoholic beverages in on-premise establishments such as restaurants or bars. These restrictions recognize that underage employees, particularly those who are unsupervised, may lack the maturity and experience to conduct adequate checks of age identification and to resist pressure from underage peers to complete illegal sales.

However, states vary widely in terms of minimum age requirements for servers and bartenders. For example, in some states, the minimum age for both types of employees is 21, whereas other states set lower minimum ages. Some states permit servers or bartenders younger than 21 to work only in certain types of on-premise establishments (e.g., restaurants), or to serve certain types of beverages (e.g., beer or wine).

### Did you know that...

- **Minimum ages for bartenders are generally higher than for servers across the states?**
- **Only 1 state allows 17-year-olds to serve alcohol or bartend?**
- **10 states require that a supervisor or manager be present when an underage seller conducts an alcoholic beverage transaction?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Minimum Age for On-Premises Server policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyZh>



## POLICY #17: Minimum Age for Off-Premises Server



Most states have laws that specify a minimum store clerk age for employees who sell alcoholic beverages in off-premises establishments such as liquor stores. Similar to the policy that regulates the minimum age(s) for on-premises servers and bartenders (i.e., “Minimum Age for On-Premises Server”), this policy recognizes that underage employees, particularly those who are unsupervised, may lack the maturity and experience to conduct adequate checks of age identification and to resist pressure from underage peers to complete illegal sales.

However, states vary in terms of minimum age requirements, with some allowing persons under 21 to sell alcohol only in certain types of off-premise establishments (e.g., grocery stores, convenience stores), or to sell only some beverage types (e.g., beer or wine). In some cases, states differentiate between sellers of alcohol (who must be at least 18) and employees who stock coolers with alcohol or who bag purchased alcohol (who may be younger than 18).

### Did you know that...

- 10 states specify that off-premise sellers be 21 years or older?
- 21 states and the District of Columbia require off-premise sellers be 18 or 19 years or older?
- 9 states set the minimum age for off-premise sellers between 15 and 17 years?
- 10 states do not specify a minimum age for off-premise sellers?

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Minimum Age for Off-Premises Server policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyBq>



# POLICY #18:

## Dram Shop Liability



Dram shop liability is a way to hold retail alcohol outlets legally responsible for furnishing alcohol to a person under age 21 who then, in turn, causes injuries or damages to a third party.

Dram shop liability allows the injured third party to sue the alcohol retailer (in addition to the underage person) for monetary losses. The monetary losses are typically for injury or property damages from an alcohol-related motor vehicle crash.

Dram shop liability serves two purposes: 1) It creates a disincentive for retailers to furnish alcohol to people under age 21 because of the risk of a lawsuit leading to substantial monetary losses; and 2) It allows parties injured as a result of an illegal sale to an underage buyer to gain compensation from those responsible for the injury.

The underage person causing the injury is usually the most likely party to be sued. The retailer is

typically sued through a dram shop claim when the underage drinker does not have the resources to fully compensate the injured third party.

The liability imposed on an alcohol retailer after an injured person files a lawsuit is separate from, and may be in addition to, laws prohibiting selling alcohol to minors, which impose criminal liability from the state.

Dram shop liability varies by state and may include various limitations, such as:

- Caps on the total dollar amount that plaintiffs may recover
- Restrictions on which establishments or types of servers may be sued
- Requirements for the injured party to provide additional facts or to meet a more rigorous standard of proof

Some states have allowed retail establishments to avoid liability if they can show that they had implemented and were adhering to a responsible beverage service (RBS) program.

### Did you know that...

- **As of January 1, 2017, 45 jurisdictions impose some form of dram shop liability?**
- **Of those, 28 states and the District of Columbia impose dram shop liability with no identified limitations?**
- **8 states provide a defense for alcohol outlets that have implemented an RBS program?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Dram Shop Liability policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyB3>



## POLICY #19: Mandatory/Voluntary Server-Seller Training (RBS)



Responsible Beverage Service (RBS) training policies require or incentivize retail alcohol outlets to train licensees, managers, and server/sellers to prevent alcohol sale and service to minors and intoxicated persons.

RBS programs train employees to effectively implement policies and procedures, such as:

- Checking age identification
- Recognizing signs of intoxication
- Intervening with intoxicated patrons
- Adequately training and supervising staff

States may choose to make RBS training mandatory (requiring at least one employee or licensee to attend) or voluntary or both. Some states may incorporate both approaches; for example, by making training for new licensees mandatory while offering voluntary programs for existing licensees.

Also, as mentioned in the last policy, some states have allowed retail establishments to avoid dram shop liability if they can show that they have implemented and were adhering to an RBS program.

### Did you know that...

- **As of January 1, 2017, 38 states and the District of Columbia have some type of RBS training provision?**
- **Of those, 12 states and the District of Columbia have mandatory provisions, 17 states have voluntary provisions, and 9 states have both?**
- **Between 2003 and 2017, the number of jurisdictions with either mandatory or voluntary RBS policies increased from 15 to 22?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Mandatory/Voluntary Server-Seller Training (RBS) policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyBa>



## POLICY #20: Restrictions on Drink Specials

Restrictions on low-price, high-volume drink specials impose limits on the use of price-related marketing tactics that encourage heavier alcohol consumption.

State laws may prohibit or restrict a wide variety of practices by bars and restaurants, such as free beverages, two drinks for the price of one, happy hours, drinking games, unlimited beverages for a fixed price or period, and service of more than one drink to a customer at a time.

These drink specials have been shown to promote risky drinking in college communities, where large numbers of underage students are present. Research on these communities found that the presence of policies restricting price-related promotions were correlated with lower alcohol consumption, lower binge drinking, and lower self-reported drinking and driving rates among underage and other college students.



### Did you know that...

- **The most common drink special\* – which is prohibited by 24 states – is the selling of an unlimited number of beverages for a fixed price or period?**
- **The least common drink special\* – which is prohibited by 4 states – is the selling of multiple alcohol servings to one customer at a time?**
- **8 states prohibit happy hours and 9 states allow happy hours but restrict the hours in which they may be offered?**

\*As tracked in the *State Performance & Best Practices for the Prevention and Reduction of Underage Drinking Report*. <https://go.usa.gov/xsyBg>

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Restrictions on Drink Specials policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyBr>



## POLICY #21: Wholesaler Pricing Provisions

When the 21st Amendment to the Constitution repealed Prohibition, states were given broad authority to regulate alcohol sales within their borders.

To provide greater regulatory control over the sale of alcohol and to ultimately protect public health, most states established a mandatory three-tier structure that included producers, wholesalers, and retailers.

As part of the three-tier system, many states included restrictions on wholesaler pricing practices intended to reduce price competition among wholesalers and retailers and to combat corruption and crime in the alcohol market. Although these specific wholesaler pricing restrictions may increase the price of alcohol to consumers, research shows that underage consumption and problems are strongly influenced by alcohol prices.

These wholesaler pricing policies tend to fall within four types:

- Restrictions on volume discounts
- Restrictions on the ability of wholesalers to provide credit extensions to retailers
- Restrictions on discounting practices
- Requirements for publicly posting prices

These pricing policies differ by beverage type and only apply to “license states” – i.e., those states that do not operate wholesale operations directly through a state agency.



### Did you know that...

- **The most common wholesaler pricing restrictions are bans on extending credit and requirements to post and hold prices?**
- **Only 2 license states have no wholesaler pricing restrictions?**
- **Federal court cases challenging state authority to regulate alcohol availability have led to considerable uncertainty regarding the validity of state restrictions on alcohol wholesaler prices?**

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Wholesaler Pricing Provisions policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://go.usa.gov/xsyBT>



## POLICY #22: Keg Registration



A keg is a sealed and reusable container designed to transport and dispense beer. Keg registration laws (also called keg tagging laws) require wholesalers or retailers to attach tags, stickers, or engravings with an identification number to kegs exceeding a specified capacity.

Minimum keg sizes subject to keg registration range from 2 gallons to 7.75 gallons in all states but South Dakota, which defines kegs as either 8 gallon or 16 gallon containers.

One purpose of these laws is to discourage purchasers from serving underage persons from the keg by allowing law enforcement officers to trace the keg back to the purchaser even if they are not present at the location where the keg is consumed. Some keg laws specifically prohibit destroying or altering the ID tags on a keg and provide penalties for doing so whereas other keg laws make it a crime to possess unregistered or unlabeled kegs. Some states collect refundable deposits for the kegs themselves, the tapper mechanisms used to serve the beer, or both. These deposits are refunded when the kegs and the tappers are returned with their identification numbers intact. Therefore, these deposits create an incentive for the purchaser to keep track of the whereabouts of the keg, because a financial penalty is imposed if the keg is not returned.

### Did you know that...

- As of January 1, 2019, 20 states do not require keg registration?
- Only Utah prohibits keg sales altogether?
- Between 2003 and 2008, the number of states enacting keg registration laws increased by 55% from 20 to 31 jurisdictions?

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Keg Registration policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://bit.ly/3tHJGqn>



## POLICY #23: High-Proof Grain Alcoholic Beverages

High-proof grain alcoholic beverages such as Everclear or Gem Clear represent a type of “neutral spirits” that are odorless and colorless and contain a high percentage of alcohol.

According to the Federal Alcohol and Tobacco, Tax, and Trade Bureau (TTB), these products are “spirits distilled from any material at or above 95 percent alcohol by volume (190 proof) and if bottled, bottled at not less than 40 percent alcohol by volume (80 proof).”

These products are often added to cocktails, soft drinks, and fruit punch and pose particular risks for young people. This can result in an easy-to-consume beverage with a very high alcohol content that is difficult to detect, particularly for people inexperienced at drinking, and can lead to binge drinking. Additionally, as high-proof grain alcoholic beverages are often cheaper than other alcoholic products, they are more accessible to youth. Therefore, some states prohibit or restrict the retail availability of high-proof grain alcoholic beverages as a strategy for reducing underage drinking, particularly underage binge drinking.

State statutes or regulations may restrict the type of high-proof grain alcoholic beverages that can be sold in the state. However, in control states – i.e., jurisdictions where the state government maintains direct control over the distribution and sale of alcoholic beverages at the wholesale and/or retail levels – high-proof grain alcoholic beverages may be regulated through internal policies. These states’ restrictions are included in the *SPBP Report* only if their internal policies have been published in writing.



### Did you know that...

- According to a study by DiLoreto et al. (2012), the cost per ounce of ethanol for high-proof grain alcohol ranges from 52 cents to 82 cents which is substantially lower than beer (\$1.93 per ounce of ethanol), vodka (\$1.85 per ounce of ethanol), or flavored alcoholic beverages (\$2.14 per ounce of ethanol)?
- As of January 1, 2019, only 10 states regulate the sale of high-proof grain alcoholic beverages through statute, regulation, or written policy?
- The restrictions on high-proof grain alcoholic beverages vary from prohibitions on products greater than 60% ABV / 120-Proof (California) to products with 95% Alcohol By Volume (ABV) / 190-Proof or more (Maryland and Pennsylvania)?

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the High-Proof Grain Alcoholic Beverages policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://bit.ly/3vaVeCH>



# POLICY #24:

## Distance Limitations Applied to New Alcohol Outlets



Some states limit the placement of retail alcohol outlets near colleges and schools. These policies have two main aims: 1) to make alcohol less accessible to youth by keeping alcohol sales physically distant from locations where underage people congregate, and 2) to reduce the social availability of alcohol by limiting youth exposure to alcohol consumption.

The Community Guide\* defines “Alcohol Outlet Density” as “the number of physical locations in which alcoholic beverages are available for purchase either per area or per population.”

Research has shown that alcohol outlet density is linked to excessive alcohol consumption and related harms. One way to address density is by limiting the location of retail outlets near colleges and schools as they are high-risk settings for underage drinking.

Some states have enacted outlet density restrictions that require alcohol outlets to be located a certain distance from a college or a school. Other states limit the sale of alcohol directly on university campuses.

These restrictions may apply to off- and/or on-premises retailers, to the sale of beer, wine, and/or spirits, and to both existing and new licenses or just to the issuance of new licenses.

### Did you know that...

- As of January 1, 2019, 12 states and the District of Columbia have some type of restriction on outlet density near colleges and universities?
- 31 states and the District of Columbia have some type of restriction on outlet density near primary and secondary schools?
- Outlet density requirements vary widely from 100 feet (the distance a primary or secondary school in Illinois must be from an off-premises outlet) to 1.5 miles (the distance a university in California must be from an outlet selling wine or spirits)?

\* Community Guide link: <http://bit.ly/3qWq3J0>

To learn more about what your state prohibits and how it compares to other states and to national best practices regarding the Distance Limitations Applied to New Alcohol Outlets policy, check out the resources at the following shortened link or scan the QR code with your smartphone camera.

<https://bit.ly/2Pc6UWy>





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