

Preventing Underage Alcohol Access: Essential Elements for Policy, Deterrence and Public Support

About this Guide

Underage drinking is a serious problem, but one for which many effective strategies have been developed. The Prevention Research Center has carried out key research, analysis, and synthesis on problems related to underage drinking and strategies that can be used to prevent it. Some of the most important and effective strategies are policies and practices that can be implemented at the state or local level to reduce youth access to alcohol. This document provides descriptions of some key policy strategies for reducing underage drinking as well as some of the research that shows how these strategies can work.

The document:

- Suggests legislative changes that can aid law enforcement and reduce underage drinking
- Provides information about alcohol policies that can reduce alcohol problems
- Describes the elements of effective enforcement efforts
- Illustrates how community and public support can aid in efforts to implement effective policies and practices

The guide also provides a checklist that can help states and communities assess the strengths and weaknesses of their existing policies and practices.

Other resources can be used to provide more information and guidance on underage alcohol access. For example, a recent report of the Institute of Medicine of the National Academy of Sciences, *Reducing Underage Drinking: A Collective Responsibility* (2003), provides a detailed description of many of the issues and research related to underage drinking. It can be found on the Institute web site: www.iom.gov. A wealth of other resources can be found on the web site of the Underage Drinking Enforcement Training Center (funded by the US Department of Justice) at Pacific Institute: www.udetc.org.

It should be emphasized that reducing access to alcohol is only one element of a comprehensive approach to reducing underage drinking and related problems. Other key elements include strategies to reduce impaired driving and to change overall community norms regarding the use of alcohol. Discussion of these strategies can also be found on the websites mentioned above.

Introduction

One of the major challenges faced by states and communities is the prevention of underage alcohol access. Underage drinking is widespread and, to a large extent, tolerated by society. It is also implicated in a range of health and social problems that are both tragic and costly. Preventing underage drinking saves lives and saves futures. This document provides an overview of the

problem of underage drinking and how states can take a major role in preventing youth access to alcohol.

States, communities, neighborhoods, and families all over the country are concerned about the use of alcohol by minors. More and more public attention, media coverage, and government and private foundation funding have been devoted to dealing with this problem. There are good reasons for this high level of concern:

- Alcohol is the drug most commonly used by youth—more than tobacco and *far* more than marijuana or any other illicit drug.¹
- Alcohol is one of the most common contributors to injury, death, and criminal behavior among young people.²
- In addition to the immediate and potentially tragic consequences of underage drinking, early onset of alcohol use increases the risk for chronic alcohol addiction.³

The bad news is clear and all too visible. Underage alcohol use is a serious problem. But fortunately there is good news as well: A variety of effective strategies have been developed to reduce underage drinking. Some of the most effective are laws, policies, and practices that reduce youth access to alcohol. These strategies can be applied in all sectors of the Nation, State, and community—in all areas of the systems that produce, distribute, promote, and consume alcohol. These strategies include an important role for state legislatures and alcohol regulatory agencies as well as other enforcement agencies.

Overview

This document will outline some of the most important strategies to reduce youth access to alcohol as well as some of the ways that agencies and organizations can work together in broad efforts to reduce underage drinking. Some of these strategies are supported by specific research and evaluation results. Others are promising based on prevention theory or closely related research.

The strategies outlined draw upon the combined power of sound laws and policies along with vigorous deterrence. These elements - laws and policies and deterrence - are important individually and can make a difference in preventing underage drinking; the elements multiply their effectiveness when they are a coordinated and combined with strong public support. This coordination can be challenging to achieve because the responsibility and authority for each area resides in different groups. Making maximum use of laws, deterrence efforts, and public support requires that policy-makers work in coordination and cooperation with enforcement agencies, advocacy groups, concerned citizens and civic groups.

Coordinated efforts can ensure that laws are well designed, based on sound principles of deterrence, easy to enforce, and supported by the public. Vigorous enforcement of the laws, when supported by the public, can enhance their deterrence effects and bring about a normative change

¹Johnston, L.D., O'Malley, P.M., & Bachman, J.G. (1998). *National survey results on drug use from the Monitoring the Future study, 1975–1997: Volume 1. Secondary school students*. Washington, DC: Superintendent of Documents, U.S. Government Printing Office.

²Pacific Institute for Research and Evaluation (1999). *The Costs of Underage Drinking*. Report written for the Office of Juvenile Justice and Delinquency Prevention, Rockville, Maryland.

³Grant, B.F. & Dawson, D.A. (1997). Age at onset of alcohol use and its association with DSM-IV alcohol abuse and dependence: Results from the National Longitudinal Alcohol Epidemiologic Survey. *Journal of Substance Abuse*, 9:103–110.

in the community so that providing alcohol to minors and underage drinking are no longer socially accepted. The public can help bring about enactment of effective laws and policies as well as effective enforcement through exerting its influence and demonstrating its concern. Policy-makers feel supported in enacting appropriate laws, enforcement agencies feel that their efforts are endorsed by the community and likely to be carried through by the judicial system, and the public is empowered to establish a healthier social environment.

History of minimum purchase age laws

The right to vote was granted to 18-year-old in 1971 by Constitutional amendment and legislation every state. In most states, a parallel effort lowered the drinking age. As the drinking age was lowered, the number of traffic fatalities among young people increased.⁴ Awareness of the role of alcohol in other threats to youth, including other traumatic injury, risky sex, and suicide, was also growing.⁵ These and other research findings led to a shift in perception. During the early 1980s, the legal drinking age came to be viewed as a public health issue rather than as a legal, ceremonial, or symbolic milestone.

In response to this compelling evidence, some states raised the drinking age. Research indicated that raising the drinking age reduced alcohol-related traffic deaths among underage drivers.⁶ In 1984, Federal legislation was enacted that threatened to withhold Federal highway funds from those states without a minimum drinking age of 21. All states and the District of Columbia eventually complied.

The results of age 21 laws: Trends in alcohol use and patterns over time

Despite concerns about continued drinking by youth, it is important to remember that raising the minimum drinking age has been very successful in reducing alcohol related problems among youth. There is strong research evidence that establishment of 21 as the uniform minimum drinking age for alcohol has reduced alcohol-related crashes among young people. As can be seen in Figure 1, while all alcohol-related traffic fatalities have declined in recent years, fatalities in which the driver was under 21 have declined even more dramatically.

In fact, the National Highway Traffic Safety Administration estimates that more than 1,000 lives per year have been saved in traffic crashes since the law was changed. Raising the drinking age to 21 has also significantly reduced deaths due to suicide and unintentional injuries.⁷ In addition, increases in the minimum purchase age have reduced youth homicide.⁸

⁴Wagenaar, A. (1983). *Alcohol, Young Drivers, and Traffic Accidents: Effects of Minimum Age Laws*. Lexington, MA, Lexington Books.

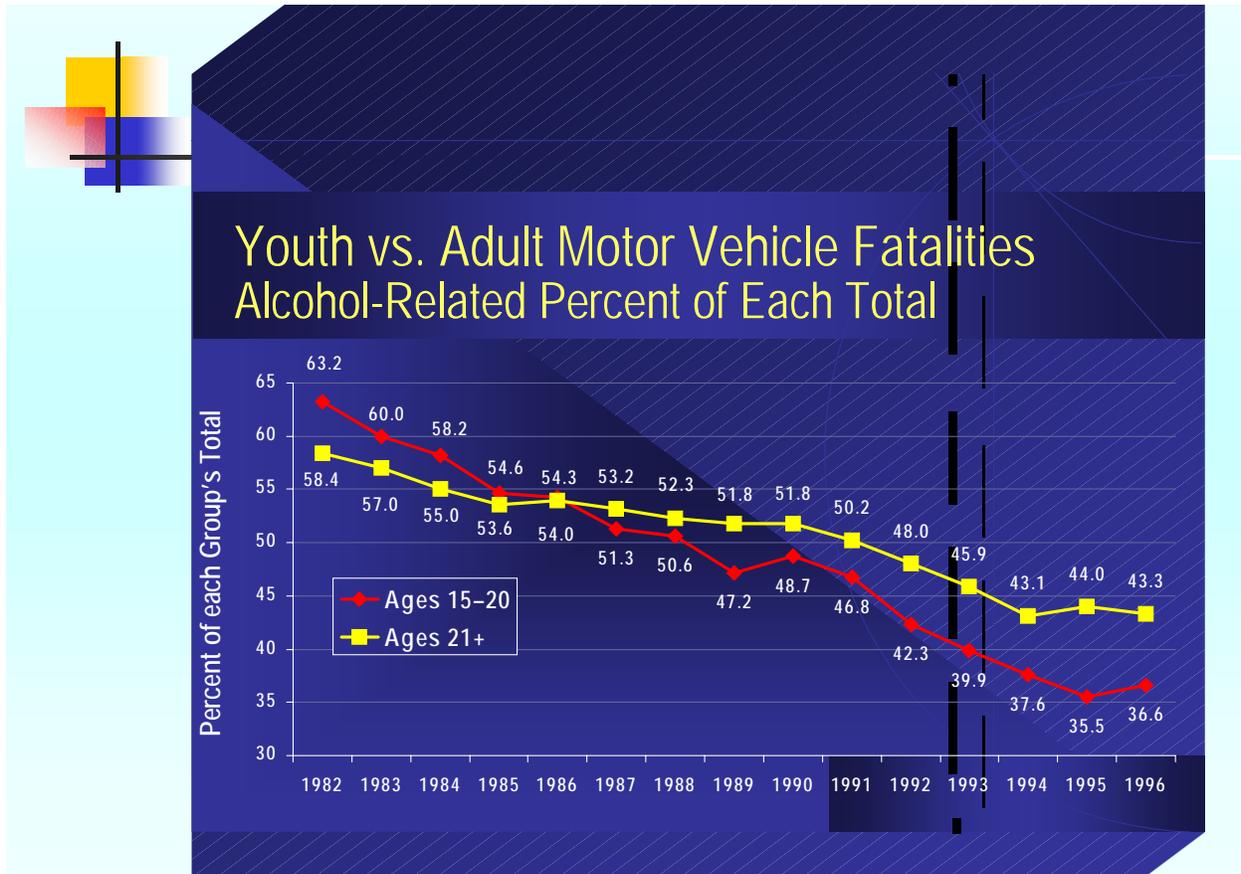
⁵National Institute on Alcohol Abuse and Alcoholism (1990). *Seventh Special Report to the U.S. Congress on Alcohol and Health from the Secretary of Health and Human Services*. (ADM) 90-1656. Washington, DC: USDHHS.

⁶Wagenaar, A. (1981). Effects of an increase in the legal minimum drinking age. *Journal of Health Policy*, 2:206-225.

⁷Jones, N., Pieper, C., & Robertson, L. (1992). The effect of legal drinking age on fatal injuries of adolescents and young adults. *American Journal of Public Health*, 82:112-115.

⁸Parker, M. & Rebhun, L. (1995). *Alcohol and Homicide: A Deadly combination of Two American Traditions*. Albany, NY: State University of New York Press.

Figure 1



Raising the drinking age seems to reduce the amount of drinking and alcohol problems even after young people reach the age of 21. That is, there does not seem to be any rebound effect once legal age is achieved.⁹

Obviously, many young people still drink despite the law and many suffer negative consequences as a result. Concern about youth drinking should result in redoubled efforts to make minimum purchase age laws work even better. Policies should be refined and enforcement applied more vigorously. Better implementation of minimum purchase age laws should be a priority for policy makers and others concerned about underage drinking.

Consumption patterns of underage drinkers

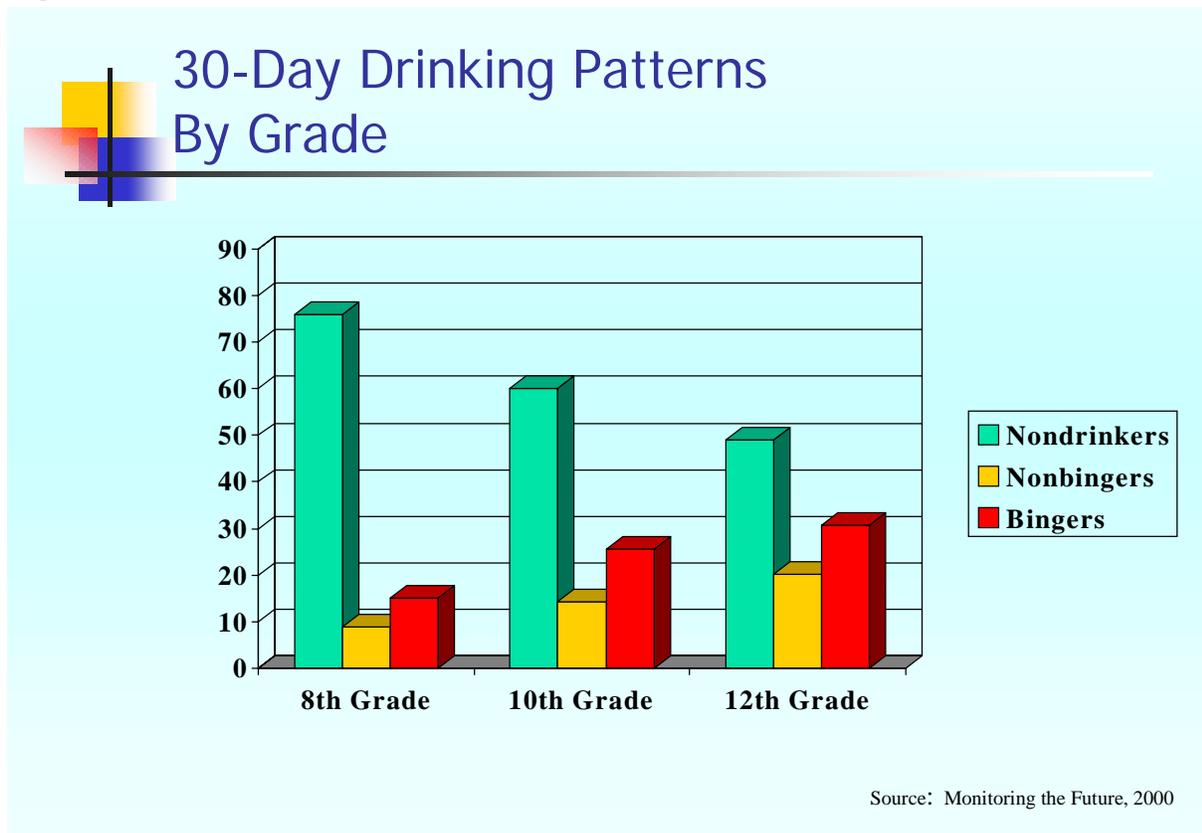
One reason that preventing underage drinking is so important is that young people have particularly risky drinking patterns. When they drink, they are likely to drink large quantities. Figure 2 provides some information about drinking patterns among youth.

According to Monitoring the Future, the annual school survey of youth, most young people do not drink – or at least don't drink regularly. The majority of 8th and 10th graders did not drink alcohol in the last 30 days and about half of 12th graders did not drink. While these figures are reassuring

⁹O'Malley, P. & Wagenaar, A. (1991). 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.

in that most young people are not regular drinkers, a significant minority not only drinks, but also drinks heavily. In fact, among those young people who drink, most are binge drinkers.

Figure 2



Costs of underage drinking

Underage drinking is associated with a host of serious health and social problems. Each of these problems carries with it not only a physical and emotional toll, but economic costs. The costs of some of the major problems stemming from underage drinking have been estimated¹⁰ and appear in the figure below.

¹⁰For a complete discussion of the costs and the estimation procedures, see *Costs of Underage Drinking*, prepared by Pacific Institute for Research and Evaluation in support of the OJJDP Enforcing the Underage Drinking Laws Program, U.S. Department of Justice, 1999.

Figure 3



Environmental strategies to reduce underage drinking

This document will focus on the strategies that can be used to help create healthier state and community alcohol environments. For many years prevention efforts have focused on strengthening individual children. This is often done through school programs and other venues to educate young people about the consequences of drinking or teach skills, such as how to refuse an offer of a drink. Some strategies have also tried to make young people more sophisticated about marketing so that they can resist the allure of alcohol as it is depicted in advertising and popular culture. These strategies are worthwhile, but do not address the environments in which young people live and learn.

Environmental strategies create environments in which the opportunities to drink are fewer and the temptations weaker. Alcohol is made less available to young people, it is promoted in ways that are less likely to be seen by young people and to be appealing to them, and the consequences of illegal sales and use are made clear and compelling.

Because alcohol is a legal product and its sale is regulated, there is a wide range of policies that can be imposed at the state and local level to discourage alcohol use by minors. The remainder of this document will present:

- The essential elements of alcohol policy that should be included in the legal framework in each state to reduce underage drinking.

- The essential elements of enforcement to implement these policies effectively.

Essential elements of alcohol policy: The legal framework

States control various aspects of the system by which alcohol is marketed, sold, purchased, and consumed. Each element of the system provides opportunities for creating a healthier alcohol environment. Local governments can also implement controls to supplement state laws.

The discussion of the legal framework will include minimum purchase age laws and policies aimed at retailers, other adult providers, youth, and the availability of alcohol in general.

Policies aimed at retailers

Laws and policies aimed at retailers are at the heart of any effort to reduce underage drinking. While young people obtain alcohol from a variety of sources,¹¹ as long as they can buy it easily at retail outlets, other attempts to reduce underage drinking are likely to fail. All states prohibit the sale of alcohol to minors and, as will be discussed later in this report, vigorous enforcement of these laws is essential. The adoption of good policies in support of laws regarding sales to minors can affect the extent to which youth have access to alcohol. Policies aimed at retailers include:

- **Minimum age and supervision for sellers of alcohol**

In many states, the age at which an individual is permitted to sell alcohol was decreased when the drinking age was lowered. In some states, however, even though the drinking age is 21, youth below the drinking age are still able to sell alcohol. The allowable age sometimes varies depending on the type of sales, e.g., the minimum age for off-premises sales is often lower than that for on-premises consumption and there may be different ages for different aspects of on-premises service (bartenders, waiters, etc.). Laws also vary regarding the level of supervision that underage sellers must have. Research indicates that underage sellers and servers have a harder time refusing sales to underage buyers and are more likely to misjudge the customer's age, make exceptions for friends, and respond to peer pressure.¹²

A recent national survey found that nearly 80 percent of respondents favor laws that require that all servers and sellers be at least 21 years old. Nonetheless, economic interests often make changing the limit difficult.¹³

BEST PRACTICE: Require that all retail alcohol outlet employees who are engaged in the sale or service of alcohol be at least 21 years of age.

- **Education and training of sellers and servers**

Sellers and servers of alcohol can be more cooperative and effective in reducing underage drinking if they are well informed about their responsibilities, the importance of adherence to the law, potential consequences for violation of the law, and the skills and techniques they need for avoiding sales to minors. There is considerable evidence that responsible beverage

¹¹See, for example, Wagenaar, A., Toomey, T., Murray, D., Short, B., Wolfson, M., & Jones-Webb, R. (1996). Sources of alcohol for underage drinkers. *Journal of Studies on Alcohol*, 57:325-333.

¹²See, for example, Forster, J., McGovern, P., Wagenaar, A., Wolfson, M., Perry, C., & Anstine, P. (1994). The ability of young people to purchase alcohol without age identification in northeastern Minnesota, USA, *Addiction*, 89:699-705.

¹³Harwood, E., Wagenaar, A., & Zander, K. (1998). *Youth access to alcohol survey: Summary report*. University of Minnesota, Alcohol Epidemiology Program.

service training reduces intoxication and impaired driving.¹⁴ There is less evidence for an effect on sales to minors, however, research indicates that establishments with firm and clear policies and a system for monitoring staff compliance are less likely to sell alcohol to minors.¹⁵

BEST PRACTICE: Provide proactive and comprehensive education and training programs for servers and sellers of alcohol.

- **Penalties for sales to minors**

The violation of laws against sales to minors can lead to both administrative and criminal penalties. Administrative penalties affect the retailer's state and/or local operating license. Criminal penalties are levied against the individual committing the violation and may include fines and imprisonment. Most experts recommend an emphasis on administrative penalties for a number of reasons.¹⁶ The advantages of administrative penalties include:

- Administrative penalties can create a credible threat, thus enhancing their deterrence value.
- Administrative processes don't rely on traditional rules of evidence and have a more lenient standard of proof (a preponderance of evidence, rather than beyond a reasonable doubt).
- Administrative actions can be less complex than criminal penalties; thus they can occur more quickly and with more certainty. Both swiftness and certainty of consequences are key to deterrence.
- Administrative penalties hold the licensee responsible rather than the clerk, who may be young, inexperienced, poorly trained, poorly paid, and poorly supervised. The licensee rather than the clerk is in the best position to prevent future violations.

To be effective, administrative penalties should impose real costs on the violator, with increases in severity for repeat offenses.¹⁷ While penalties should be significant, it is important that they not be too severe, especially for first offenses. Law enforcement and licensing officials are less likely to impose penalties if the punishment is perceived as out of proportion to the seriousness of the offense.

Some states report that imposing penalties has become a more difficult and protracted process in recent years. Because the suspension of the license is such a powerful tool, some licensees have become more aggressive in fighting sanctions. It is important that law enforcement agents recognize the importance of following through on the process.

BEST PRACTICE: Impose strict administrative penalties on retail licensees for violation of laws against sales to minors. Penalties should increase in severity for repeated offenses.

¹⁴See, for example, Holder, H. & Wagenaar, A. (1994). Mandated server training and reduced alcohol-involved traffic crashes: A time series analysis of the Oregon experience. *Accident Analysis and Prevention*, 26(1):89-97.

¹⁵Wolfson, M., Toomey, T.L., Murray, D.M., Forster, J.L., Short, B.J., & Wagenaar, A.C. (1996). Alcohol outlet policies and practices concerning sales to underage people. *Addiction*, 91(4):589-602.
Wolfson, M., Toomey, T.L., Forster, J.L., Wagenaar, A.C., McGovern, P.G., & Perry, C.L. (1996). Characteristics, policies and practices of alcohol outlets and sales to underage persons. *Journal of Studies on Alcohol*, 57(6):670-674.

¹⁶See Mosher, J. (no date). *Regulatory Strategies for Preventing Youth Access to Alcohol*, Pacific Institute, prepared for OJJDP, USDOJ.

¹⁷Inspector General. (1991). *Youth and Alcohol: Laws and enforcement – Is the 21-year-old drinking age a myth?* Washington, DC: U.S. Department of Health and Human Services, Office of the Inspector General.

Policies aimed at other adult providers

Regulating retail availability is central to reducing youth access to alcohol. If this relatively simple source of alcohol is not removed, no other strategies can be effective. Research shows, however, that young people obtain alcohol from a variety of sources, including older friends, strangers who purchase for them as a favor or for a fee and even parents or other relatives.¹⁸ Reducing these sources of alcohol is more difficult and complex and requires a multifaceted approach designed to deter the illegal behavior of adult providers and change community norms. The legal framework in a state can help to decrease this source of alcohol for minors.

- **Laws against adult provision**

All states restrict a minor's ability to obtain alcohol through noncommercial sources, although most statutes provide exceptions, particularly for parents, spouses, and guardians. As these exceptions suggest, many states are reluctant to invade the privacy of the parent-child and marital relationships. The President's Commission on Model State Drug Laws, however, recommends against these exceptions because it "sends mixed and confusing signals to parents and youths alike that underage drinking is tolerable under certain circumstances."¹⁹ If the state chooses to include an exception, it should be carefully crafted so that it does not undermine enforcement against teen drinking parties in private residences.

Research has not been carried out on the effects of these laws, but findings regarding where young people obtain alcohol would imply that in order to be effective in reducing adult provision of alcohol, appropriate laws should be in place. Moreover, the state should provide public awareness programs to educate parents and other potential adult providers of their responsibilities and the possible consequences of violations.

BEST PRACTICE: Prohibit any person from furnishing alcohol to a minor, with minimal exceptions. Carry out a vigorous public awareness campaign to educate parents and other adults about the law.

- **Keg registration**

Beer kegs are a popular source of alcohol at teen parties.²⁰ Kegs provide a cheap, convenient source of alcohol and are often purchased by a friend or relative over 21. Keg registration regulations reduce the availability this form of alcohol to underage drinkers. They require retailers to identify kegs with a tag, sticker, or other form of identification. At purchase, the retailer requires a deposit and records the purchaser's name, address, and other identifying information. If law enforcement personnel confiscate a keg at a teen party, they can easily trace the purchaser and impose sanctions.

Several states and numerous local jurisdictions now have keg registration laws and they appear promising.²¹ The one published study evaluating the effects of keg registration examined 97 U.S. communities. It found that requiring keg registration lowered traffic fatality rates.²²

¹⁸See, for example, Wagenaar, A., Toomey, T., Murray, D., Short, B., Wolfson, M., & Jones-Webb, R. (1996). Sources of alcohol for underage drinkers. *Journal of Studies on Alcohol*, 57:325-333.

¹⁹President's Commission on Model State Drug Laws. (1993). *Volume 5: Drug free families, schools, and workplaces*. Washington, DC: The White House.

²⁰Wagenaar A., Finnegan, J., Wolfson, M., Anstine, P., Williams, C., & Perry, C. (1993). Where and how adolescents obtain alcoholic beverages. *Public Health Reports*, 106:459-464.

²¹Pratt, L., Rothstein, C., Meath, J., & Toomey, T. (1997). *Keeping alcohol away from underage youth: Policy solutions*. Minneapolis: University of Minnesota, School of Public Health, Alcohol Epidemiology Program.

The State of New Hampshire passed a keg registration program in February 2001. A media campaign publicized the keg program. In the first few months of implementation, the program brought charges in nine cases. There has been a dramatic reduction in the sale of kegs.

BEST PRACTICE: Implement beer keg registration.

- **Teen party ordinances**

Teen parties are one of the highest risk settings for underage drinking.²³ Young people report their heaviest drinking at large parties with peers, most of whom are underage, in private homes. Teen parties frequently lack adult supervision and can lead to alcohol poisoning, drinking and driving, sexual assaults, other violence, vandalism, and property damage. Despite the seriousness of the potential problems, communities tend to be tolerant of these parties and this tolerance is compounded by legal obstacles to law enforcement. As discussed above, many states do not prohibit youth possession in private residences or permit parents to supply alcohol to their minor children. Police detecting a teen party may not have legal grounds to enter the premises, be unable to confiscate the alcohol, trace its original purchase, or hold the adult householder responsible for allowing the party on the premises.

Research evaluating the effects of party ordinances has not yet been carried out, but some communities are experimenting with ordinances to address these problems.

BEST PRACTICE: Implement teen party ordinances that prohibit teen drinking parties at private residence and impose fines and fees on the responsible householder.

Policies aimed at youth

Every state prohibits sales of alcohol to minors, but the nature of these laws and the associated policies varies in ways that make the laws more or less effective. Following is a discussion of some of the key issues that states should consider in reviewing their existing laws and policies.

- **Definition of "minor in possession"**

The way in which minor possession of alcohol is defined in the law or in practice can have a major impact on the difficulty of enforcement of these laws. In some states, minors are considered to be in possession only if they are actually holding the alcohol. In such circumstances, it is easy for the minor to evade consequences.

Some states have used the concept of "constructive possession" to expand the circumstances under which minors can be charged. In these cases, if police can establish that the minor had "dominion and control" over the alcohol, a minor in possession charge can be brought. The concept of constructive possession was developed largely to assist in the prosecution of drug possession charges, but can be very useful in helping in the enforcement of laws against possession of alcohol by minors. It can be applied most easily when the parameters of constructive possession are incorporated in the law.

²²Cohen, D.A., Mason, K., & Scribner, R.A. (2001). The population consumption model, alcohol control practices, and alcohol-related traffic fatalities. *Preventive Medicine, 34*:187-197.

²³Mayer, R., Forster, J., Murray, D., & Wagenaar, A. (1998). Social settings and situations of underage drinking. *Journal of Studies on Alcohol, 59*:207-215.

There is no research specifically examining how different types of laws affect underage drinking and other problems, but it seems likely that clear definitions that reduce the number of exceptions to the law send a stronger message to youth and to the community in general.

BEST PRACTICE: Include reasonable parameters for constructive possession in the law defining minor in possession.

- **Laws concerning minor attempts to purchase alcohol**

Most states have laws that prohibit minors from attempting to purchase alcohol. Some states, however, lack these laws or have laws that are weak and difficult to enforce. In these situations, the entire burden of illegal sales falls on the retailers while minors are free to continue shopping from outlet to outlet until they have been successful in purchasing alcohol. While no research has been done regarding this aspect of the law, it seems likely that strengthening these laws can help limit sales to minors.

BEST PRACTICE: Include minor attempts to purchase alcohol in laws restricting minor access.

Policies aimed at alcohol availability in general

A large body of research establishes that when stronger controls are placed on alcohol availability, drinking is reduced and fewer alcohol-related problems occur.²⁴ This principle applies to underage drinkers as well as to the population as a whole. Alcohol regulations that control availability in general can have an important impact on underage drinkers. Key availability controls and their applicability to underage drinkers are discussed briefly below.

- **Price**

The price of alcohol is regulated at the state level in part through taxation and in part through controls on price promotions (such as all-you-can-drink or two-for-one specials at bars). Young people are particularly sensitive to price and research shows that even modest price increases can significantly reduce the rates of heavy drinking and impaired driving crashes involving youth.²⁵

BEST PRACTICE: Establish alcohol prices through taxation and controls on price promotion that are most likely to reduce underage drinking.

- **Controls on density and location of outlets**

Restricting the density or location of alcohol outlets is one way of reducing alcohol-related problems. A large number of outlets per capita or per square mile and the over-concentration

²⁴For a general discussion of the role of alcohol availability controls, see Edwards, G., et al. (1994). *Alcohol Policy and the Public Good*. Oxford Medical Publications, Oxford, UK.

²⁵Laixuthai, A. & Chaloupka, F. (1993). Youth alcohol use and public policy. *Contemporary Policy Issues*, 11:70-81.

of outlets in a given location are associated with increases in alcohol-related traffic crashes²⁶ as well as violence.^{27 28}

Some states have faced questions regarding the type of establishments that can be licensed and the potential impact on underage drinking. For example, the State of Washington is revising rules concerning the activities to be permitted in licensed establishments (e.g., live music, dancing) where minors are permitted.

BEST PRACTICE: Restrict the density and location of alcohol outlets and impose controls on the types of outlets that may serve alcohol.

- **Controls on sales in public places**

States typically issue special, temporary licenses for alcohol sales at special events such as fairs and celebrations and sporting events. Criteria for special licenses vary, although in most jurisdictions they are readily available at low cost with few restrictions. Alcohol sales at community events create a high risk for underage drinking and related problems. States and local jurisdictions have taken various steps to reduce these risks, including:

- Restricting the issuance of licenses at youth-oriented and family-oriented events
- Prohibiting alcohol sales at specific venues popular with youth
- Designating alcohol-free days or periods within longer events such as community fairs
- Establishing restricted drinking sections where young people are not permitted to enter
- Prohibiting participants from bringing alcohol into the event
- Requiring responsible beverage service management policies and training.

Restrictions can also be placed on the availability and consumption of alcohol in parks, recreational facilities, beaches, and other unsupervised locations that are either publicly owned or open to the public. Such places are often the venues for teen drinking parties. In response, many communities have banned consumption of alcohol or possession of open containers in these areas.

Controls can also be placed on alcohol service at organized private gatherings such as weddings, large picnics, etc. Some jurisdictions have regulated such events, stipulating against sales to minors or intoxicated persons, requiring specific management policies for servers of alcohol, and requiring a security deposit to cover law enforcement or other costs.

There is little research examining the specific impact of these types of controls, but they are consistent with the other research indicating that tighter controls on alcohol availability reduce consumption and problems.

The Country Jam USA outdoor music event in Mesa County, Colorado had traditionally fostered an environment that encouraged excessive drinking by all participants, especially concertgoers under 21. A variety of changes were implemented, including specially marked arm bands to indicate underage attendees, a prohibition on beer kegs in the campground, a

²⁶Gruenewald, P.J., Johnson, F.W., & Treno, A.J. (2002). Outlets, drinking and driving: A multilevel analysis of availability. *Journal of Studies on Alcohol*, 63:460-468.

Scribner, R.A., MacKinnon, D.P., & Dwyer, J.H. (1994). Alcohol outlet density and motor vehicle crashes in Los Angeles County cities. *Journal of Studies on Alcohol*, 55:447-453.

²⁷Parker, M. & Rebhun, L. (1995). *Alcohol and Homicide : A Deadly Combination of Two American Traditions*. Albany, NY: State University of New York Press.

²⁸Lipton, R. & Gruenewald, P. (2002). Spatial dynamics of violence and alcohol outlets. *Journal of Studies on Alcohol*, 63:187-195.

limit of one drink per customer at bars, and physical separation of the family campground from the area where drinks were served. Intense enforcement efforts accompanied by a media campaign were also implemented. As a result, only one juvenile was transported for over consumption of alcohol compared to 60 juvenile transports the year before.

BEST PRACTICE: Strictly limit alcohol sales and consumption at youth and family-oriented public events and in public places such as parks and beaches. Impose strict conditions designed to reduce youth access at special events where alcohol is sold and served.

- **Controls on advertising and promotion**

Research on the role of alcohol advertising and promotion indicates that young people who have had the most exposure to advertising have more positive attitudes toward drinking and are more likely to become drinkers.²⁹ The research on the effects of controls on advertising is less clear, but many researchers and policy makers agree that controls on advertising and promotion can change the normative environment. For example, some communities have refused to allow alcohol sponsorship of community events. Some states have placed limitations on outdoor advertising of alcohol. New Hampshire bans alcohol billboards as well as any advertising of alcohol events, such as happy hours. This ban extends to flyers and posters. Some states ban advertisements in alcohol outlets that are visible from the street.

BEST PRACTICE: Impose limits on alcohol advertising and promotion of all types.

Laws and policies regarding identification

As discussed above, underage drinkers can be creative and persistent in their efforts to obtain alcohol. Many young people use false identification to purchase alcohol. A recent survey found that 36% of the underage high school and college student respondents carry false identification, 14% had used someone else's identification, and 12% had altered the birthdate or picture on a valid identification. Young people can easily obtain false identification from many sources, including a host of Internet sites offering false ID as a "novelty" item. Interestingly, despite the prevalence of false identification, young people report that they use them infrequently to purchase alcohol.³⁰ As enforcement of laws against sales to minors becomes more vigorous, however, use of false ID may become more frequent.

While deterring the use of false identification may not be as important as other ways of reducing underage drinking, the problem needs to be addressed. Most states have penalties for the manufacturers of false identification and for minors for possessing or using them. Federal involvement may be necessary to deal with the suppliers of false ID because they frequently operate across state lines.

The design of identification cards can help to mitigate the problem of false identification. Many states now make the ID of minors distinctly different from that of adults so that the birth date cannot easily be altered and so that sellers of alcohol need not calculate age. In addition, some states now use identification cards with key information (name, birth date, address, etc.) encoded so that it can be read with special equipment. Such a system should be no more difficult or expensive to install and use than the ubiquitous card readers for credit cards.

²⁹Grube, J. & Wallack, L. (1994). Television beer advertising and drinking knowledge, beliefs, and intentions among schoolchildren. *American Journal of Public Health, 83*(1):1-6.

³⁰Biko Associates, Inc. (1998). *Youth access to alcohol research project: Focus group report*. Report prepared for the Minneapolis Department of Health and Family Support, Minneapolis, MN.

BEST PRACTICE: Prohibit the production, distribution, and use of false or altered identification. Increase the use of identification that can be scanned using an electronic card reader and encourage or require scanning by merchants.

Essential elements of alcohol enforcement: Creating credible deterrence

Some laws and policies can have an impact with only minimal attention to implementation and enforcement. Tax increases, for example, once imposed, have their effect without continuous monitoring or attention. Most laws and policies, however, require some level of enforcement to be optimally effective. The most important effect of enforcement is to deter illegal behavior. It is impossible to apprehend and punish most violators of laws. Rather, the key goal of enforcement is to create a credible threat of apprehension and punishment that prevents people from violating the law.

While enforcement is a key component of deterrence, it is not the only component. Maximum deterrence is usually found to occur when potential violators perceive that they are very likely to be caught, and that they are likely to receive a significant penalty very quickly. As long as the punishment is significant, its severity is not as important as its certainty and swiftness. Enforcement agencies can help ensure optimum deterrence by carrying out vigorous, well-publicized campaigns. In order to guarantee optimum deterrence, however, the courts or other agencies involved in imposing penalties must also work efficiently and effectively.

Enforcement resources are always finite and always subject to competing interests. Local police agencies as well as liquor control agencies have many different tasks. Citizens, government leaders, advocacy groups, and others all make demands for enforcement in their particular areas of concern. Moreover, what one interest group may view as insufficient enforcement attention, another group may view as heavy-handed interference in the lives of private citizens or the efforts of legitimate businesses.

Enforcement of laws – adult providers and youth

Underage drinking is fundamentally a problem with the behavior of adults. While young people may ultimately consume alcohol illegally, they do not manufacture, promote, or market it. In any underage drinking episode, somewhere along the line an adult has violated the law or failed to exercise due care. While minors should be held accountable for their illegal actions, the bulk of enforcement efforts should be aimed at adults. In general, the most effective and efficient strategies are those aimed at retailers who are, after all, licensed to provide alcohol in a responsible manner.³¹ In fact, research shows that the vast bulk of underage drinking law enforcement action is taken against underage purchasers rather than sellers.³²

While young people have a variety of ways of obtaining alcohol, no other enforcement effort can possibly cut off access to alcohol unless there is enforcement that makes it difficult for them to simply walk into an outlet and buy a six-pack. A comprehensive enforcement program should also include other strategies, but retail enforcement, usually in the form of compliance checks, is key to the success of any program.

³¹Mosher, J. (1995). The merchants, not the customers: Resisting the alcohol and tobacco industries' strategy to blame young people for illegal alcohol and tobacco sales. *Journal of Public Health Policy*, 16(4):412-432.

³²Wagenaar, A. & Wolfson, M. (1994). Enforcement of the legal minimum drinking age in the United States. *Journal of Public Health Policy*, 15:37-53.

Following are brief discussions of some of the most important features of various enforcement strategies, with an emphasis on maximizing their deterrence effects.

- **Retail compliance checks**

Retail compliance checks, as discussed above, should be the main thrust of any enforcement program. Well-implemented compliance check programs have been found to produce dramatic reductions in sales to minors. For example, one program carried out by the Alcohol Beverage Control Department in California reduced sales to minors from more than 30 percent to less than ten percent.³³ In another study, compliance checks were combined with publicity and resulted in dramatic decreases in sales to minors.³⁴ State laws that impair the ability of the state to carry out such compliance checks should be examined closely and, if possible, amended.

BEST PRACTICE: Implement vigorous, well designed, fair, and consistent retail compliance checks. Work with the community to build support for and awareness of the compliance check program.

- **Enforcement against third-party providers of alcohol to minors**

As was discussed above, underage drinkers obtain alcohol from a variety of sources other than buying it themselves. Often, the alcohol is purchased for them by adults, including strangers, older friends and relatives. Because these sources of alcohol are more unpredictable and the transactions usually take place in private areas, it is difficult to enforce against them. There are enforcement techniques that can be used, however, to deter illegal provision of alcohol to minors. These include "shoulder tap" enforcement programs and teen party patrols. Little research has been carried out on these strategies and they should be considered secondary to compliance checks at retail outlets.

BEST PRACTICE: Implement a vigorous, well-publicized enforcement campaign to deter third-party sales to minors. Implement well-designed, well-publicized enforcement efforts to prevent teen drinking parties and to safely disperse them when they do occur, holding any adults involved legally responsible.

Conclusions

Underage drinking is a serious problem that has enormous economic and human costs. It is a problem, however, in which we have made significant progress. A range of effective strategies has been developed to reduce underage drinking through limiting youth access to alcohol. Applying these strategies requires us to overcome challenges and make difficult choices. But the payoff is measured in lives and futures saved. States and communities can provide leadership in this effort; they can supply the enforcement muscle that is needed to maintain the gains we have made; they can implement comprehensive approaches to preventing underage drinking that will enable us to make further progress.

³³Stroh, J. (1998, November). California grant program reduces alcohol-related crimes. In *FBI Law Enforcement bulletin*, pp. 16-21. Washington, DC. U.S. Department of Justice, Federal Bureau of Investigation.

³⁴Grube, J.W. (1997). Preventing sales of alcohol to minors: Results from a community trial. *Addiction*, 92(suppl. 2):S251-S260.

- Are the penalties for sale of alcohol to minors levied against the clerk/server or the outlet?
clerk/server _____ outlet _____
- Are the penalties for sales to minors administrative or judicial?
administrative _____ judicial _____
- Do the penalties for sales to minors increase with subsequent violations?
Yes _____ No _____

BEST PRACTICE: Impose strict administrative penalties on retail licensees for violation of laws against sales to minors. Penalties should increase in severity for repeated offenses.

Policies concerning other adult providers

- Are there exceptions in your state's laws regarding provision of alcohol to minors?
Yes _____ No _____

BEST PRACTICE: Prohibit any person from furnishing alcohol to a minor, with minimal exceptions. Carry out a vigorous public awareness campaign to educate parents and other adults about the law.

- Does your state require beer keg registration? Yes _____ No _____

BEST PRACTICE: Implement beer keg registration.

- What laws does your state have regarding teen drinking parties?
_____ Prohibition of parties where alcohol is served to minors
_____ Holding householders responsible for parties where alcohol is served to minors

BEST PRACTICE: Implement teen party ordinances that prohibit teen drinking parties at private residence and impose fines and fees on the responsible householder.

General alcohol availability

- Does your state have controls on price promotions at alcohol outlets?
Yes _____ No _____
- Does your state maintain a level of taxation on alcohol likely to discourage underage drinking?
Yes _____ No _____

BEST PRACTICE: Establish alcohol prices through taxation and controls on price promotion that are most likely to reduce underage drinking.

- Does your state control the density of outlets? Yes _____ No _____
- Does your state control the location of outlets? Yes _____ No _____
- Does your state restrict alcohol sales at outlets likely to be frequented by young people?
Yes _____ No _____
- Does your state permit local control of outlet location and density?
Yes _____ No _____

BEST PRACTICE: Restrict the density and location of alcohol outlets and impose controls on the types of outlets that may serve alcohol. Explicitly allow local communities to impose more restrictive standards for outlet location and density.

- Does your state or community restrict sales or consumption of alcohol in public places (e.g., beaches, parks)? Yes ____ No ____
- Does your state or community restrict sales of alcohol at public events (e.g., fairs, sports events)? Yes ____ No ____

BEST PRACTICE: Strictly limit alcohol sales and consumption at youth and family-oriented public events and in public places such as parks and beaches. Impose strict conditions designed to reduce youth access at special events where alcohol is sold and served.

- Does your state or community control the nature and location of alcohol advertising or promotion? Yes ____ No ____

BEST PRACTICE: Impose limits on alcohol advertising and promotion of all types.

Age identification

- Does your state prohibit the use of false identification? Yes ____ No ____
- Does your state have enforcement efforts aimed at manufacture and sale of false identification? Yes ____ No ____
- Does your state identification incorporate design features to prevent sales of alcohol to minors? Yes ____ No ____

BEST PRACTICE: Prohibit the production, distribution, and use of false or altered identification. Increase the use of identification that can be scanned using an electronic card reader and encourage or require scanning by merchants.

Enforcement

- Is enforcement of laws against sales to minors a priority in the various state and local enforcement agencies? Yes ____ No ____

BEST PRACTICE: Implement vigorous, well designed, fair, and consistent retail compliance checks. Work with the community to build support for and awareness of the compliance check program.

- Do state and local enforcement agencies carry out or sponsor enforcement against non-retail adult providers of alcohol, for example, "Shoulder Tap" operations?
Yes ____ No ____

BEST PRACTICE: Implement a vigorous, well-publicized enforcement campaign to deter third-party sales to minors.

- Do state and local enforcement agencies carry out or sponsor the development of strategies to deal with teen drinking parties? Yes ____ No ____

BEST PRACTICE: Implement well-designed, well-publicized enforcement efforts to prevent teen drinking parties and to safely disperse them when they do occur, holding any adults involved legally responsible.

- Do state and local agencies carry out or sponsor frequent enforcement campaigns with broad coverage? Yes _____ No _____