

## ADMINISTRATIVE PENALTIES

### What are administrative penalties and how do they work?

An administrative penalty is:

- A legal mechanism that allows a local governing body to penalize alcohol license holders for failing to comply with state laws or local ordinances relating to sales of alcoholic beverages
- Usually a monetary fine, or the suspension or revocation of an alcohol license
- Administered by a local governing body (city council, county board), rather than the court system
- Imposed upon the license holder (in contrast to state laws that target the behavior of individual sellers and servers of alcohol)
- Intended to provide an alternative enforcement mechanism that is more cost-effective, timely, and practical than prosecuting servers and sellers through the court system
- Provides an alternative to criminal prosecution, but does not necessarily replace criminal prosecution (some communities pursue both prosecution and administrative penalties)
- Can be written and passed as a local ordinance or state law

### Why administrative penalties are important for your community

- **The time and expense associated with prosecuting alcohol-related laws through the court system may discourage some communities from enforcing them.** Because prosecuting servers and sellers may be a long and expensive process for district attorneys, judges may not want to spend time on these cases. Hence, some violators may never be penalized. Administrative penalties are less cumbersome to impose than are criminal violations, and therefore may be more likely to be enforced by local officials. In addition, enforcement of an administrative penalty may seem less harsh than court proceedings; therefore, it may be more acceptable to a community.
- **An administrative penalty ordinance allows a local government to establish and enforce standards of behavior among alcohol licensees within its jurisdiction.** A license to sell alcohol is a privilege, rather than a right, granted by state or local governments. Local governments can use an administrative penalty to revoke this privilege, thereby setting and upholding standards of health and safety related to alcohol.
- **Administrative penalties may encourage alcohol licensees to create establishment policies and practices that discourage the sale of alcohol to underage youth.** If alcohol licensees are held accountable for the actions of their employees, they may be more likely to adequately train and supervise their employees through server training programs and other policies and practices that encourage employees to comply with age-of-sale laws.

### Considerations for passing an administrative penalties ordinance in your community

**ISSUE:** Alcohol licensees may argue that they should not be held responsible for illegal acts of individual servers or sellers.

**RESPONSE:** *When management is not held accountable for complying with laws relating to the sale of alcohol, they may directly or indirectly pressure servers and sellers to focus on maximizing sales rather than avoiding illegal sales.(1) Administrative penalties ensure that management and individual servers and sellers are equally accountable for complying with the laws and are both working toward the same goal. Without management support and training, it may be impossible for servers and sellers to comply with the laws.*

**ISSUE:** Alcohol licensees may perceive administrative penalties as unnecessarily harsh.

**RESPONSE:** *Administrative penalties should be set up so that initial offenses result in fairly minor penalties, but multiple violations result in increasingly serious consequences. An initial administrative fine should neither be so modest that it is not taken seriously by offenders, nor so harsh that its enforcement is resisted. With increasing violations of alcohol-related laws, the penalty should be increased, with the maximum penalty being suspension or revocation of the establishment's alcohol license. While license revocation may seem extreme, it is important to remember that an alcohol license is a privilege, rather than a right, granted by the community and communities have the right to withdraw that privilege.*

Note: Community members are strongly urged to consult with a local attorney to learn about state law requirements before attempting to pass a local ordinance on administrative penalties.

### Considerations for implementation

- **To apply administrative penalties, communities must identify the alcohol establishments that illegally sell alcohol to underage youth and/or obviously intoxicated patrons.** To implement an administrative penalty, mechanisms should exist for identifying alcohol licensees that do not comply with alcohol sales laws. For underage sales, compliance checks may be the most effective method for identifying non-compliant alcohol establishments (see compliance checks).
- **Enforcement of administrative penalties should include a public hearing.** Public hearings of accused violators give the local governing body and community members opportunities to publicly declare that the sale of alcohol to underage youth is not acceptable in the community.

### How administrative penalties fit into a larger context

Administrative penalties are an important and viable method for reducing the commercial availability of alcohol to youth and sales to intoxicated patrons. While an administrative penalty ordinance gives local government the power to enforce state and local laws, alcohol licensees can and should police themselves through internal policies

and practices that ensure employees' compliance with alcohol-related laws. These policies and practices can include:

- Responsible beverage server training programs (see [responsible beverage service training](#))
- Internal compliance checks (see [compliance checks](#))
- Warning posters (see [warning posters](#))

Comprehensive efforts to reduce teen access to alcohol must also include strategies to reduce other sources of alcohol for youth, such as keg registration policies that penalize adults who buy beer kegs for youth (see [keg registration](#)).

### **What other communities have done**

In Mississippi, an ordinance was passed that imposes administrative penalties on permit holders whose establishments are found selling alcohol to minors. Fines range from up to \$500 for a first offense to up to \$5000 for a third offense. License suspension periods range from three months for a first offense to one year for a third offense. 2

Similarly, in St. Paul, Minnesota, an ordinance was passed that provides for administrative penalties against licensed establishments found selling alcohol to underage youth. The penalty for a first violation is a fine of \$500-\$1000; the penalty for a second offense within a year is a fine of \$1000-\$2000; third offense (within 18 months of first offense) penalty is license suspension of up to 18 months; and fourth offense penalty is revocation of the establishment's license. (St. Paul City Charter and the Legislative and Administrative Codes; Sec. 409.26)

### **Additional resources**

For sample ordinances to reduce the supply of alcohol to teens and young adults under age 21 see Appendix B of [Alcohol Compliance Checks: A Procedures Manual for Enforcing Alcohol Age-of-Sale Laws](#). University of Minnesota, Alcohol Epidemiology Program, 2000.

### **References**

1. Gehan JP, Toomey TL, Jones-Webb R, Rothstein C, Wagenaar AC. Alcohol outlet workers and managers: Focus groups on responsible service practices. *Journal of Alcohol & Drug Education*, 44(2):60-71, 1999.
2. Underage Drinking Enforcement Training Center, Office of Juvenile Justice and Delinquency Prevention. Where There's A Will: Mississippi AG Office Blankets State with Compliance Checks. Accessed online on 4/28/2005 at: <http://www.udetc.org/SuccessStories.asp>

## MINIMUM-AGE-OF-SELLER

### What are minimum-age-of-seller policies and how do they work?

- Age of seller policies require that servers and clerks at alcohol establishments be of a minimum age in order to serve or sell alcohol.
- State laws specify a minimum age for employees who sell or serve alcoholic beverages in a licensed establishment.
- In most states, seller/servers of alcohol must be at least 18 but younger employees may be allowed to stock coolers with alcohol, bag purchased alcohol, or clear alcoholic beverages from tables. 1
- A few states (for example, Alabama, Alaska, Indiana, Nevada, New Mexico, and Oklahoma) require that servers in bars be of legal minimum drinking age of 21. 1
- In some states where the minimum age of server/seller is lower than the legal minimum drinking age (21), a city or town can pass a local ordinance that requires sellers and servers to be at least 21. 1

### Why age-of-seller policies are important for your community

- **Several studies indicate that younger employees are more likely than older employees to sell to underage youth and intoxicated patrons.** 2-5 Minimum-age-of-seller policies may reduce the likelihood that underage people will obtain alcohol from peers working at alcohol establishments.

### Considerations for passing this ordinance in your community

**ISSUE:** In some states, cities and towns may be prohibited by state law from passing ordinances that raise the minimum-age-of-seller in their communities.

**RESPONSE:** *In these states, communities can put pressure on the state legislature to remove restrictions on age-of-seller laws. In addition, communities can work with individual alcohol merchants to establish internal age-of-seller policies for their establishments as permitted by law.*

**ISSUE:** Young people ages 18 to 20 make up a significant part of the work force. Retailers may oppose age-of-seller policies because they may limit the pool of potential employee, and community members may oppose these policies because they don't want to limit jobs for young people.

**RESPONSE:** *An establishment may benefit from hiring only persons 21 or older because this group may be more responsible and reliable, thus reducing an establishment's potential liability. And in a national survey of adults, 80% said they were in favor of laws requiring servers to be at least 21 years of age.* 6

**ISSUE:** Some states allow sellers/servers of beer to be of a younger age than seller/server of wine or spirits.

**RESPONSE:** *Policies should prohibit persons under the minimum seller age from selling or serving any alcoholic beverages. Because beer is the alcoholic beverage of choice for most young people, it is important to prevent underage access to beer, as well as wine and spirits.*

**ISSUE:** Even employees who are 21 or older may sell to their underage friends.

**RESPONSE:** *In addition to minimum-age-of-seller policies, it is important that employees receive responsible beverage service training and are monitored for compliance with laws prohibited sales to underage patrons.*

**Note:** Community members are strongly urged to consult with a local attorney to learn about state law requirements before attempting to pass a local ordinance on minimum age of seller.

### **How age of seller policies fit into a larger context**

Policies that set or raise the minimum-age-of-seller should be combined with other policies aimed at reducing the availability of alcohol to underage youth and reducing sales to intoxicated patrons, such as:

- Age identification policies (see [checking age identification](#))
- Bans or restrictions of home deliveries (see [home delivery restrictions](#))
- Responsible beverage server training programs (see [responsible beverage service training](#))
- Internal compliance checks (see [compliance checks](#))

### **What other communities have done**

St. Paul, Minnesota passed a local ordinance that prohibits the employment of minors under age 18 in businesses where alcohol is sold for consumption on the premises, except where 1) the person under 18 is employed as musicians or in bussing or washing dishes in a restaurant or hotel, or 2) the person under 18 is employed in restaurant or hotel where only wine is sold, provided that the person under age 18 does not server or sell wine (St. Paul, Minnesota Ordinance §409.08). Under Minnesota state law, no local ordinance can be enacted that prohibits 18- to 20-year-olds from entering an establishment to perform work, including selling or serving alcoholic beverages (Minnesota Statute §340A.503).

### **References:**

1. Westlaw Statutory Databases. West Group, Eagen, MN Accessed on 8/2002 online at: <http://www.westlaw.com>
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## CHECKING AGE IDENTIFICATION

### What are age identification policies and how do they work?

Age identification policies are written guidelines at stores, bars and restaurants that provide employees instructions on checking age identification of customers attempting to buy alcohol. These guidelines may reduce illegal sales of alcohol to underage youth by:

- Encouraging employees to refuse to sell alcohol to any customer who does not have a valid ID showing he/she is 21 or older.
- Increasing employees' detection of fake IDs.

The ID-checking policy of an alcohol establishment may include the following guidelines:<sup>1</sup>

- Follow the same procedure when checking each ID; don't be distracted by conversation with the customer.
- Check the ID of anyone who looks under the age of 30.
- Check the birth date to see that the person is over 21. Check to see if the birth date has been altered.
- Check the ID photo and the recorded height for resemblance with the attempted buyer. Compare the hairline, eyebrows and chin shape on the photo-these are the most difficult features to change.
- Check the expiration date. If it is expired, it is not a valid ID.
- Check the date the ID was issued. The issue date is usually in 4-year increments from the age of 16.
- Check the IDs of all people at the counter or table if they all look of questionable age. For example, if a 21-year-old buys a pitcher of beer, check the ID of everyone at the table who appears younger than age 30.
- If a customer is using a license from another state, compare the license to a representative license from that state. You can usually obtain a copy of "United States Driver's Licenses" from your state's liquor control board.
- Always hold the ID in your hand and feel for any unusual raised surfaces.
- Look at the ID under a bright light for glue lines or pin-holes where bleach may have been injected. See if the format of the card looks correct.
- Check the size, thickness and edges of the ID; ragged edges may indicate tampering.
- If the word "duplicate" is stamped on the license, someone else may have the original. Ask for another form of identification.
- Check the back of the ID. On some state licenses, if the numbers have been changed on the front, the true numbers will be shown on the back.
- If you are unsure, ask for another form of identification or for personal information, such as an address, birth date, age, middle initial, or zodiac sign. If the customer doesn't provide another ID, politely refuse to sell the alcohol.

### Why age identification policies are important for your community

Selling alcohol to people under the age of 21 is illegal. Yet underage youth can easily purchase alcohol with either no age identification or with poor quality fake IDs.

- In a study conducted in 28 northern Minnesota communities, youthful-looking buyers were able to purchase beer without age identification in 47% of 336 purchase attempts.<sup>2</sup>
- A study conducted in several New York counties and Washington, D.C. reported that underage buyers were able to purchase alcohol without age identification in 44% to 95% of the purchase attempts.<sup>3</sup>

Although studies show that less than 15% of youth use fake IDs, there are several sources of fake IDs, including: <sup>4,5</sup>

- Alteration of one's own ID.
- Use of someone else's ID, either stolen or borrowed.
- Applying for another person's ID using that person's birth certificate.
- Creating one's own fake ID.
- Purchasing an ID from professional counterfeiters.

Servers, clerks, and managers of alcohol establishments face the risk of criminal and civil liability if they serve or sell alcohol to an underage person. Checking IDs decreases the potential liability a server or seller could face for selling alcohol to an underage person. An ID-checking policy also reduces the potential liability of the owners of establishments, who could be sued for illegal alcohol sales that result in an injury to a third party.

### **Considerations for establishing this policy in alcohol establishments**

**ISSUE:** Merchants may say that they already have an ID-checking policy and that the reason underage youth are able to illegally buy alcohol is because they use fake IDs.

**RESPONSE:** *Studies show that only a small percentage of youth use fake IDs; however, policies and training should include guidelines on detecting fake IDs (see above).* <sup>4,5</sup>

**ISSUE:** Some alcohol merchants may not establish age identification policies unless pressured to do so by the community.

**RESPONSE:** *Concerned community members can contact alcohol establishments to inquire about their written alcohol-related policies. If the establishment doesn't have ID-checking policies, the community should encourage the owners/managers to adopt appropriate ones (see above). In addition, compliance checks and administrative penalties can be put in place to increase the pressure on merchants to use ID-checking procedures (see compliance checks and administrative penalties summaries).*

### **Considerations for implementation**

**Community support:** If police and parents do not think youth drinking is a problem, merchants will be less likely to uphold strict rules concerning alcohol sales to minors. Merchants need support from the community and local law enforcement for ID-checking policies to be successful.

**Difficulty of judging age:** Merchants may claim that it is difficult to tell when a person is underage because some underage youth can look very mature. Every business that sells or serves alcohol should have a written policy stating that all employees should check the age identification of anyone who appears younger than 30 years old.

**Technology:** Electronic ID scanners are also available and can be mandated by law or voluntarily used by an establishment or chain of establishments. Scanners may help employees determine if someone is of age; however, employees still need to check the ID to make sure it matches the person presenting the ID.

**Other policies needed:** The presence of an ID-checking policy alone is unlikely to reduce illegal sales to underage youth. In addition to an ID-checking policy, other establishment policies are needed:

- Each manager and alcohol server or seller should receive *training* on how to check IDs and identify fake IDs. This training can be included in responsible beverage service training programs (see [responsible beverage service training](#)).
- Establishments should post signs stating that proper identification is required to purchase alcohol. This reminds employees and clearly informs patrons of the establishment's ID-checking policy.
- Communities may work with a group of alcohol establishments to help create establish compliance checks. Owners and managers can help each other learn to check IDs by having youthful-looking undercover patrons attempt to buy alcohol with no ID or with fake ID (see [compliance checks](#)).
- Policies should also include instructions on what an employee should do if he/she identifies a fake ID. Guidelines may include:
  - Be polite yet firm in refusing the sale to the customer
  - Call a manager
  - Confiscate the fake ID when appropriate
  - Contact local law enforcement when appropriate
- Establishments may also want to reward employees who confiscate a fake ID, such as giving a small monetary reward of \$5-\$15 for each ID confiscated.

### **How age identification policies fit into a larger context**

Age identification policies should be part of a larger group of policies aimed at decreasing underage youth's access to alcohol. Communities can also conduct regular compliance checks and impose fines or other penalties against establishments that fail to comply with age-of-sale laws. (see [compliance checks](#) and [administrative penalties](#)). Policies that reduce non-commercial (social) sources of alcohol, such as getting alcohol from family members or friends are also needed (see [social host liability](#)).

### **What other communities have done**

In response to the explosion in the creation and distribution of fake IDs in Newport, Rhode Island, police, along with cooperation from bar owners, developed an innovative program designed to get fake IDs out of circulation called "Identification Seizure." When an establishment employee suspects an ID might be a fake, he or she asks that person to wait until a police officer arrives to investigate. Usually, the patron will abandon the

fake ID and flee. (If the customer does wait for the officer and the ID is subsequently found to be false, the officer issues a citation of up to \$500 dollars). The program was first implemented in summer of 2001; in three months, more than 400 fake IDs were collected from only five bars, and by 2002 more than 800 fake IDs were confiscated.

### References:

1. Tips to Help Spot Fraudulent IDs. Division of Police, Lexington, KY. Accessed online 8/9/02 at: <http://www.lexingtonpolice.lfucg.com/Invest/ldfraud.asp>
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3. Preusser DF, Williams AF. Sales of alcohol to underage purchasers in three New York counties and Washington, D.C. *Journal of Public Health Policy*, 13: 306-317, 1992.
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## COMPLIANCE CHECKS

### What are compliance checks and how do they work?

A compliance check is a tool to identify alcohol establishments that sell alcohol to underage youth. The practice of conducting compliance checks can be:

- Mandated by a local ordinance that outlines standards for conducting the checks, persons or agencies responsible for conducting the compliance checks, and penalties for establishments, servers and sellers who illegally sell or serve alcohol to underage youth.
- Voluntarily implemented by law enforcement or licensing authorities.

Compliance checks can be used for two purposes:

- Enforcement: To enforce state criminal statutes, local administrative ordinances, or both.
- Educational: To identify, warn, and educate alcohol establishments that serve or sell alcohol to underage youth.

Generally, compliance checks are implemented by the following procedures:

- Alcohol licensees are informed that compliance checks will occur at various times throughout the year and about potential penalties for selling alcohol to underage youth.
- While an enforcement agent (police officer or other authorized person) waits outside the premises, a person under age 21 attempts to purchase or order an alcoholic beverage.
- If the alcohol establishment sells alcohol to the young person, the enforcement agent issues a citation either to the seller/server or to the establishment:
  - the police officer may charge the server or seller who sold the alcohol (when compliance checks are used to enforce state laws governing servers and sellers)
  - the officer may issue an administrative citation, which is imposed upon the alcohol license holder rather than the individual server or seller (when compliance checks are used to enforce local administrative ordinances). Because administrative charges are easier, faster, and less expensive to prosecute, they can be the best option—and in some communities the only option—for penalizing alcohol establishments.

NOTE: When conducting compliance checks for the purpose of enforcing state or local laws, the young person attempting to purchase alcohol (the buyer) must be underage. If the buyer is not actually underage, no law would be violated when an establishment sells to the buyer.

### Why compliance checks are important for your community

- **In many communities, youth are able to purchase alcohol at commercial outlets.** Several studies show that in communities where there is little or no enforcement, individuals who look younger than age 21 can buy alcohol without showing age identification in 45-50% of their attempted purchases.<sup>1, 2, 3</sup>

Compliance checks may be the most effective method for enforcing age-of-sale laws and decreasing the commercial availability of alcohol to youth.

- **Studies show that compliance checks are effective.** Two studies from the mid-1990s found that after compliance checks were conducted, sales to underage patrons reduced from 60-80% to 25-30%. 4, 5. Two more recent study provides further evidence that compliance checks are effective. In Concord, New Hampshire, sales to youth decreased from 28% to 10% after quarterly compliance checks (coupled with increased penalties and a media campaign) at 539 off-premise alcohol establishments. 6 In a large study in Minnesota, sales to youth were reduced immediately by 17% in alcohol establishments that experienced a check. 7 In addition, a national survey showed that 66% of adults are in favor of compliance check policies. 8
- **Compliance checks encourage alcohol licensees to "police" themselves.** Naturally, neither alcohol licensees nor their employees want to be caught selling alcohol to underage persons. Because compliance checks can be used to hold both accountable for illegal sales to youth, they encourage alcohol licensees to adequately train, supervise, and back up their employees.
- **Compliance checks can motivate citizen participation and support.** Collaborating with police to conduct compliance checks is a productive and effective method for local citizens to become actively involved in underage alcohol use prevention efforts. Often, citizen participants, surprised by the ease with which youth can purchase alcohol, become motivated to reduce sales of alcohol to youth.

### **Considerations for passing this ordinance in your community**

**ISSUE:** Law enforcement agencies, lawmakers, and community members may not support increased enforcement of alcohol-related laws.

**RESPONSE:** *Newspaper articles, editorials, and letters to influential community members can increase awareness about how easily underage youth can purchase alcohol and how compliance checks are an effective method of preventing sales to youth.*

**ISSUE:** Community members and public officials may perceive that compliance checks require too many resources (time, personnel, and money).

**RESPONSE:** *Compliance checks are not necessarily costly. One estimate is that compliance checks that are used to enforce administrative and/or criminal charges cost as low as \$10 per establishment. Sometimes, there is increased cost to cover police time and transportation. 9*

*To cover the costs of compliance checks, a local ordinance could require that a percentage of the fines collected from non-compliant merchants be dedicated to cover the expenses of the compliance checks. In some states, communities can also increase the cost of alcohol license fees to cover the costs of enforcing age-of-sale laws.*

*To limit the time required by police to conduct checks, community action groups can take responsibility for planning the checks and coordinating young people's involvement.*

**ISSUE:** Owners and managers of alcohol outlets may organize to oppose compliance checks and other enforcement activities.

**RESPONSE:** *Alcohol prevention groups and other community organizations may be able to minimize alcohol licensees' opposition to compliance checks by working with merchants to create good establishment policies and practices that, in turn, will decrease the chance that servers and sellers illegally sell alcohol to underage persons.*

**ISSUE:** Owners and managers may argue that their employees are selling to underage people and thus, the employees, not the owners and managers, should face penalties.

**RESPONSE:** *Compliance checks that are used to penalize individual servers and sellers may not result in long-term establishment-wide changes to reduce alcohol sales to underage youth. Furthermore, employees may not be able to comply with alcohol laws without support and training from management. Alcohol owners and managers should have ultimate responsibility for what occurs in their establishments. Compliance checks, when combined with administrative penalties, encourage management to train servers and sellers of alcohol and to develop and enforce establishment policies that discourage sales to youth.*

**Note:** Community members are strongly urged to consult with a local attorney to learn about state law requirements before attempting to pass a local ordinance on compliance checks.

### **Considerations for implementation**

- **If compliance checks are not conducted properly, they may be challenged in court by alcohol licensees or employees who claim illegal entrapment.** Successful compliance checks avoid tactics that can be considered "entrapment." For example, youth who conduct the checks can request liquor but they cannot try to pressure or persuade the server or seller into making a sale. Buyers should be instructed to refrain from attempting to look older, lying about their age, and drinking any of the purchased alcohol. In addition, buyers must show their identification when requested by the server/seller. Buyers should not use false identification because they may be accused of attempting to "trick" the server/seller.
- **One-time compliance checks may not result in long-lasting compliance with age-of-sale laws.** Compliance checks should be done frequently and on an unscheduled basis. Cities that conduct at least two compliance checks per year for over two years report illegal alcohol purchase rates under 20%. <sup>8</sup> Similarly, a large scientific study showed that effects of compliance checks diminish after several months, and hence, should be repeated regularly. <sup>7</sup>

Compliance checks should also be conducted at all liquor licensees. A large study showed that effects of compliance checks do not diffuse to other establishments in the community -- so checks should be done at all establishments rather than just a sample. <sup>7</sup> Checking all alcohol licensees helps avoid complaints that some outlets are being arbitrarily or unfairly targeted.

- **Penalizing non-compliant alcohol licensees through the court system can be expensive and time-consuming.** Police and other city officials may be more likely to conduct compliance checks that are used to enforce administrative penalties targeted at the alcohol license holder rather than state statutes targeted at the individual seller or server. Prosecuting individuals for age-of-sale laws through the court system is time-consuming, expensive, and requires the involvement of law enforcement personnel. Interviews with police indicate that criminal court judges often resist clogging the court with alcohol sales violations. <sup>10</sup> Administrative penalties bypass the criminal court system, and are therefore less expensive and faster to enforce.

### **How compliance checks fit into a larger context**

Compliance checks have been shown to be an effective method of limiting commercial availability of alcohol to underage youth. Compliance checks may be more likely to be pursued and conducted if they are coupled with administrative penalties that allow local governments to impose sanctions on non-compliant licensees. In addition, compliance checks combined with administrative penalties may encourage alcohol establishments to adopt their own policies to reduce sales to youth. These policies could include:

- Responsible beverage server training programs (see [responsible beverage service training](#))
- Secret shopper programs
- Warning posters (see [warning posters](#))
- Checking age identification of all customers (see [checking age identification](#))

Comprehensive efforts to reduce teen access to alcohol must also include strategies that reduce social sources of alcohol for youth, such as keg registration and enforcement of social host provider laws.

### **What other communities have done**

In 1998, the Mississippi State Legislature took away the Alcohol Beverage Control's power to conduct compliance checks at locations that sold beer, such as convenience stores. Fortunately, the State's Office of the Attorney General stepped in to address the issue. Between May 1, 2000 and April 30, 2001, the Attorney General's Office, working in cooperation with local law enforcement agencies around the state, completed 7228 compliance checks. Average noncompliance rate for the state decreased from 26 percent in May to 17 percent in January. The average noncompliance rate for the nine-month period was 19 percent. <sup>11</sup>

In 2004-2005, the police in Butte, Montana conducted two waves of compliance checks at 105 alcohol establishments. Sixty-one percent of stores passed the checks during the first wave in October through December 2004. That compliance rate jumped to 81% after the second wave during January through March 2005. Clerks failing compliance checks the first time received a \$545 fine and the store received an additional \$250 fine. Penalties increased for repeat offenders. 12

### **Additional resources:**

[Alcohol Compliance Checks: A Procedures Manual for Enforcing Alcohol Age-of-Sale Laws](#). University of Minnesota, Alcohol Epidemiology Program, 2000. For sample ordinances, see Appendix B of this manual.

### **References:**

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## ALCOHOL HOME DELIVERY RESTRICTIONS

### What are alcohol home delivery restrictions and how do they work?

Home delivery restrictions regulate liquor stores that offer delivery of alcoholic beverages to personal residences. A home delivery policy may:

- Prohibit or ban the delivery of alcohol to residential addresses.
- Place restrictions on home deliveries.

Banning or restricting home deliveries may be part of a local ordinance or a state law. Communities that do not want to completely ban home deliveries can impose the following restrictions:

- Require that delivery personnel be age 21 years or older.
- Restrict the days of the week and times of the day during which alcohol can be delivered to residential addresses.
- Restrict the amount of alcohol that can be delivered.
- Require delivery people to verify, via a legal age identification card, that the buyer is 21 or older, and also require the delivery person to document:
  1. The name of the purchaser
  2. The purchaser's address and driver's license or state identification card number
  3. The time, date, place of delivery
  4. The quantity and brand of alcohol delivered
  5. The name of the delivery person

Alcohol outlets should be required to keep these invoices for a period of time and should be required to make them available to law enforcement authorities upon request.

- Prohibit sales of alcohol through the Internet by banning direct shipments of alcohol to personal residences.

### Why alcohol home delivery restrictions are important for your community

- **Underage youth use home delivery services to purchase alcohol.** Ten percent of 12th graders and 7% of 18- to 20-year-olds in 15 midwestern communities reported that they obtained alcohol through delivery services in the last year. Use of delivery services was more prevalent among young males and more frequent, heavier drinkers. <sup>1</sup> Underage youth may also order alcohol off the Internet and have it shipped to their home (although purchasing alcohol over the Internet may involve high shipping costs, a credit card and delayed delivery).
- **Home delivery sales are unsupervised.** Delivery persons may have less incentive to check purchasers' age identification when they are away from the licensed establishment and cannot be watched by a surveillance camera, the liquor store's management, or other customers. A home delivery ban would eliminate these types of unsupervised alcohol sales. Also, an age requirement for delivery persons may decrease sales to youth because an older person may be less likely to sell alcohol to underage people.
- **An invoice system may discourage people age 21 or older from providing alcohol to teens.** Buyers may be discouraged from providing alcohol to

underage people when they cannot do so anonymously. Purchasers could also be required to sign a statement indicating that they are aware of the criminal and civil liability for injuries and damage that result from providing alcohol to an underage person. In the event that an underage youth injures him/herself or others as result of the delivered alcohol, the purchaser can be traced and prosecuted via the invoice system.

### **Considerations for passing this ordinance in your community**

**ISSUE:** Alcohol establishments may oppose home deliveries laws because it would limit their business opportunities.

**RESPONSE:** *Because home delivery regulations may decrease alcohol sales to youth, regulating home deliveries may ultimately protect alcohol establishments from criminal and civil liability. Furthermore, the invoice system provides alcohol establishments with a mechanism for monitoring their employees when they are off the premises making a home delivery.*

**ISSUE:** Community members may oppose policies that limit their alcohol purchase options.

**RESPONSE:** *Numerous policies already exist that limit alcohol purchase options. In several states, for example, state law prohibits the sale of alcoholic beverages on Sundays and during certain hours of the other days of the week. Home delivery regulations are similar to these other regulations in their intent—to preserve the public health, safety, and the overall welfare of community citizens. In addition, a national survey of adults showed that 60% of adults were in favor of policies that ban home delivery. 2*

**ISSUE:** Municipal governments may oppose home delivery regulations if they require additional resources to enforce.

**RESPONSE:** *To offset the financial costs of enforcing home delivery regulations, a portion of the revenue from home delivery fines or alcohol licensing fees could be dedicated to enforcing home delivery regulations. In addition, alcohol license fees could be increased. To offset the personnel time required to review home delivery invoices, it may also be possible to give community volunteers the authority to review invoices.*

### **Considerations for implementation**

- If home delivery restrictions only apply to one particular community, people may order alcohol from establishments located in nearby communities that don't have such regulations. A state- or county-level policy regulating home deliveries would help eliminate this problem.
- Delivery personnel should be trained on how to check IDs and on other responsible service practices. Policies that regulate the home delivery of alcohol should be covered in a responsible beverage service training program. (see responsible beverage service training).

- **Home delivery policies must be enforced.** Regulations will be more successful if the process of monitoring and enforcing policies are monitored by police or other authorized personnel. For example, a local ordinance could require that authorized personnel conduct invoice checks two times per year. Police could also do "reverse stings" in which police cadets who are younger than age 21 order alcohol to be delivered to their homes and then identify the delivery people who do not comply with the regulations. This strategy may not work in small communities where people recognize each other. In these places, police officers may need to collaborate with cadets or officers from nearby cities.

### **How alcohol home delivery policies fit into a larger context**

Policies on home delivery will be most effective if combined with other strategies, such as:

- Responsible beverage service training. (see [responsible beverage service training](#)).
- Checking the age identification (see [checking age identification](#)).
- Warning posters indicating that alcohol servers and sellers check the age identification of all customers (see [warning posters policy](#)).
- Policies aimed at reducing non-commercial (social) sources of alcohol among youth such as keg registration and social liability laws (see [beer keg registration and social host liability](#)).

### **What other communities have done**

In Madison, WI, in December, 2001, the City Council passed an ordinance that requires requests for any home delivery of alcohol (including beer kegs) to be made in person at the store. The purchaser must show two forms of ID at the store and be present at the delivery address to sign a receipt upon delivery (Madison City Ordinance 39.07). None of the liquor-store owners were opposed to the new regulations because they do not interfere with regular business operations. [3](#)

### **Additional resources:**

For sample ordinances to reduce the supply of alcohol to teens and young adults under age 21 see Appendix B of [Alcohol Compliance Checks: A Procedures Manual for Enforcing Alcohol Age-of-Sale Laws](#). University of Minnesota, Alcohol Epidemiology Program, 2000.

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## RESPONSIBLE BEVERAGE SERVICE TRAINING

### What is Responsible Beverage Service Training (RBST) and how does it work?

RBST, also known as “server training,” refers to educating owners, managers, servers and sellers at alcohol establishments about strategies to avoid illegally selling alcohol to underage youth or intoxicated patrons. Training can be required by local or state law, or a law/ordinance may provide incentives for businesses that undergo training. In addition, some individual establishments may voluntarily implement training policies in the absence of any legal requirements or incentives.

The goal of RBST is to decrease the number of illegal alcohol sales to underage youth and intoxicated patrons through education programs that:

- Help owners, managers and servers/sellers understand state, community, and establishment-level alcohol policies and potential consequences for failing to comply with such policies (e.g., criminal or civil liability, job loss).
- Provide the necessary skills to comply with these policies.

Other information can also be included in server training, such as:

- The importance of checking age identification of customers who appear under age 30.
- How to identify fake IDs and what to do once a fake ID is confiscated.
- How to recognize situations in which adults are buying alcohol for underage youth.
- How to refuse sales to individuals who may supply alcohol to underage youth.
- How to identify intoxicated customers.
- How to refuse service to underage youth and intoxicated customers.

### Why RBST is important for communities and alcohol establishments

- **In many communities, youth are able to buy alcohol at commercial alcohol establishments.** Several studies show that in communities where no organized efforts were done to reduce sales to underage persons, individuals who looked younger than age 21 were able to buy alcohol without showing an ID in 45-50% of their attempts.<sup>1-4</sup> The potential for illegal alcohol sales is also high at other venues such as community festivals (see [restrictions at community events](#)). Recent evidence shows that server and management training was not effective in reducing sales to youth at licensed alcohol establishments.<sup>1,5</sup>
- **Individuals who are obviously intoxicated are also able to buy alcohol at commercial establishments.** Studies show that individuals acting intoxicated were able to buy alcohol in 62-90% of their attempts, despite it being illegal to sell alcohol to obviously intoxicated persons.<sup>6</sup> Alcohol outlets and festivals that undergo quality training may be less likely to sell to intoxicated persons.<sup>1</sup>
- **Individuals who drink and drive often consume their last drink at a commercial establishment.**<sup>7</sup> Responsible beverage service training may decrease the likelihood that customers will become intoxicated, thus decreasing the chance that customers will drive while intoxicated.<sup>8,9</sup>

- **In many states, under dram shop law, establishments can face potential financial liability for serving alcohol to an intoxicated or underage patron who later causes injury to a third party.** Alcohol establishments that responsibly serve alcohol (i.e., do not sell alcohol to underage or obviously intoxicated persons) are less likely to face financial liability.

### Considerations for establishing this policy

**ISSUE:** RBST programs may appear to be too costly for an establishment.

**RESPONSE:** *Some communities decrease the license fees for establishments that implement RBST programs, thereby partly offsetting the cost of training. In addition, insurance companies may give discounts on dram shop liability insurance for outlets with server training programs.*

**ISSUE:** There are different types of RBST programs and the cost of training will differ depending on the type of program implemented.

**RESPONSE:** *As mentioned below in the "Considerations for implementation" section, training can be obtained through different sources. Training programs provided by professional companies, for example, will likely be more expensive than those provided through a local community college. When introducing a local server training ordinance, the city council should be given a summary of appropriate options for their community.*

**Note:** Community members are strongly urged to consult with a local attorney to learn about state law requirements before attempting to pass a local ordinance on responsible beverage service training.

### Considerations for implementation

- **Without management training and support, changes in server or seller behavior are unlikely to be sustained.** <sup>9</sup> Managers of alcohol outlets should participate in RBST along with servers and sellers. Managers who support responsible beverage service provide an atmosphere that makes adhering to RBS rules easier for employees.
- **Some practices, such as allowing underage youth to enter the premises, may make reducing youth access to alcohol more difficult for alcohol servers or sellers.** Outlets can be encouraged to evaluate existing policies and practices in terms of their effect on alcohol sales to underage youth and intoxicated customers. <sup>1</sup>
- **Due to high staff turnover in many establishments, owners and managers need to develop an on-going system to train new employees.** An establishment may want to employ an in-house trainer to reduce the costs of on-going server training. At the very least, an establishment should have in place the following practices to ensure that new employees have guidelines for responsible serving practices if they cannot be trained immediately upon being hired:
  - Managers who have received RBS training.

- Clear, written policies concerning serving/selling practices of which employees are made aware and which are consistently enforced.
- A monitoring system to ensure that all employees are adhering to responsible serving/selling practices.
- **RBS training can be obtained from several sources.** Outlets and communities may arrange training through local community colleges, police department or local RBS trainers. Available training programs vary in quality and price so it is important for communities and alcohol merchants to decide what their goals for RBS training are and find a program that best meets those goals.<sup>10</sup> A preference should be given to high-quality programs that use skill-building techniques rather than just lectures or videotapes.
- **Positive media coverage on establishments that have implemented an RBST program may help gain public support for server training.** According to a national survey of adults, 89% were in favor of policies that require server/owner training. Using support from community members may help establish and/or implement RBST programs.<sup>11</sup>
- **Some communities may think that only certain outlets need to receive server training or that a one-time training session is adequate to learn responsible beverage service.** All alcohol servers and sellers in a community should receive training, including those at on- and off-sale outlets (including convenience stores) and at community and other special events. In addition, training may need to be repeated on a systematic basis to obtain sustained effects.
- **Commercial establishments are not the only location in which irresponsible serving practices can occur. Hosts of private parties also need to be aware of their responsibility to the guests to whom they serve alcohol** (see [social host responsibility](#)). Publicity surrounding the need for RBST programs may help promote discussion around responsibly serving alcohol in social settings as well.

### How RBST fits into a larger context

Server training alone is not enough to reduce alcohol sales to underage youth or intoxicated patrons. For the effects of the training to be sustained, additional policies and practices need to be implemented and enforced. The message of responsible beverage service can be reinforced through:

- Internal compliance checks or "secret shopper" programs (see [compliance checks](#)) <sup>5</sup>
- Warning posters (see [warning posters](#))

Other sources of alcohol among youth and adults must also be considered. , Responsible beverage service and other strategies targeting alcohol merchants need to be complemented with strategies targeting other adults who illegally provide alcohol to underage youth and intoxicated persons

### What other states and communities have done

As of 2001, 21 *states* have server training legislation; 12 have laws that make server training mandatory, and 11 have laws that provide some sort of incentive for establishments that do server training: [12](#)

- *Mandatory law:* Alaska, Delaware, Louisiana, Maryland, New Jersey, New Mexico, Oregon, Tennessee, Utah, Vermont, Washington, Wisconsin.
- *Non-mandatory law:* Alabama, Arizona, Arkansas, Florida, Illinois, Indiana, Maine, Michigan, New Hampshire, Rhode Island, Texas.

It should be noted that a recent study of state-level server training legislation found the quality of current server training laws varied and all laws showed room for improvement. [12](#)

Several *communities* have also passed local server training ordinances. For example, in Pottsville, Pennsylvania, an anti-underage drinking group received funds from the Pennsylvania Liquor Control Board to develop a community coalition. The coalition, the Pottsville Partnership for Youth Alcohol Prevention, asked the mayor to chair its steering committee. With the mayor on the team, the partnership passed a city ordinance requiring all alcohol licensees in Pottsville to pass an alcohol server training course. (In Pennsylvania, the State Liquor Control Board offers businesses free training and technical assistance.) Eighty percent of the licensees completed the training in the first three months after the ordinance was passed. [13](#)

### **What research studies have shown**

In Minnesota, we implemented and evaluated Project ARM: Alcohol Risk Management, a one-on-one consultation program for owners and managers of alcohol establishments. The five bars that participated in this pilot project received information on risk level, policies to prevent illegal sales, legal issues, and staff communication. Underage and pseudo-intoxicated purchase attempts conducted before and after the bars received the training showed that the training program was promising for reducing sales to intoxicated individuals but not to underage patrons. [1](#) To order a copy of this study, click [11.6.123](#)

In a more recent and larger study, we evaluated the effects of server/management training on underage sales and found that server training had no effect on the likelihood that establishments would sell to underage patrons. Compliance checks, however, were effective (see [compliance checks](#)). [5](#) To order a copy of this study click [11.6.153](#)

Researchers from the Prevention Research Center in Berkeley, California, conducted an evaluation of a server training program at a United States Navy base. The impact of a server training program on customers' alcohol consumption was evaluated. The program consisted of an 18-hour training session for management and staff and a revision of establishment policies and job descriptions. Two months prior to and following implementation of the program, interviews were conducted with randomly selected customers to provide data on customer characteristics and consumption.

Compared to a site where no RBST program was implemented, customer intoxication at the base was cut in half. 14

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## WARNING POSTERS

### What are alcohol warning posters and how do they work?

Alcohol warning posters are notices or signs located in alcohol establishments that provide information related to the legal, social, and health consequences of alcohol use. Posters may be required by state or local law, or used voluntarily by alcohol establishments. Posters may include information on:

- The legal penalties and consequences of providing/selling alcohol to underage or intoxicated persons.
- The legal penalties of underage possession and consumption of alcohol.
- The establishment's policies and practices on checking customers' age identification and refusing sales to intoxicated patrons.
- Risks associated with alcohol consumption during pregnancy.
- Risks of consuming alcohol while taking certain medications and/or prior to driving motor vehicles and operating heavy machinery.

### Why warning posters are important for your community

For individuals to make informed decisions about purchasing or consuming alcohol, they must have access to accurate information. Warning posters located in alcohol establishments are one mechanism for informing patrons about their alcohol-related behaviors. The potential benefits of warning posters depend upon the information provided by them.

The benefits of each type of poster and issues to consider when using these posters are outlined below:

- **Legal penalties and social consequences of providing alcohol to underage persons.** Although most people are aware that providing alcohol to underage persons is illegal, few people know the legal penalties associated with this behavior. Posters that warn people about these penalties may deter some individuals from providing alcohol to minors. These posters are likely to be more effective in reducing youth's ability to obtain alcohol if implemented with other policies such as keg registration, regulations or bans of home deliveries, and enforcement of social host liability laws (see [beer keg registration](#), [home delivery restrictions](#), and [social host liability](#)).
- **Legal penalties of selling alcohol to obviously intoxicated patrons.** Many people are not aware that selling alcohol to obviously intoxicated patrons is illegal, and few people know the legal penalties associated with this behavior. Posters can inform people about these penalties. Servers/sellers can also refer customers to these posters when they need to cut off service. These posters are likely to be more effective if implemented with other policies such as responsible beverage service training.
- **Legal penalties of underage possession or consumption of alcohol.** Although most young people probably know that it is illegal to purchase, possess or consume alcohol, they still attempt to and are often successful in purchasing it. 1-4 Posters that inform underage youth of the legal consequences of

purchasing, possessing and consuming alcohol may deter them from attempting to obtain alcohol. The posters are likely to be more effective when they are reinforced by policies requiring servers and sellers to check all customers' age identification and attend a responsible beverage service training program. (see [checking age identification](#) and [responsible beverage service training](#))

- **Establishment policies regarding checking age identification.** These posters can serve two important purposes. First, they can remind salesclerks to check the age identification of all young-appearing customers. Second, they may dissuade underage youth from illegally attempting to purchase alcohol. These posters will likely be more effective if they are combined with community policies such as compliance checks, internal merchant policies such as secret shopper programs, and an administrative penalties ordinance. (see [compliance checks](#) and [administrative penalties](#)).
- **Risks associated with alcohol consumption during pregnancy.** The link between alcohol consumption and fetal alcohol syndrome (FAS) has been confirmed by research and accepted by the medical community. Posters that provide information about alcohol and birth defects may be an important component of a nation-wide public education effort to reduce FAS and other birth defects.
- **Risks of consuming alcohol while taking certain medications and/or prior to driving motor vehicles and operating heavy machinery.** Many people may not be unaware that certain medications, when taken with alcohol, can have adverse health effects. Posters that advise people to consult their physicians when combining drugs and alcohol may increase awareness of dangerous combinations and may motivate them to consult a healthcare provider. Posters that warn people about the risks and legal penalties of drinking and driving may deter some people from engaging in this very risky behavior.

### **Considerations for passing a warning poster ordinance in your community**

**ISSUE:** Alcohol establishments may oppose warning poster policies because of the expense of creating and/or purchasing appropriate posters.

**RESPONSE:** *Warning poster legislation can include provisions that require the governing body (state, county, or municipal) provide posters at no cost to alcohol establishments. In addition, posters are available through numerous sources such as state health departments, various non-profit organizations, and the alcohol industry. See "Additional resources" section below.*

**ISSUE:** Concentrating on efforts to enact an alcohol warning poster ordinance may detract energy and attention from efforts to pass policies that are more likely to be effective in reducing youth access to alcohol and reducing sales to obviously intoxicated customers.

**RESPONSE:** *Some community groups (alcohol merchants, governing officials, neighborhood groups, etc.) may support warning posters because they are generally not controversial. In some cases, pursuing a warning poster ordinance may be used by community groups to avoid pursuing or supporting other policies. While warning posters*

are useful, they should not be considered a "stand-alone" policy because their effectiveness is likely limited.

**ISSUE:** Community groups may oppose warning posters because of their limited effectiveness in changing alcohol-related behaviors.

**RESPONSE:** *When considering the role of warning posters in changing alcohol-related behaviors, it is important to have appropriate expectations about their effectiveness. Warning posters alone may not change alcohol-related behaviors (consumption, sales, providing), but they may be effective in increasing individuals' knowledge and beliefs about the consequences of these behaviors. Warning posters in alcohol establishments provide this information where it is likely to be seen by potential alcohol users and purchasers.*

### Considerations for implementation

- **An ordinance should include plans on how posters are disseminated.** Responsibility for obtaining and disseminating the posters should be assigned to a particular group, such as a state, county, or local health department, the police department or sheriff's office.
- **An ordinance should include a mechanism for enforcement.** There are various options for enforcing a warning poster policy. Police could check establishments during periodic visits or compliance checks. Community volunteers could check establishments for posters and report non-compliant establishments to enforcement authorities. Alcohol licensees could also be required to demonstrate their compliance when they renew their alcohol licenses.

### How warning posters fit into a larger context

Warning posters play an important role in informing individuals of various health and legal risks associated with alcohol consumption, purchase and provision but they are more likely to deter people from illegal or unsafe alcohol use when they are used in conjunction with other policies (see specific examples and links above).

### What other communities have done

As of 1996, alcohol warning signs were required by law in Alaska, Arizona, California, Delaware, Florida, Georgia, Illinois, Kentucky, Minnesota, Nebraska, New Jersey, New Mexico, New York, South Dakota, Utah, and Washington. [5](#)

In Arizona, the state ordinance passed in 1992 mandates that all establishments that sell alcohol have warning posters about how alcohol consumption during pregnancy can cause birth defects. One year after the law was in place, a study showed that awareness of the sign and memory of the warning message increased, as well as some evidence that the warning sign led to more accurate beliefs about maternal alcohol consumption and birth defects. [6](#)

**Additional resources:**

The Century Council (provides posters, decals, buttons, and stickers that discourage underage alcohol sales and purchase)

Washington, DC

202-637-0077

<http://www.centurycouncil.org>

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