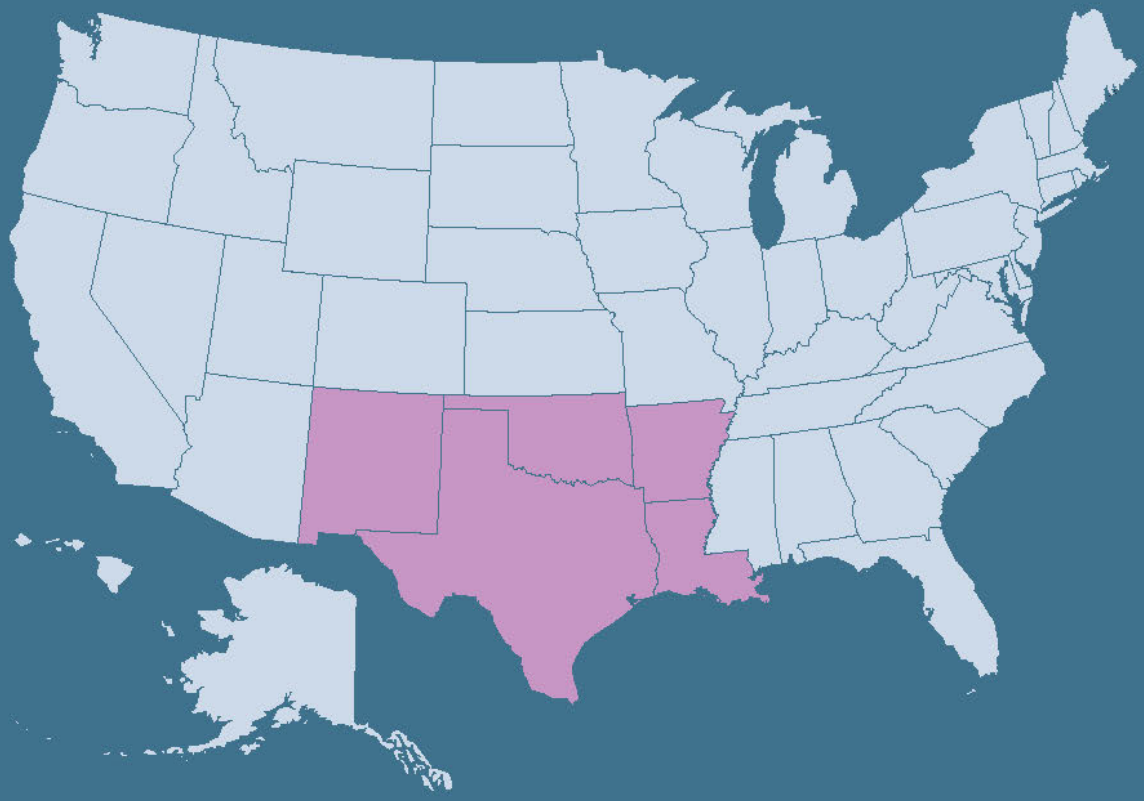
Region 6

STATE REPORTS

Underage Drinking Prevention and Enforcement

2020



SAMHSA
Substance Abuse and Mental Health Services Administration

State Reports – Underage Drinking Prevention and Enforcement: Region 6 includes a report on each state in the region. These *State Reports* are required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report "on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking." As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

In 2020, the *State Reports* for each of the ten HHS regions are being published together. For more information about the Substance Abuse and Mental Health Services Administration's (SAMHSA's) efforts in each HHS region, go to https://www.samhsa.gov/about-us/who-we-are/regional-administrators.

Time Period Covered by these *State Reports*: These *State Reports* primarily include data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

Source of Data: For each state, overall population information was taken from 2010 Census data. Data about the portion of each state's population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA's Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ's Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention's Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis's Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

Recommended Citation: U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). *State Reports – Underage Drinking Prevention and Enforcement: Region 6.* Rockville, MD: SAMHSA.

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Contents: Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas)

As mandated by the STOP Act, the following state reports for Arkansas, Louisiana, New Mexico, Oklahoma, and Texas detail each state's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

A **regional profile** showing combined data on underage drinking is provided on the next page.

Each state report contains:

A. State population and underage alcohol consumption data;

B. Summary of the state's behavioral health and substance use prevention, treatment, and recovery systems, including expenditures for substance abuse prevention and treatment;

C. State laws and policies: These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

(1) Laws addressing minors in possession of alcohol;

(2) Laws targeting underage drinking and driving;

(3) Laws targeting alcohol suppliers; and

(4) Laws affecting alcohol pricing.

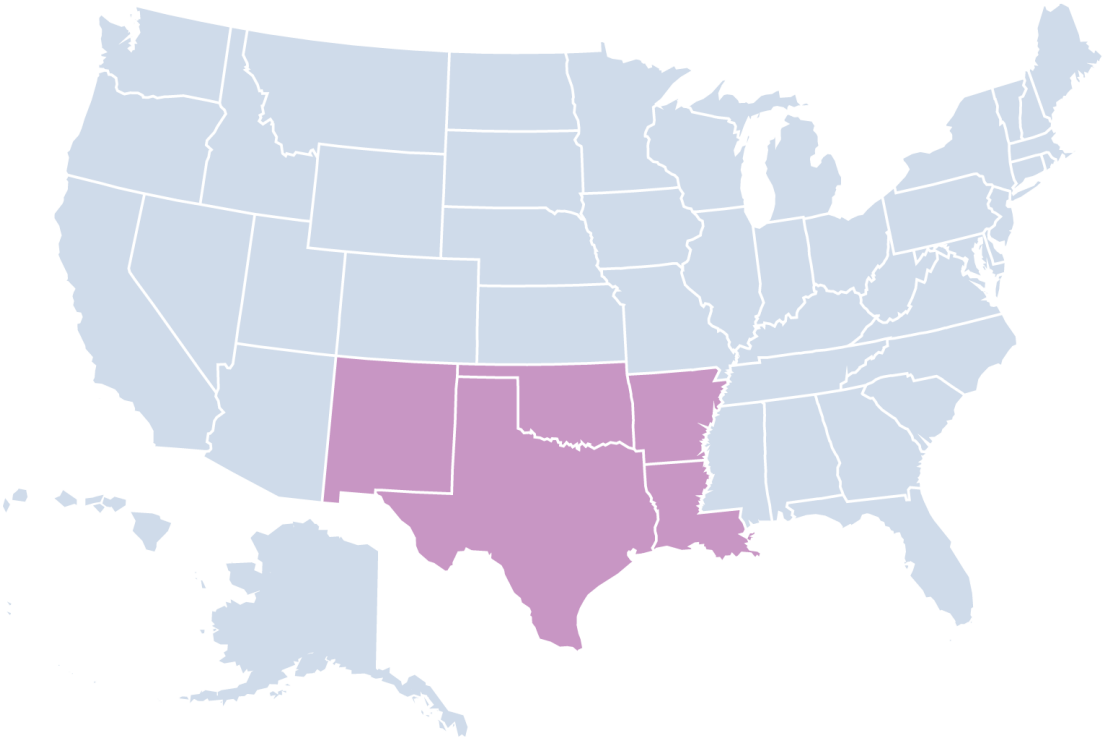
D. STOP Act State Survey data: The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

(1) Enforcement programs to promote compliance with underage drinking laws and regulations;

(2) Programs targeted to youth, parents, and caregivers to deter underage drinking;

(3) State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns; and

(4) State expenditures on the prevention of underage drinking.



Region 6

Region Population: 42,012,142

Population Ages 12–20: 5,247,400

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
Past-Month Alcohol Use – Number (Percentage)	920,400 (17.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	545,300 (10.4%)

Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	657
Years of Potential Life Lost (under 21)	39,858

Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Content (BAC) > 0.01%[1]	
Number of Fatalities Involving a 15- to 20-Year-Old Driver With BAC > 0.01	90
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	43%

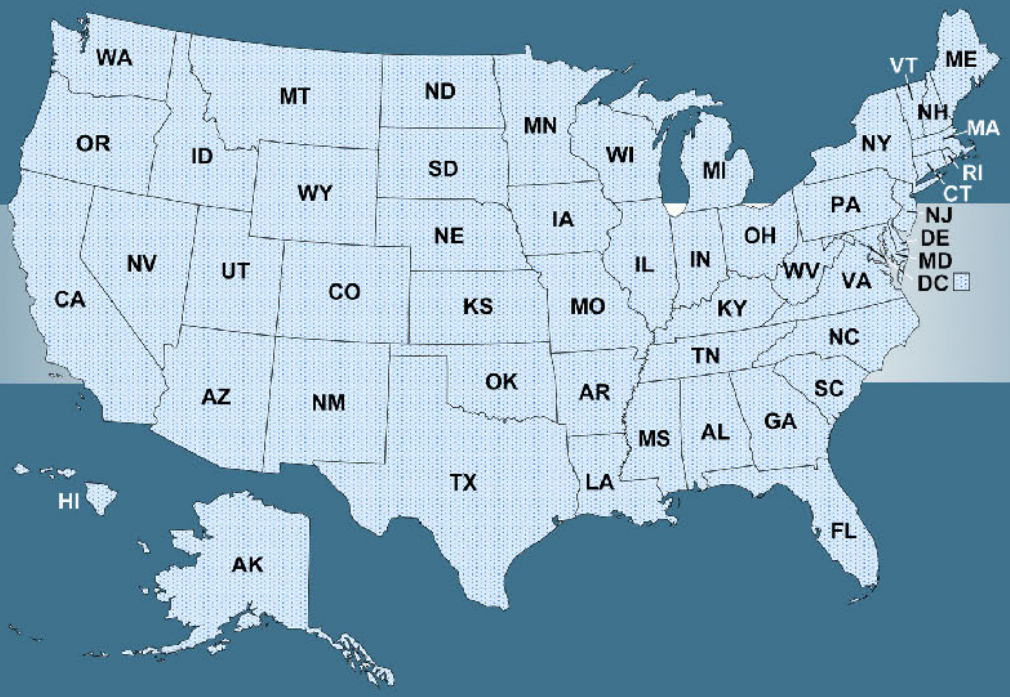
[1] Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

SAMHSA
Substance Abuse and Mental Health
Services Administration

ARKANSAS STATE REPORT

Underage Drinking Prevention and Enforcement

2020



SAMHSA
Substance Abuse and Mental Health Services Administration

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Time Period Covered by this *State Report*: This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

Source of Data: For each state, overall population information was taken from 2010 Census data. Data about the portion of each state's population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA's Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ's Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention's Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis's Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

Recommended Citation: U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). 2020 *Arkansas State Report – Underage Drinking Prevention and Enforcement.* Rockville, MD: SAMHSA.

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Arkansas

State Population: 3,013,825

Population Ages 12–20: 354,100

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	53,500 (15.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	36,100 (10.2%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	3,500 (3.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	1,000 (0.9%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	17,000 (13.6%)
Past-Month Binge Alcohol Use – Number (Percentage)	11,400 (9.1%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	33,000 (28.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	23,700 (20.2%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	55
Years of Potential Life Lost (under 21)	3,309
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01%[1]	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	18
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	28%

[1] Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

Behavioral Health Treatment System[2]

The Division of Aging, Adult, and Behavioral Health Services (DAABHS) is Arkansas' Single State Agency (SSA) for Behavioral Health Treatment including both public mental health services and public alcohol and drug abuse prevention and treatment services. DAABHS is part of the Department of Human Services (DHS), an umbrella agency that includes nine Divisions responsible for providing social, health, and human services, including those for the developmentally disabled, the elderly, adjudicated youth, and at-risk children and families. Also within DHS is the state's Medicaid Authority agency, the Division of Medical Services (DMS). The Director of DHS is appointed by the Governor and sits on the Governor's cabinet. The Director of DHS, with staff and stakeholder input, appoints the Director of DAABHS.

The provision of block grant-funded substance abuse services is facilitated through eight contracts with treatment providers and 13 contracted prevention providers covering the state. The DAABHS fulfills its responsibility for the provision of public mental health services by operating the 222-bed Arkansas State Hospital (ASH) and the 290-bed Arkansas Health Center (AHC) skilled nursing facility; by contracting with 13 local, private, nonprofit Community Mental Health Centers (CMHCs); and by certifying two private, nonprofit specialty CMHCs. Each provider of behavioral health services is expected to assess the diversity of their region and population served. Based on this assessment, providers are expected to assure that staff are trained on specific treatment needs, cultural and ethnic differences, and disparities.

DAABHS is responsible for administering a comprehensive and coordinated program for the prevention and treatment of alcohol and drug abuse in Arkansas. As the Single State Authority, DAABHS distributes federal funds from the Substance Abuse Prevention and Treatment Block Grant (SABG). DAABHS provides oversight for 53 treatment providers, with eight of those funded by DAABHS to provide substance use disorder prevention, treatment, and recovery services throughout the state. All contracted substance abuse providers in Arkansas are nationally accredited. This is a requirement of the contract and of the licensure standards.

Substance abuse treatment services span a continuum that includes detoxification, residential treatment, outpatient treatment, and education. Current specialized programs include those for methadone maintenance and treatment for women with children. DAABHS operates with a policy and philosophy that the most effective services are community-based and community-supported. In support of that, DAABHS contracts with local programs to provide services for residents in all 75 counties in Arkansas.

State Prevention System

The Arkansas Prevention System currently consists of 13 Regional Prevention Providers (RPP). The system serves as a statewide infrastructure for providing resource support necessary to promote capacity development at the local level. The RPP represents DAABHS in forming a statewide infrastructure to develop knowledge, skills, and abilities within communities to address

[2] Extracted from fiscal year (FY) 2018/2019 – (Arkansas) State Behavioral Health Assessment and Plan, SABG, Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

substance abuse prevention needs. RPP representatives must make progress towards the accomplishment of the state prevention plan and support the requirements of the federal funding source. The primary focus of the RPP will be to build substance abuse prevention capacity within the region and communities to address their own issues and to address the National Outcome Measures (NOMS). The secondary focus will be to assist with the statewide prevention infrastructure for promoting and increasing behavioral health prevention across the lifespan. Capacity will be built through raising community awareness and promoting media campaigns; conducting public presentations, information dissemination, prevention education/ training; alternative activities; community-based process, environmental approaches; problem identification and referral; and the use of the Strategic Prevention Framework five-step planning process.

Behavioral Health Care: Children and Youth

DAABHS also ensures behavioral health care is available to children and youth throughout the state. Outpatient behavioral health services are available through certified community providers and as such, must comply with state requirements that meet nationally accepted standards for delivering services. DAABHS recognizes that to successfully treat children and youth, their family and community involvement is essential. To support this belief, DHS has supported System of Care (SOC) initiatives for more than seven years.

DBHS was awarded a Substance Abuse and Mental Health Services Administration (SAMHSA) grant called the System of Care Implementation and Expansion Grant in October 2014 to September 2019. The purpose of this grant is to provide funding to build capacity in workforce development, continuing education, resource development, and technical assistance to professionals and family members. Many successes have been accomplished through this grant to date. Some of those include development of curricula, trainings, and certifications for Family Support Partners, Youth Support Partners, and Infant and Early Childhood clinicians.

Expenditures for Substance Abuse Prevention and Treatment

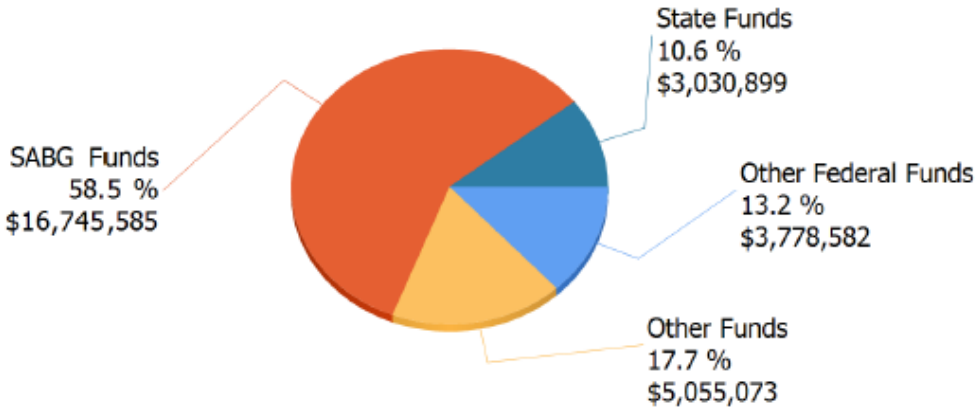
All states receive federal funds for substance abuse prevention through SABG funds administered by SAMHSA. Exhibit 1 shows the sources that Arkansas used for expenditures on substance abuse prevention and treatment in 2019. As indicated, SABG funds and other funds account for the largest sources (58.5 percent and 17.7 percent, respectively).[3]

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018–2019, Arkansas designated reducing alcohol use among youth, adults, and the military as priority number six for use of SABG funds.[4]

[3] WebBGAS State Profile, 2019 SABG and MHBG Reports – Arkansas 2019.

[4] FY 2018/2019 – (Arkansas) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

Exhibit 1: Sources of Arkansas' 2019 Expenditures for Substance Abuse Prevention and Treatment



State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Arkansas' performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures:

State Laws and Policies: These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
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3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	No
• Is possession allowed if spouse is present or consents?	No
Is there an exception based on location?	No

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	N/A
• Is consumption allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A
Notes: Although Arkansas previously prohibited alcohol in the body of a minor from being deemed to be in his or her possession, beginning on July 27, 2011, Arkansas law has provided that intoxicating liquor, wine, or beer in the body of a minor will be deemed to be in his or her possession. See Ark. Code Ann. § 3-3-203(a)(2). Laws that prohibit minors from having alcohol in their bodies, but which do so without reference to a blood, breath, or urine test, are not considered as prohibiting Internal Possession as defined by APIS.	

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	Yes

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	Yes
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	Yes
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No

Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	No
• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	N/A
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	N/A
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	Yes
Notes: In Arkansas, the prohibition against attempted use of a false ID for purchasing alcoholic beverages applies to persons less than 21 years of age. Prior to July 31, 2007, the denial of driving privileges as a penalty for violating this prohibition only applied to persons less than 18 years of age. This denial is through a judicial process. Beginning on July 31, 2007, Arkansas added an administrative suspension process for those between 18 to 21 years of age to whom the judicial process does not apply. Under Ark. Code Ann. § 5-27-503(b), a seller's detention of a person under 21 for use of false identification "shall not include a physical detention."	

Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)–For Ages 18-20	
Is there a "use/lose" law that suspends or revokes a minor's driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	Yes
• Possession of alcohol	Yes
• Consumption of alcohol	No
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	60
Maximum number of days	60

Graduated Driver's Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	14

What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	0
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	11:00 PM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes, officer may stop driver for night driving violation
Are there restrictions on passengers?	Yes, no unrelated minor passengers in the motor vehicle unless the driver is accompanied by a licensed driver who is 21 years of age or older.
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes, officer may stop driver for passenger restrictions violation
License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	18

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	Yes
• Is furnishing allowed if the spouse supplies the alcohol?	Yes
Is there an exception based on location?	No
Affirmative Defense for Sellers and Licensees	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No
Notes: Arkansas' statute regarding furnishing alcohol to any person under 21 years old includes an exception for "family" members but does not specify which family members. APIS interprets the phrase “family” as including a spouse.	

Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	No data
What is the minimum age a decoy may be to participate in a compliance check?	N/A
What is the maximum age a decoy may be to participate in a compliance check?	N/A
Are there appearance requirements for the decoy?	N/A
Does decoy carry ID during compliance check?	N/A

May decoy verbally exaggerate his or her actual age?	N/A
Is decoy training mandated, recommended, prohibited, or not specified?	N/A

Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	1 year
What is the penalty for the first offense?	$200 to $500
What is the penalty for the second offense?	$400 to $1,000
What is the penalty for the third offense?	$600 to $1,500
What is the penalty for the fourth offense?	Not specified

Responsible Beverage Service (RBS)–Voluntary	
Is there a state law pertaining to Beverage Service Training?	Yes–Voluntary
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	No
• Discounts in dram shop liability insurance, license fees, or other	No
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	Yes
• Protection against license revocation for sales to minors or sales to intoxicated persons	No
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Both
Does the RBS law apply to new or existing licensees?	Both

Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	18
Wine	18
Spirits	21
Does a manager or supervisor have to be present?	No

Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	19
Wine	19
Spirits	19
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	21

Wine	21
Spirits	21
Does a manager or supervisor have to be present?	No

Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 1000 feet.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	Wine, Spirits
Notes: There is an exception for small farm wine retail off-premises permit-holders.	

Dram Shop Liability	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	No
Does common law dram shop liability exist?	No

Social Host Liability	
Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	No

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	Yes
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	General
What action by underage guest triggers a violation?	Consumption
Property type covered by the law?	Residential/Outdoor/Other
What level of knowledge by the host is required?	Knowledge: Host must have actual knowledge of party
Does host's preventive action protect him/her from being held liable?	No
Are there any exceptions for underage guests?	Yes – Family members

Notes: Arkansas's social host provision applies only to a person who is present and in control of the private property at the time the consumption occurs.

Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	Yes
Must the common carrier (deliverer) verify age of recipients?	No
State approval/permit requirements	
Must the producer/manufacturer obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	No
Recording/reporting requirements	
Must the producer/manufacturer record/report purchaser's name?	Yes
Must the common carrier (deliverer) record/report recipient's name?	No
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes
Notes: For purchases at wineries other than small farm wineries (production is 250,000 gallons per year or less), the consumer must be physically present at the winery.	

Keg Registration	
How is a keg defined (in gallons)?	More than 5.00
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	Yes (Maximum fine/jail, $1,000/90 days)
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	Yes (Maximum fine/jail, $1,000/90 days)
What purchaser information is collected?	
Must the retailer collect the name and address?	Yes
Must the retailer collect the ID number, name and address on license or other government information?	Yes
Must the retailer collect the address at which keg will be consumed?	No
Must warning information be given to purchaser?	Yes, active (requires an action by purchaser)

Is a deposit required?	Yes, $75.00
Does law cover disposable kegs?	No

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	No
Wine	No
Spirits	No

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

Laws Affecting Alcohol Pricing

Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	$0.24
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	1.00%
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	1.00%
Additional taxes for 3.2 – 6% alcohol beer if applicable	
Wine	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	$0.75
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	

Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	3.00%
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	3.00%
Additional taxes for 6 – 14% alcohol wine if applicable	
Spirits	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	$2.50
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	14.00%
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	14.00%
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	3.00%
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	3.00%
Additional taxes for 15 – 50% alcohol spirits if applicable	$1.00 per gallon for alcohol content of less than 26.25% but more than 6.25%.

Low-Price, High-Volume Drink Specials	
Are on-premises retailers prohibited from offering the following types of drink specials?	

Free beverages	Yes
Multiple servings at one time	No
Multiple servings for same price as single serving	Yes
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	Yes
Increased volume without increase in price	No

Wholesaler Pricing Restrictions	
Beer	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
Wine	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
Spirits	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No

Arkansas State Survey Responses

State Agency Information	
Agency with primary responsibility for enforcing underage drinking laws:	
Arkansas Alcoholic Beverage Control Enforcement	
Enforcement Strategies	
State law enforcement agencies use:	
Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	Yes
Local law enforcement agencies use:	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	Yes
State has a program to investigate and enforce direct sales/shipment laws	No
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Not applicable
Such laws are also enforced by local law enforcement agencies	Not applicable
Enforcement Statistics	
State collects data on the number of minors found in possession	No
Number of minors found in possession[1] by state law enforcement agencies	Not applicable
Number pertains to the 12 months ending	Not applicable
Data include arrests/citations issued by local law enforcement agencies	Not applicable
State conducts underage compliance checks/decoy operations[2] to determine whether alcohol retailers are complying with laws prohibiting sales to minors	Yes
Data are collected on these activities	Yes
Number of retail licensees in state[3]	Approximately 4,524
Number of licensees checked for compliance by state agencies **(including random checks)**	4,021
Number of licensees that failed state compliance checks	554 (13.8%)
Numbers pertain to the 12 months ending	12/31/2018
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
*State conducts **random** underage compliance checks/decoy operations*	Yes
Number of licensees subject to **random** state compliance checks/decoy operations	4,021
Number of licensees that failed **random** state compliance checks	554 (13.8%)
Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors	Don't know/No answer
Data are collected on these activities	Don't know/No answer
Number of licensees checked for compliance by local agencies	Not applicable
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Sanctions	
State collects data on fines imposed on retail establishments that furnish to minors	Yes
Number of fines imposed by the state[4]	624
Total amount in fines across all licensees	$373,650
Smallest fine imposed	$500
Largest fine imposed	$3,000
Numbers pertain to the 12 months ending	12/31/2018

State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors	Yes
Number of suspensions imposed by the state[5]	2
Total days of suspensions across all licensees	13
Shortest period of suspension imposed (in days)	6 days (3 consecutive weekends)
Longest period of suspension imposed (in days)	7 days
Numbers pertain to the 12 months ending	12/31/2018
State collects data on license revocations imposed on retail establishments specifically for furnishing to minors	Yes
Number of license revocations imposed[6]	0
Numbers pertain to the 12 months ending	12/31/2018

Additional Clarification

All compliance checks are random. The agents are to do compliance checks on all outlets.

[1] Or having consumed or purchased per state statutes.
[2] Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.
[3] Excluding special licenses such as temporary, seasonal, and common carrier licenses.
[4] Does not include fines imposed by local agencies.
[5] Does not include suspensions imposed by local agencies.
[6] Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State

Strategic Prevention Framework - Partnership for Success (SPF-PFS) Regional Lead Agencies

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	No data

Program Description: The Arkansas SPF-PFS directly benefits youth ages 8-20 who reside in all Arkansas counties. It specifically targets underage drinking and marijuana use. Each year, it is anticipated that the targeted population will be affected and/or reached through the implementation of the proposed strategies. The program addresses the availability of and access to alcohol by empowering youth to build coalitions. The SPF-PFS grant program is intended to prevent the onset of substance abuse and reduce the progression of substance abuse and its related problems, while strengthening prevention capacity and infrastructure at the state, tribal, and community levels. Additionally, the SPF-PFS grant program seeks to address behavioral health disparities among racial and ethnic minorities and other populations by encouraging the implementation of strategies to decrease the differences in access, service use, and outcomes among the populations served.

Strategic Prevention Framework - Partnership for Success (SPF-PFS)

Number of youth served	53,582
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	No data
URL for more program information:	No data

Program Description: The Arkansas SPF-PFS directly benefits youth ages 12-25 who reside in counties with high prevalence rates of substance abuse. It specifically targets underage drinking and prescription drug abuse and misuse. Each year, it is anticipated that at least 85 percent of the targeted population will be affected and/or

reached through the implementation of the proposed strategies. The program addresses the availability of and access to alcohol by increasing the enforcement of existing laws for merchants who sell to youth and for people who provide alcohol to underage youth. Additionally, prevention services work to reduce community tolerance (including parents) for underage drinking. The inclusion of youth-led prevention activities builds the capacities and skills of youth and promotes healthy communities and social norms against underage drinking. These activities continue SPF State Incentive Grant (SIG) efforts to increase awareness in schools and communities, while also address prescription drug abuse and misuse.

Substance Abuse Block Grant

Number of youth served	26,554
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	No data

Program Description: The Substance Abuse Block Grant not only impacts youth under the age of 21, but also promotes healthy lifestyles across the entire lifespan of an individual. Funds from this grant are disbursed to regional prevention providers in each of Arkansas' 13 regions.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

Program description: No data

Additional Clarification

No data

Additional Information Related to Underage Drinking Prevention Programs

State collaborates with federally recognized tribal governments in the prevention of underage drinking	No
Description of collaboration: Not applicable	
State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing	Yes
Description of program: Arkansas received the SPF-PFS grant from SAMHSA to address two main target areas: 1) prevention of underage drinking among individuals ages 12-20, and 2) prevention of prescription drug misuse and abuse among individuals ages 12-25. The Division of Aging, Adult, & Behavioral Health Services (DAABHS) granted funds to 28 subrecipient communities and agencies throughout the 13 prevention regions of Arkansas. The majority of PFS communities target underage drinking prevention. PFS grantees participate in a statewide media campaign to increase awareness and include environmental strategies to reduce exposure to alcohol advertising and marketing. Grantees are also encouraged to work with the Alcohol and Tobacco Control Board to conduct compliance checks and ensure that the marketing of such products are within the limitations they have set.	
State collaborates with/participates in media campaigns to prevent underage drinking	Yes
Federal campaigns:	No
Regional and local media campaigns: DAABHS, UA Little Rock, MidSOUTH	Yes
Local school district efforts:	No
Other: AFMC	Yes
State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You."	Don't know/No answer
State officially endorses TTHY efforts	Not applicable
State commits state resources for TTHY	Not applicable
State forwards TTHY materials to local areas	Not applicable
Other:	Not applicable

State procures funding for TTHY	Not applicable
Pro bono	Not applicable
Donated air time	Not applicable
Earned media	Not applicable
Other:	Not applicable
State has adopted or developed best practice standards for underage drinking prevention programs	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): SAMHSA	Yes
Agency(ies) within your state:	No
Nongovernmental agency(ies):	No
Other:	No

Best practice standards description: PFS grantees were Lead- and Seed-trained (an evidence-based program) by DAABHS in 2016. As a function of the PFS grant and through the efforts of AFMC, the State Epidemiological Outcomes Workgroup (SEOW) developed an Evidence-Based Workgroup (EBW) to determine Arkansas' best practice standards. In January 2017, the EBW began meeting to determine workgroup direction and needs. The EBW is focused on establishing best practice standards and will continue efforts to maintain these standards.

Additional Clarification

No data

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities	Yes

Committee contact information:

Name: Kent Thompson
Email: KThompson@afmc.org
Address: 1020 West 4th Street, Little Rock, AR 72201
Phone: 501-212-8622

Agencies/organizations represented on the committee:

UA Little Rock/ MidSOUTH
DAABHS
Arkansas Department of Health
University of Arkansas for Medical Sciences
State Drug Director's Office
Arkansas Head Start
Arkansas State University
Arkansas Children's Hospital
Arkansas Court System

A website or other public source exists to describe committee activities	Yes

URL or other means of access: https://afmc.org/services/provider-outreach/seow/

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years	Yes

Prepared by: DBHS, UA Little Rock MidSOUTH, Arkansas Drug Director's Office, AFMC
Plan can be accessed via: No data

State has prepared a report on preventing underage drinking in the last 3 years	Yes

Prepared by: AFMC
Report can be accessed via: https://afmc.org/health-care-professionals/behavioral-health/reports/

Additional Clarification

No data

State Expenditures for the Prevention of Underage Drinking

Compliance checks in retail outlets:	
Estimate of state funds expended	$59,606.69
Estimate based on the 12 months ending	12/31/2018
Checkpoints and saturation patrols:	
Estimate of state funds expended	$0
Estimate based on the 12 months ending	12/31/2018
Community-based programs to prevent underage drinking:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	12/31/2018
K–12 school-based programs to prevent underage drinking:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	12/31/2018
Programs targeted to institutes of higher learning:	
Estimate of state funds expended	$75,000
Estimate based on the 12 months ending	12/31/2018
Programs that target youth in the juvenile justice system:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	12/31/2018
Programs that target youth in the child welfare system:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Other programs:	
Programs or strategies included: Community-Based programs to prevent underage drinking	
Estimate of state funds expended:	$457,300
Estimate based on the 12 months ending:	06/30/2018

Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue streams:	
Taxes	No
Fines	No
Fees	No
Other: Not applicable	No
Description of funding streams and how they are used:	
Not applicable	

Additional Clarification

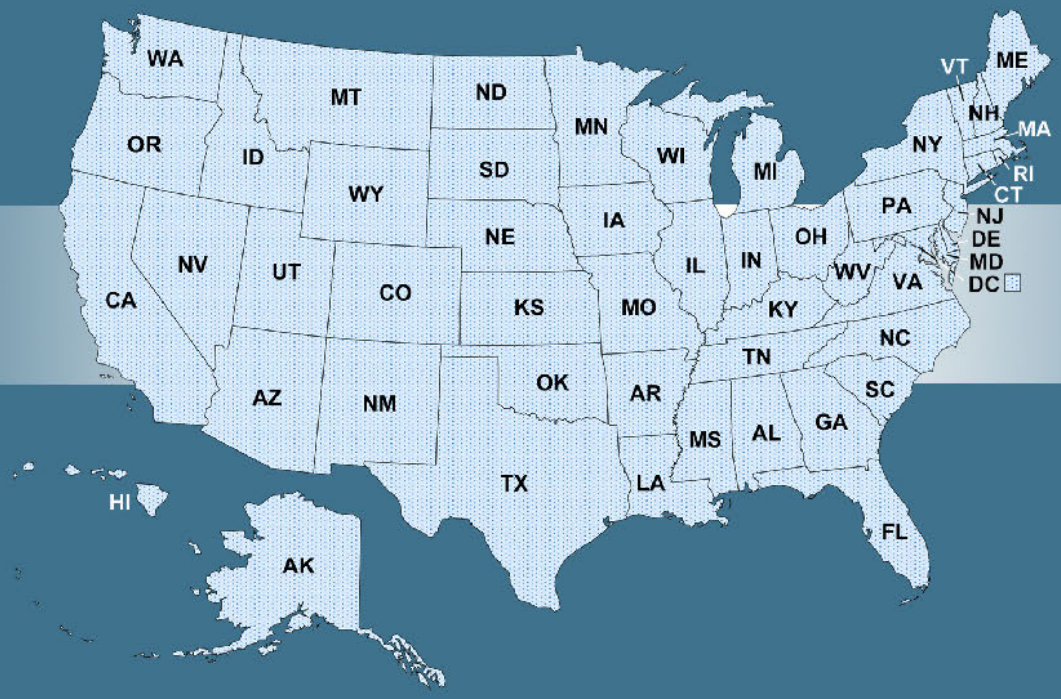
No data

SAMHSA
Substance Abuse and Mental Health
Services Administration

LOUISIANA STATE REPORT

Underage Drinking Prevention and Enforcement

2020



SAMHSA
Substance Abuse and Mental Health Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report "on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking." As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

Time Period Covered by this *State Report*: This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

Source of Data: For each state, overall population information was taken from 2010 Census data. Data about the portion of each state's population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA's Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ's Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention's Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis's Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

Recommended Citation: U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). 2020 *Louisiana State Report – Underage Drinking Prevention and Enforcement.* Rockville, MD: SAMHSA.

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Louisiana

State Population: 4,659,978

Population Ages 12–20: 548,300

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	130,100 (23.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	79,900 (14.6%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	5,300 (3.0%)
Past-Month Binge Alcohol Use – Number (Percentage)	3,200 (1.8%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	40,200 (21.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	21,800 (11.8%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	84,500 (46.0%)
Past-Month Binge Alcohol Use – Number (Percentage)	54,900 (29.9%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	113
Years of Potential Life Lost (under 21)	6,832
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01%[1]	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	11
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	13%

[1] Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

Behavioral Health System Overview[2]

The Office of Behavioral Health (OBH) is the state program office within the Louisiana Department of Health (LDH) responsible for managing the delivery of services and supports necessary to improve the quality of life for citizens with mental illness and substance use or addictive disorders. OBH was created by Act 384 of the 2009 Legislative Session which directed the consolidation of the offices of addictive disorders and mental health into OBH effective July 1, 2010, in order to streamline services and better address the needs of people with co-occurring mental illness and addictive disorders. LDH's work in implementing Act 384 was guided by stakeholders and leaders in the behavioral health field from across Louisiana who participated in the OBH Implementation Advisory Committee.

The mission of OBH is to work collaboratively with partners to develop and implement a comprehensive integrated system of behavioral health and healthcare, social support, and prevention services that promote recovery and resilience for all citizens of Louisiana. OBH assures public behavioral health services are accessible, family-driven, have a positive impact, are culturally and clinically competent, and are delivered in partnership with all stakeholders.

Local governing entities (LGEs), classified as either a district or authority, have a contractual agreement with LDH. The LGEs are local umbrella agencies that administer the state-funded mental health, substance-related and addictive disorders, and developmental disability services in an integrated system within their localities. Since it is based on local control and authority, the LGE model affords opportunity for greater accountability and responsiveness to local communities. Each LGE is administered by an executive director who reports to a local governing board of directors of community and consumer volunteers. All LGEs remain part of the LDH departmental organizational structure, but not in a direct reporting line with OBH.

Substance Use Disorder System

OBH recognizes the impact of substance use disorders (SUDs) on Louisiana's individuals, families, and communities, and strives to enhance policies, regulations, and protocols to reduce the prevalence of SUDs. OBH will focus on several priority areas to achieve this goal. These include enhancement of Medication Assisted Treatment (MAT) services, treatment capacity for pregnant women, reduction of prescription drug/opioid overdose-related deaths, increased use of early Screening, Brief Interventions and Referral to Treatment (SBIRT) including pregnant women, and development of residential treatment programs for pregnant women and children at risk of Neonatal Abstinence Syndrome (NAS).

[2] Extracted from fiscal year (FY) 2018/2019 – (Louisiana) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

Prevention System

The criteria that OBH Prevention Services uses for establishing primary prevention priorities requires that state epidemiological data support the decision to fund a given intervention. Only programs that are evidence-based and on a federally recognized register or have been presented in a peer-reviewed journal with good results, are considered. Further, there must be statistically significant outcomes achieved with a sufficient sample in the program research to yield a reliable evaluation.

The rationale for prioritizing primary prevention programs in Louisiana is to address fundamental substance abuse-related issues in the state. The basis for judging the most pressing needs in Louisiana are found in the data. For instance, LifeSkills Training, Kids Don't Gamble…Wanna Bet?, and Second Step account for 71 percent of all enrollees in state fiscal year (SFY) 2016. The proven outcomes for these programs are centered around alcohol, tobacco, family relationships, drugs, social functioning, crime, and violence. These programs have outcomes that address substance-abuse related problems in Louisiana as revealed by data. Three of these data sources are the 2014 and 2016 Caring Communities Youth Survey (CCYS), the 2015 and 2017 CORE Alcohol and Drug Survey (both funded by OBH), and the State Epidemiology Workgroup (SEW) online data system.

Examples of prevention services targeted toward children and youth include:

- The Strengthening Families Program, which is an evidence-based, family-focused curriculum for children ages 6 to 12 and their caregivers that is implemented in the community to enhance parent-child relationships by strengthening problem-solving, decision-making, and communication skills.
- Summer youth programs sponsored through partnerships with local agencies such as YMCAs and Arts Councils.
- Youth groups using environmental strategies to reduce tobacco and alcohol use among youth.
- The Families in Focus program, which is an in-home family life skills program that addresses seven life coping skills and allows families to gain control of their lives by working with facilitators in a non-therapeutic environment.
- The Parent Education Program, which is designed for parents of children of all ages to assist them in developing new ideas and practicing new techniques to improve relationships with their children by addressing behavior problems, discipline, communication, and conflict resolution.
- SafeTALK suicide prevention trainings.

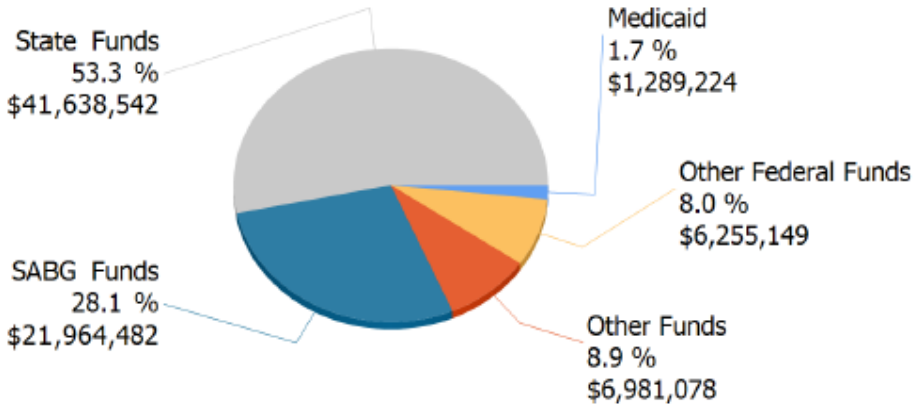
Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through Substance Abuse Prevention and Treatment Block Grant (SABG) funds, administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that Louisiana used for expenditures on substance abuse prevention and treatment in 2019. As indicated, state

funds and SABG funds account for the largest sources (53.3 percent and 28.1 percent, respectively).[3]

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018–2019, Louisiana designated preventing the onset and reducing the progression of substance use among 12- to 17-year-olds and others as priority number three for use of SABG funds.[4]

Exhibit 1: Sources of Louisiana's 2019 Expenditures for Substance Abuse Prevention and Treatment



[3] WebBGAS State Profile, 2019 SABG and Community Mental Health Block Grant (MHBG) Reports – Louisiana 2019.

[4] FY 2018/2019 – (Louisiana) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Louisiana's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

State Laws and Policies: These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

STOP Act State Survey Data: The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	Yes
• Is possession allowed if spouse is present or consents?	Yes
Is there an exception based on location?	Yes, in any private residence

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	Yes
• Is consumption allowed if the spouse is present or consents?	Yes
Is there an exception based on location?	Yes, in any private residence

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes

• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	Yes
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No
Notes: In Louisiana, beginning January 1, 2000, and thereafter, special identification cards issued to applicants less than twenty-one years of age shall contain a highly visible distinctive color to clearly indicate that the card has been issued to an applicant less than twenty-one years of age. Special identification cards are to be accepted as valid identification of the person to whom it was issued but does not enable the person to whom it is issued to operate a motor vehicle. La. Rev. Stat. Ann. § 40:1321.	

Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)	
Is there a "use/lose" law that suspends or revokes a minor's driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	Yes
• Possession of alcohol	Yes
• Consumption of alcohol	Yes
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	90
Maximum number of days	365
Notes: In Louisiana, a person between the ages of 13 and 18 years old who is adjudicated delinquent of a crime or offense involving alcohol shall lose his or her driving privileges for not less than 90 days but not more than 1 year or until he or she has reached the age of 18 years, whichever is longer.	

Graduated Driver's Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15

What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians or adults before advancing to intermediate stage?	50 (15 of which must be at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	11:00 PM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes, officer may stop driver for night driving violation
Are there restrictions on passengers?	Yes, no more than one passenger under 21 who is not an immediate family member between the hours of 6:00 PM and 5:00 AM, unless accompanied by a licensed driver at least 21 years old
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes, officer may stop driver for passenger restrictions violation
License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	17

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	Yes
• Is furnishing allowed if the spouse supplies the alcohol?	Yes
Is there an exception based on location?	No
Affirmative Defense for Sellers and Licensees	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	No data
What is the maximum age a decoy may be to participate in a compliance check?	No data
Are there appearance requirements for the decoy?	No data
Does decoy carry ID during compliance check?	No data
May decoy verbally exaggerate his or her actual age?	Prohibited

Is decoy training mandated, recommended, prohibited, or not specified?	No data

Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	3 years
What is the penalty for the first offense?	Not less than $50 but no more than $500
What is the penalty for the second offense?	Not less than $250 but no more than $1000
What is the penalty for the third offense?	Not less than $500 but no more than $2,500
What is the penalty for the fourth offense?	Not specified

Responsible Beverage Service (RBS)–Mandatory	
Is there a state law pertaining to Beverage Service Training?	Yes–Mandatory
If training is mandatory, who must participate?	Managers, Servers/Sellers
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	N/A
• Discounts in dram shop liability insurance, license fees, or other	N/A
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	N/A
• Protection against license revocation for sales to minors or sales to intoxicated persons	N/A
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Both
Does the RBS law apply to new or existing licensees?	Both

Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	None
Wine	None
Spirits	None
Does a manager or supervisor have to be present?	Yes

Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18
Wine	18
Spirits	18

What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present?	No

Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
Notes: Louisiana allows for localities to control outlet siting with a minimum of a 300-foot restriction.	

Dram Shop Liability	
Does a statute create dram shop liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law dram shop liability exist?	Yes

Social Host Liability	
Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	Yes

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	No law
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	N/A
What action by underage guest triggers a violation?	N/A
Property type covered by the law?	N/A
What level of knowledge by the host is required?	N/A

Does host's preventive action protect him/her from being held liable?	N/A
Are there any exceptions for underage guests?	N/A

Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Permitted
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	Yes
State approval/permit requirements	
Must the producer/manufacturer obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	Yes
Recording/reporting requirements	
Must the producer/manufacturer record/report purchaser's name?	Yes
Must the common carrier (deliverer) record/report recipient's name?	Yes
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes

Keg Registration	
How is a keg defined (in gallons)?	Equal to or more than 4.00
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No
What purchaser information is collected?	
Must the retailer collect the name and address?	Yes
Must the retailer collect the ID number, name and address on license or other government information?	Yes
Must the retailer collect the address at which keg will be consumed?	No

Must warning information be given to purchaser?	Yes, active (requires an action by purchaser)
Is a deposit required?	No
Does law cover disposable kegs?	No

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	No law
Wine	Yes (No more than 144 [750ml] bottles per year per person per household.)
Spirits	No law

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

Laws Affecting Alcohol Pricing

Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	$0.40
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	

Wine	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	$0.76
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	$0.40 per gallon for alcohol content of 6% or less.
Spirits	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	$3.03
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No

• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	

Low-Price, High-Volume Drink Specials	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No
Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	Yes
Increased volume without increase in price	No
Notes: On-premises retailers may not offer an unlimited number of drinks for a fixed price after 10 PM	

Wholesaler Pricing Restrictions	
Beer	
Are volume discounts to retailers allowed?	Banned
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
Wine	
Are volume discounts to retailers allowed?	Banned
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (15 days)
Spirits	
Are volume discounts to retailers allowed?	Banned
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (15 days)
Notes: The banning of volume discounts has been held to be a valid exercise of the police power of the state to regulate the sale of alcoholic beverages. See Manuel vs. State Office of Alcohol and Tobacco Control, 2007-1620 (La. App. 3 Cir. 4/30/08), 982 So.2d 316, writ denied, 2008-1061 (La. 8/29/08) 989 So.2d 107; La. Atty. Gen. Op. No. 09-0135 (2009).	

Louisiana State Survey Responses

State Agency Information	
Agency with primary responsibility for enforcing underage drinking laws:	
Louisiana Office of Alcohol and Tobacco Control	
Enforcement Strategies	
State law enforcement agencies use:	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	No
Local law enforcement agencies use:	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	No
State has a program to investigate and enforce direct sales/shipment laws	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Louisiana Office of Alcohol and Tobacco Control
Such laws are also enforced by local law enforcement agencies	Don't know
Enforcement Statistics	
State collects data on the number of minors found in possession	Yes
Number of minors found in possession[1] by state law enforcement agencies	24
Number pertains to the 12 months ending	06/30/2018
Data include arrests/citations issued by local law enforcement agencies	No
State conducts underage compliance checks/decoy operations[2] to determine whether alcohol retailers are complying with laws prohibiting sales to minors	Yes
Data are collected on these activities	Yes
Number of retail licensees in state[3]	Approximately 7,250
Number of licensees checked for compliance by state agencies **(including random checks)**	8,357
Number of licensees that failed state compliance checks	658
Numbers pertain to the 12 months ending	06/30/2018
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
*State conducts **random** underage compliance checks/decoy operations*	Don't know
Number of licensees subject to **random** state compliance checks/decoy operations	Not applicable
Number of licensees that failed **random** state compliance checks	Not applicable
Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors	Yes
Data are collected on these activities	No
Number of licensees checked for compliance by local agencies	Not applicable
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Sanctions	
State collects data on fines imposed on retail establishments that furnish to minors	Yes
Number of fines imposed by the state[4]	No data
Total amount in fines across all licensees	$596,650.50
Smallest fine imposed	No data
Largest fine imposed	No data

Numbers pertain to the 12 months ending	06/30/2018
State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors	Don't know
Number of suspensions imposed by the state[5]	Not applicable
Total days of suspensions across all licensees	Not applicable
Shortest period of suspension imposed (in days)	Not applicable
Longest period of suspension imposed (in days)	Not applicable
Numbers pertain to the 12 months ending	Not applicable
State collects data on license revocations imposed on retail establishments specifically for furnishing to minors	No
Number of license revocations imposed[6]	Not applicable
Numbers pertain to the 12 months ending	Not applicable

Additional Clarification

No data

[1] Or having consumed or purchased per state statutes.
[2] Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.
[3] Excluding special licenses such as temporary, seasonal, and common carrier licenses.
[4] Does not include fines imposed by local agencies.
[5] Does not include suspensions imposed by local agencies.
[6] Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State

Project Northland

Number of youth served	4,577 youth in grades 6-8
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes

URL for evaluation report: For further information, contact Leslie.BroughamFreeman@la.gov

URL for more program information: http://www.hazelden.org/web/go/projectnorthland

Program Description: Project Northland is a multilevel intervention involving students, peers, parents, and communities in programs designed to 1) delay the age at which adolescents begin drinking, 2) reduce alcohol use among those already drinking, and 3) limit the number of alcohol-related problems among young drinkers. Administered weekly to adolescents in grades 6–8, the program has a specific theme within each grade level that is incorporated into the parent, peer, and community components. The 6th-grade home-based program targets communication about adolescent alcohol use through student/parent homework assignments, in-class group discussions, and a community-wide task force. The 7th-grade peer- and teacher-led curriculum focuses on resistance skills and normative expectations regarding teen alcohol use and is implemented through discussions, games, problem-solving tasks, and role plays. During the first half of the 8th-grade curriculum, students learn about community dynamics related to alcohol use prevention through small-group and interactive classroom activities as part of the Powerlines peer-led program. During the second half, they work on community-based projects and hold a mock town meeting to make community policy recommendations to prevent teen alcohol use.

Protecting You/Protecting Me

Number of youth served	1,620 youth in grades 1-5, 11, and 12
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes

Evaluation report is available Yes
URL for evaluation report: For further information, contact Leslie.BroughamFreeman@la.gov
URL for more program information: https://www.childtrends.org/programs/protecting-youprotecting-me-pypm/

Program Description: Protecting You/Protecting Me (PY/PM) is a 5-year classroom-based alcohol use prevention and vehicle safety program for elementary school students in grades 1–5 (ages 6–11) and high school students in grades 11 and 12. The program aims to reduce alcohol-related injuries and death among children and youth due to underage alcohol use and riding in vehicles with drivers who are not alcohol free. PY/PM consists of a series of 40 science- and health-based lessons, with 8 lessons per year for grades 1–5. All lessons are correlated with educational achievement objectives. PY/PM lessons and activities focus on teaching children about:

1. The brain—how it continues to develop throughout childhood and adolescence, what alcohol does to the developing brain, and why it is important for children to protect their brains.
2. Vehicle safety, particularly what children can do to protect themselves if they have to ride with someone who is not alcohol free.
3. Life skills, including decision-making, stress management, media awareness, resistance strategies, and communication.

Weekly lessons last 20–25 minutes or 45–50 minutes, depending on the grade level. A variety of activities promote students' ownership of the information and reinforce the skills taught during each lesson. Parent take-home activities are offered for all 40 lessons. PY/PM's interactive and effective teaching strategies include role-playing; small group and classroom discussions; and reading, writing, storytelling, art, and music. The curriculum can be taught by school staff or prevention specialists. PY/PM also has a high school component for students in grades 11 and 12. The youth-led implementation model involves delivery of the PY/PM curriculum to elementary students by trained high school students who are enrolled in a peer mentoring, family and consumer science, or leadership course for credit. The program's benefits to high school students are derived from learning about the brain and how alcohol use can affect adolescents, serving as role models to the elementary school participants, and taking coursework in preparation for delivering the curriculum.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

Program description: The state funds only 2 programs (Project Northland and Protecting You/Protecting Me) that are specific to underage drinking. The state funds additional prevention programs that are broader in scope as they address alcohol, tobacco, and other drugs. From July 1, 2017, to June 30, 2018, these additional programs served 80,885 youth and adults across the state and are listed below:

Life Skills Training

Kids Don't Gamble…Wanna Bet?

Second Step

Coping Skills

Too Good for Drugs

Al's Pals

Positive Action

Project Alert

Project Toward No Tobacco Use

Strengthening Families

Insight Class Program

Parenting Wisely

Additional Clarification

No data

Additional Information Related to Underage Drinking Prevention Programs	
State collaborates with federally recognized tribal governments in the prevention of underage drinking	No
Description of collaboration: Not applicable	
State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing	No
Description of program: Not applicable	
State collaborates with/participates in media campaigns to prevent underage drinking	No
Federal campaigns:	Not applicable
Regional and local media campaigns:	Not applicable
Local school district efforts:	Not applicable
Other:	Not applicable
State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You."	Not applicable
State officially endorses TTHY efforts	Not applicable
State commits state resources for TTHY	Not applicable
State forwards TTHY materials to local areas	Not applicable
Other:	Not applicable
State procures funding for TTHY	Not applicable
Pro bono	Not applicable
Donated air time	Not applicable
Earned media	Not applicable
Other:	Not applicable
State has adopted or developed best practice standards for underage drinking prevention programs	No
Agencies/organizations that established best practices standards:	
Federal agency(ies):	Not applicable
Agency(ies) within your state:	Not applicable
Nongovernmental agency(ies):	Not applicable
Other:	Not applicable
Best practice standards description: Not applicable	

Additional Clarification

The Office of Behavioral Health has a federal discretionary grant that addresses underage drinking in 10 high-need communities. Supported activities include Alcohol Compliance Checks, Sticker Shock Campaigns, Talk. They Hear You., and other public awareness messaging.

State Interagency Collaboration	
A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities	Yes
Committee contact information:	
Name: Kristy Miller	
Email: Kristy.Miller@la.gov	
Address: 628 North 4th Street, Baton Rouge, LA 70802	
Phone: 225-342-5753 or 225-219-9479	
Agencies/organizations represented on the committee:	
Office of the Governor, Drug Policy Board	
LA Department of Health, Office of Behavioral Health	
LA Highway Safety Commission	
LA State Police	
LA Attorney General	
LA Army National Guard	
LA Commission on Law Enforcement	

LA Office of Juvenile Justice
LA Sheriff's Association
Hispanic Community Representatives
Office of the Governor, Elderly Affairs
Historically Black Colleges and Universities
Private organizations involved in substance abuse prevention
LA Center Addressing Substance Use in Collegiate Communities
LA State University School of Public Health
LDH Office of Public Health
LA Department of Public Safety and Corrections
LA Addictive Disorders Regulatory Authority
Mothers Against Drunk Driving
LA District Attorney's Association
LA Department of Veteran Affairs
LA Children's Cabinet
Office of the Governor, Disability Affairs
Supreme Court Drug Court Program
State Epidemiology Workgroup

A website or other public source exists to describe committee activities	No
URL or other means of access: Not applicable	

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years	Yes
Prepared by: Prevention Systems Committee (sub-committee of LA Drug Policy Board), Action Plans Specific to Alcohol	
Plan can be accessed via: No data	
State has prepared a report on preventing underage drinking in the last 3 years	No
Prepared by: Not applicable	
Report can be accessed via: Not applicable	

Additional Clarification

No data

State Expenditures for the Prevention of Underage Drinking

Compliance checks in retail outlets:	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
Checkpoints and saturation patrols:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Community-based programs to prevent underage drinking:	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
K–12 school-based programs to prevent underage drinking:	
Estimate of state funds expended	See comments below
Estimate based on the 12 months ending	06/30/2018
Programs targeted to institutes of higher learning:	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
Programs that target youth in the juvenile justice system:	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data

Programs that target youth in the child welfare system:	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
Other programs:	
Programs or strategies included: No data	
Estimate of state funds expended:	No data
Estimate based on the 12 months ending:	No data

Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue streams:	
Taxes	No data
Fines	No data
Fees	No data
Other: No data	No data
Description of funding streams and how they are used:	
No data	

Additional Clarification

OBH utilizes the Prevention portion (20% set-aside) from Louisiana's Substance Abuse Prevention and Treatment (SAPT) Block Grant to fund K-12 school-based programs to prevent underage drinking. A total of $321,100.00 of the SAPT Block Grant were used to fund Project Northland and Protecting You/Protecting Me from July 1, 2017 - June 30, 2018.

SAMHSA
Substance Abuse and Mental Health
Services Administration

NEW MEXICO STATE REPORT

Underage Drinking Prevention and Enforcement

2020

DEPARTMENT OF HEALTH & HUMAN SERVICES·USA

SAMHSA
Substance Abuse and Mental Health Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report "on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking." As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

Time Period Covered by this *State Report*: This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

Source of Data: For each state, overall population information was taken from 2010 Census data. Data about the portion of each state's population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA's Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ's Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention's Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis's Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

Recommended Citation: U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). 2020 *New Mexico State Report – Underage Drinking Prevention and Enforcement.* Rockville, MD: SAMHSA.

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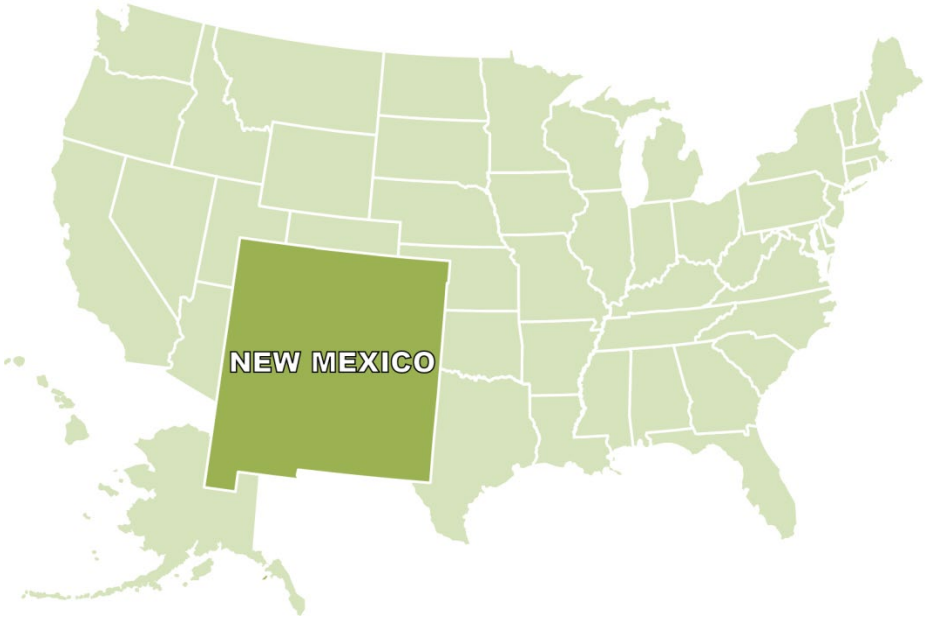


New Mexico

State Population: 2,095,428

Population Ages 12–20: 245,600

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	51,500 (21.0%)
Past-Month Binge Alcohol Use – Number (Percentage)	30,900 (12.6%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	2,700 (3.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	2,600 (3.0%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	15,700 (19.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	7,800 (9.7%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	33,100 (41.4%)
Past-Month Binge Alcohol Use – Number (Percentage)	20,500 (25.7%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	46
Years of Potential Life Lost (under 21)	2,794
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01%[1]	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	13
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	29%

[1] Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

Behavioral Health System Overview[2]

The New Mexico Behavioral Health Collaborative (Collaborative), which was formerly known as the Behavioral Health Purchasing Collaborative, brings together 13 state agency directors and Cabinet Secretaries to facilitate interagency efforts and oversee the state behavioral health system from various perspectives. The agencies span many areas of government, including: Medicaid, Veterans Affairs, Indian Affairs, Health, Children, Youth and Families, Rehabilitation, Education, Developmental Disabilities, Corrections, and others. During the July 2015 meeting of the Collaborative, criteria for severe emotional disturbance (SED) and serious mental illness (SMI) were adopted.

The Behavioral Health Services Division of the Human Services Department (BHSD) provides staff support to the Collaborative and manages grant-funded direct contracts with providers. Dr. Wayne W. Lindstrom is the State Mental Health Authority (SMHA) and the State Substance Abuse Authority (SSA), and also functions as the Chief Executive Officer of the Collaborative and the Director of BHSD. The state's Medicaid 1115 managed care waiver program, Centennial Care, has contracts with four managed care organizations (MCOs) and one fee-for-service administrator for Medicaid-funded behavioral health services: MCOs are Blue Cross/Blue Shield, Molina, Presbyterian, and United. Fee-for-service providers are managed by Xerox.

Core Service Agencies (CSA) coordinate care and provide essential services to children, youth, and adults who have serious mental illness, severe emotional disturbance, or dependence on alcohol or drugs. CSAs are multiservice community mental health centers (CMHC) and federally qualified health centers (FQHC) that help to bridge treatment gaps in the child and adult treatment systems, promote the appropriate level of service intensity for consumers with complex behavioral health service needs, ensure that community support services are integrated into treatment, and develop the capacity for clients to have a single point of accountability for identifying and coordinating their behavioral health, physical health, and other social services. New Mexico has designated CSAs to provide basic mental health and substance abuse services in all areas of the state. New Mexico has designated 23 CSAs for services to adults and 23 for services to children and youth.

Initially, 15 regional local collaboratives (LCs) were established in New Mexico to bring the local perspective on needs and resources of local communities. Many LC members are voting members of the Behavioral Health Planning Council (BHPC) subcommittees. They also advocate for and advise on local needs and resources and provide a conduit for communications between state-level planning and local efforts.

LCs formed the local collaborative alliance (LCA) that represents consumers, providers, family members and other interested individuals. The LCA's mission is to support the active participation of the communities of New Mexico regarding behavioral health services and to forge a relationship between the Behavioral Health Collaborative and the local communities to enhance and protect their voice by providing and creating continuity.

[2] Extracted from fiscal year (FY) 2018/2019 – (New Mexico) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

Prevention Services

The Office of Substance Abuse Prevention (OSAP) operates under the direction of the BHSD. OSAP manages a comprehensive substance abuse prevention services system through the promotion of sound policy, effective practice, and cooperative partnerships to ensure the availability of quality prevention. It is committed to the implementation of evidence-based prevention programs and infrastructure development activities. OSAP provides the infrastructure and support to funded prevention providers in selecting and implementing policies, programs, and practices proven to be effective by training all new contractors on the Strategic Prevention Framework (SPF) process (developing a needs assessment, capacity, a strategic plan, an implementation plan, and an evaluation plan) with a coalition-based focus prior to implementing prevention activities. To this end, OSAP seeks to build the capacity of local prevention providers to deliver effective prevention services aimed at reducing alcohol, prescription drug, opioid, tobacco, and other drug abuse.

All OSAP projects must address at least two of the following indicators to reduce:

- Underage drinking
- Binge drinking for youth and adults
- DWI for youth and adults
- Prescription drug use and misuse for youth and adults
- Opioid overdose death
- Illicit drug use for youth and adults
- Tobacco use for youth and adults

Expenditures for Substance Abuse Prevention and Treatment

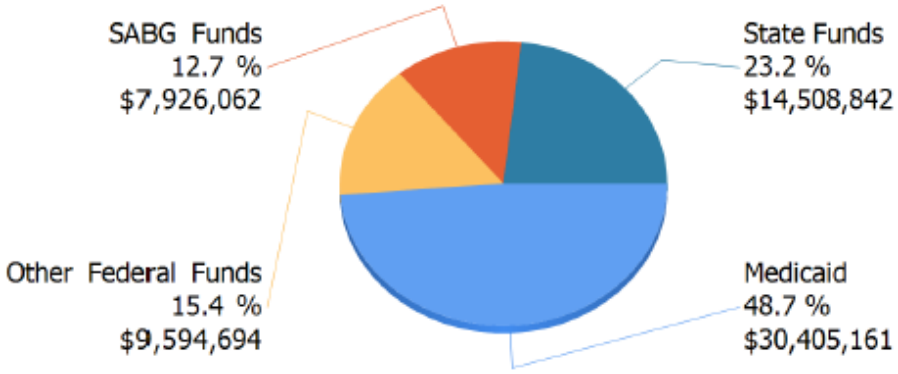
All states receive federal funds for substance abuse prevention through Substance Abuse Prevention and Treatment Block Grant (SABG) funds administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that New Mexico used for expenditures on substance abuse prevention and treatment in 2019. As indicated, Medicaid funds and state funds account for the largest sources (48.7 percent and 23.2 percent, respectively).[3]

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018—2019, New Mexico designated the reduction of binge drinking and underage drinking as the number one priority for use of SABG funds.[4]

[3] WebBGAS State Profile, 2019 SABG and Community Mental Health Block Grant (MHBG) Reports– New Mexico 2019.

[4] FY 2018/2019 – (New Mexico) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

Exhibit 1: Sources of New Mexico's 2019 Expenditures for Substance Abuse Prevention and Treatment



State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details New Mexico's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

State Laws and Policies: These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

STOP Act State Survey Data: The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	Yes, in specified locations – see below
• Is possession allowed if spouse is present or consents?	Yes, in specified locations – see below
Is there an exception based on location?	Yes, in any private location if parent/guardian/spouse is present or consents
Notes: In New Mexico beginning July 1, 2004, possession of alcoholic beverages by a person under 21 is specifically allowed when "a parent, legal guardian or adult spouse of a minor serves alcoholic beverages to that minor on real property, other than licensed premises, under the control of the parent, legal guardian or adult spouse."	

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	N/A
• Is consumption allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	No
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	Yes
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	

Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes
• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	Yes
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No

Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)	
Is there a "use/lose" law that suspends or revokes a minor's driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	Yes
• Possession of alcohol	Yes
• Consumption of alcohol	No
The law applies to people under what age?	18
Is suspension or revocation mandatory or discretionary?	Discretionary
What is the length of suspension/revocation?	
Minimum number of days	90
Maximum number of days	90

Graduated Driver's Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6

What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	50 (10 of which must be at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	15 years, 6 months
For night driving, when does adult supervision requirement begin?	12:00 AM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes, officer may stop driver for night driving violation
Are there restrictions on passengers?	Yes, no more than one passenger under 21 who is not an immediate family member
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes, officer may stop driver for passenger restrictions violation
License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	16 years, 6 months

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	Yes, in specified locations
• Is furnishing allowed if the spouse supplies the alcohol?	Yes, in specified locations
Is there an exception based on location?	Yes, in any private location if parent/guardian/spouse supplies alcohol
Affirmative Defense for Sellers and Licensees	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No
Notes: In New Mexico beginning July 1, 2004, furnishing of alcoholic beverages to a person under 21 is specifically allowed when "a parent, legal guardian or adult spouse of a minor serves alcoholic beverages to that minor on real property, other than licensed premises, under the control of the parent, legal guardian or adult spouse," or when "alcoholic beverages are used in the practice of religious beliefs." See N.M. Stat. Ann. § 60-7B-1(B).	

Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	No data
What is the minimum age a decoy may be to participate in a compliance check?	N/A
What is the maximum age a decoy may be to participate in a compliance check?	N/A
Are there appearance requirements for the decoy?	N/A
Does decoy carry ID during compliance check?	N/A

May decoy verbally exaggerate his or her actual age?	N/A
Is decoy training mandated, recommended, prohibited, or not specified?	N/A

Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	1 year
What is the penalty for the first offense?	$1,000 - $,2000 fine and 1-day license suspension
What is the penalty for the second offense?	$2,000 - $3,000 fine and 7-day license suspension or possible revocation if the licensee's citation history shows a pattern warranting revocation
What is the penalty for the third offense?	$10,000 fine and license revocation
What is the penalty for the fourth offense?	Not specified
Notes: Affirmative defenses provided.	

Responsible Beverage Service (RBS)–Mandatory	
Is there a state law pertaining to Beverage Service Training?	Yes–Mandatory
If training is mandatory, who must participate?	Managers, Servers/Sellers
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	N/A
• Discounts in dram shop liability insurance, license fees, or other	N/A
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	N/A
• Protection against license revocation for sales to minors or sales to intoxicated persons	N/A
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Both
Does the RBS law apply to new or existing licensees?	Both

Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	21
Wine	21
Spirits	21
Does a manager or supervisor have to be present?	No

Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	19
Wine	19
Spirits	19

What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	21
Wine	21
Spirits	21
Does a manager or supervisor have to be present?	No

Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 300 feet. Local government has authority to override state restrictions.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 300 feet. Local government has authority to override state restrictions.
To which alcohol products does requirement apply?	Beer, Wine, Spirits
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 300 feet. Local government has authority to override state restrictions.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 300 feet. Local government has authority to override state restrictions.
To which alcohol products does requirement apply?	Beer, Wine, Spirits

Dram Shop Liability	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	No
Does common law dram shop liability exist?	No
Notes: Limitations on damages in N.M. Stat. Ann. § 41-11-1(I) held unconstitutional by the New Mexico Supreme Court. Trujillo v. City of Albuquerque.	

Social Host Liability	
Does a statute create social host liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	Yes (Alcohol must be furnished recklessly in disregard of the rights of others, including the social guest.)
Does common law social host liability exist?	No
Notes: Limitations on damages in N.M. Stat. Ann. § 41-11-1(I) held unconstitutional by the New Mexico Supreme Court. Trujillo v. City of Albuquerque.	

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	No law
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	N/A
What action by underage guest triggers a violation?	N/A
Property type covered by the law?	N/A
What level of knowledge by the host is required?	N/A
Does host's preventive action protect him/her from being held liable?	N/A
Are there any exceptions for underage guests?	N/A
Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Unclear
Spirits	Prohibited
Notes: An individual or licensee, except for a person holding a winery license, in a state which affords New Mexico licensees or individuals an equal reciprocal shipping privilege may ship, for personal use and not for resale, no more than two cases of wine (no more than nine liters each case) per month to any adult resident of the state. Delivery of a shipment pursuant to this section shall not be deemed to constitute a sale in this state. N. M. S. A. 1978, § 60-7A-3	

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	No
State approval/permit requirements	
Must the producer/manufacturer obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	Yes
Recording/reporting requirements	
Must the producer/manufacturer record/report purchaser's name?	No
Must the common carrier (deliverer) record/report recipient's name?	No
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes

Keg Registration	
How is a keg defined (in gallons)?	More than 6.00
Prohibitions	

Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No
What purchaser information is collected?	
Must the retailer collect the name and address?	Yes
Must the retailer collect the ID number, name and address on license or other government information?	Yes
Must the retailer collect the address at which keg will be consumed?	No
Must warning information be given to purchaser?	Yes, active (requires an action by purchaser)
Is a deposit required?	No
Does law cover disposable kegs?	No

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	No law
Wine	No law
Spirits	No law

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

Laws Affecting Alcohol Pricing

Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	$0.41
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A

If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
Wine	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	$1.70
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
Spirits	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	$6.06
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A

If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	

Low-Price, High-Volume Drink Specials	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No
Multiple servings for same price as single serving	Yes
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	Yes
Increased volume without increase in price	No

Wholesaler Pricing Restrictions	
Beer	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (30 days)
Wine	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (30 days)
Spirits	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (30 days)

New Mexico State Survey Responses

State Agency Information	
Agency with primary responsibility for enforcing underage drinking laws:	
New Mexico State Police, Investigations Bureau, Special Investigations Unit (NMSP/SIU) is the only agency with the authority to issue administrative (regulatory) citations; all New Mexico law enforcement officers can issue criminal citations and do so when warranted.	
Enforcement Strategies	
State law enforcement agencies use:	
Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	Yes
Local law enforcement agencies use:	
Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	Yes
State has a program to investigate and enforce direct sales/shipment laws	No
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Not applicable
Such laws are also enforced by local law enforcement agencies	Not applicable
Enforcement Statistics	
State collects data on the number of minors found in possession	Yes
Number of minors found in possession[1] by state law enforcement agencies	23
Number pertains to the 12 months ending	12/31/2018
Data include arrests/citations issued by local law enforcement agencies	No
State conducts underage compliance checks/decoy operations[2] to determine whether alcohol retailers are complying with laws prohibiting sales to minors	Yes
Data are collected on these activities	Yes
Number of retail licensees in state[3]	2,684
Number of licensees checked for compliance by state agencies **(including random checks)**	1,453
Number of licensees that failed state compliance checks	82
Numbers pertain to the 12 months ending	12/31/2018
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	On-sale establishments only
*State conducts **random** underage compliance checks/decoy operations*	Yes
Number of licensees subject to **random** state compliance checks/decoy operations	1,453
Number of licensees that failed **random** state compliance checks	82
Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors	Yes
Data are collected on these activities	No
Number of licensees checked for compliance by local agencies	Not applicable
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Sanctions	
State collects data on fines imposed on retail establishments that furnish to minors	Yes
Number of fines imposed by the state[4]	No data

Total amount in fines across all licensees	No data
Smallest fine imposed	No data
Largest fine imposed	No data
Numbers pertain to the 12 months ending	No data
State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors	Yes
Number of suspensions imposed by the state[5]	No data
Total days of suspensions across all licensees	No data
Shortest period of suspension imposed (in days)	No data
Longest period of suspension imposed (in days)	No data
Numbers pertain to the 12 months ending	No data
State collects data on license revocations imposed on retail establishments specifically for furnishing to minors	Yes
Number of license revocations imposed[6]	No data
Numbers pertain to the 12 months ending	No data

Additional Clarification

No data

[1] Or having consumed or purchased per state statutes.
[2] Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.
[3] Excluding special licenses such as temporary, seasonal, and common carrier licenses.
[4] Does not include fines imposed by local agencies.
[5] Does not include suspensions imposed by local agencies.
[6] Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State

Sandoval County Driving While Intoxicated Prevention Program (SCDWIPP)

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes

URL for evaluation report: karen.cheman@state.nm.us

URL for more program information: http://www.sandovalcountynm.gov/departments/community-services/dwi-and-prevention

Program Description: Sandoval County Driving While Intoxicated Prevention Program (SCDWIPP) is one of the 33 local DWI programs administered by the New Mexico Department of Finance and Administration (DFA) in Bernalillo, New Mexico. SCDWIPP delivers Dare To Be You to students in grades 6 through 8 and focuses on strengthening enforcement of school alcohol, tobacco, and other drug (ATOD) policies; increasing enforcement of ATOD laws and efforts; increasing perception of the risk of arrest for breaking those laws; reducing retail and social access of alcohol to youth; and educating the public and legislators about the benefits to increases in alcohol pricing and taxes.

Unified Prevention! (UP!) Coalition for a Drug-Free Dona Ana County

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes

URL for evaluation report: karen.cheman@state.nm.us

URL for more program information: http://swchi.org/unified-prevention-coalition-for-dona-ana-county/

Program Description: Unified Prevention! (UP!) Coalition for a Drug-Free Doña Ana County is a county-wide coalition based in Las Cruces, New Mexico that concentrates on preventing underage drinking among youth ages 12-20 and prescription drug abuse/misuse among youth ages 12-25. Prevention efforts include increased enforcement of alcohol-related laws and activities, reducing easy retail and social access of alcohol, increasing perception of risk of arrest for breaking alcohol-related laws, and reducing social access to prescription drugs by increasing safe storage and disposal.

Rocky Mountain Youth Corps (RMYC)

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes

URL for evaluation report: karen.cheman@state.nm.us

URL for more program information: http://www.youthcorps.org

Program Description: Rocky Mountain Youth Corps (RMYC) is a youth development organization in Taos, New Mexico that focuses on strengthening school ATOD policies; increasing enforcement of ATOD laws and activities; reducing retail and social access to alcohol; increasing perceived risk among youth of arrest for breaking those laws; and educating the public and legislators about the benefits to increases in alcohol pricing and taxes.

Youth Substance Abuse Prevention Coalition (YSAPC)

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes

URL for evaluation report: karen.cheman@state.nm.us

URL for more program information: http://swchi.org/youth-substance-abuse-prevention-coalition-of-grant-county/

Program Description: Youth Substance Abuse Prevention Coalition (YSAPC) is a youth-focused countywide coalition based in Silver City, New Mexico that focuses on preventing underage drinking among youth ages 12-20 and prescription drug abuse/misuse among youth ages 12-25. Alcohol prevention targets strengthening enforcement of school and college ATOD policies; increasing enforcement of alcohol-related laws and activities; and increasing perception of risk of arrest for breaking alcohol-related laws. Prescription drug abuse strategies focus on reducing social access through secure storage and disposal, reduced sharing, and increasing community awareness of prescription drug abuse harm.

Strategic Network of Advocates for the Prevention of Suicide & Substance Abuse (SNAPSSA)

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes

URL for evaluation report: karen.cheman@state.nm.us

URL for more program information: http://www.co.mckinley.nm.us/303/Community-Services

Program Description: Strategic Network of Advocates for the Prevention of Suicide & Substance Abuse (SNAPSSA) is a county-wide coalition based in Gallup, New Mexico that focuses on preventing underage drinking among youth ages 12-20 and prescription drug abuse/misuse among youth ages 12-25. Alcohol prevention targets strengthening enforcement of school ATOD policies; increased enforcement of alcohol-related laws and activities; and increased perception of risk of arrest for breaking alcohol-related laws. Prescription drug abuse strategies focus on reducing social access through secure storage and disposal, reducing sharing, and increasing community awareness of prescription drug abuse harm.

San Juan County Partnership (SJCP)

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes

URL for evaluation report: karen.cheman@state.nm.us
URL for more program information: https://sjcpartnership.org/

Program Description: San Juan County Partnership (SJCP) is a county-wide coalition based in Farmington, New Mexico that focuses on reducing binge drinking as well as drinking and driving among youth and adults in San Juan County. It also aims to reduce prescription drug and painkiller misuse among youth and adults. Environmental strategies include strengthening school ATOD policies; decreasing easy retail and social access to alcohol; increasing enforcement of ATOD laws and activities; restricting social access to prescription drugs through elderly consumers; educating the public about the dangers of prescription drug misuse; and increasing perception of risk of arrest for breaking ATOD laws.

The Club of Sierra County

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes

URL for evaluation report: karen.cheman@state.nm.us
URL for more program information:
http://www.appletreeeducation.org/index.php/bgcsc/

Program Description: The Club of Sierra County is a youth developmental organization based in Truth or Consequences, New Mexico that focuses on underage and binge drinking as well as painkiller abuse/misuse among youth and adults. Alcohol prevention targets increasing enforcement of alcohol-related laws and activities, strengthening school ATOD policies, and increasing perception of risk of arrest for breaking underage drinking laws. Prescription drug environmental strategies focus on reducing retail access to prescription drugs through medical providers and social access by increasing safe storage and disposal.

Socorro County Prevention Coalition

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes

URL for evaluation report: karen.cheman@state.nm.us
URL for more program information: http://www.socorrocountyprevention.com/

Program Description: Socorro County Prevention Coalition is a county-wide coalition based in Socorro, New Mexico that focuses on reducing underage drinking among youth ages 12-20 and reducing prescription drug abuse and painkiller misuse among youth and adults. Environmental strategies include increasing enforcement of alcohol-related laws and activities and strengthening enforcement of school ATOD policies. Prescription drug abuse environmental strategies concentrate on reducing social access through secure storage and disposal, reducing sharing, and increasing community awareness of prescription drug abuse harm

New Mexico Highlands University

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes

URL for evaluation report: karen.cheman@state.nm.us

URL for more program information: http://www.nmhu.edu/campus-life-2/hu-cares/hu-cares-staff/

Program Description: The San Miguel County Substance Abuse Prevention Coalition is housed by the New Mexico Highlands University in Las Vegas, New Mexico and covers all of San Miguel County. It focuses on reducing binge drinking and prescription painkiller abuse. Alcohol prevention targets stronger enforcement of alcohol-related laws and activities, strengthening school ATOD policies, and decreasing social access. Prescription drug abuse environmental strategies address restricting social access through secure storage and disposal, reducing sharing, and increasing community awareness of prescription drug abuse harm.

Partnership for a Healthy Torrance County

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes

URL for evaluation report: karen.cheman@state.nm.us

URL for more program information: http://www.torrancecountynm.org/boards-committees/partnership-for-a-healthy-torrance-county

Program Description: Partnership for a Healthy Torrance County is a county-wide coalition in Torrance County that focuses on underage drinking and binge drinking, as well as reducing misuse and abuse of prescription painkillers. Alcohol prevention targets increased enforcement of alcohol-related laws and activities, strengthening school ATOD policies, and increasing perception of risk of arrest for breaking underage drinking laws. Prescription drug abuse environmental strategies concentrate on restricting social access through secure storage and disposal, reducing sharing, and increasing community awareness of prescription drug abuse harm.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

Program description:

Mescalero Prevention Program

Mescalero Prevention Program is a tribal prevention coalition based in Mescalero, New Mexico that aims to reduce adult binge drinking and reduce youth prescription drug abuse. Alcohol prevention targets increasing enforcement of alcohol-related laws and activities, reducing retail access through merchant education and alcohol placement, and reducing social access through community education sessions on historical trauma. Cultural activities are also part of the program. Prescription drug abuse environmental strategies focus on increasing community awareness of prescription drug abuse harm, reducing retail and social access through secure storage and disposal, and reducing sharing. (https://mescaleroapachetribe.com/departments-programs/)

Kewa Family Wellness Center

Kewa Family Wellness Center is a tribal prevention coalition on the Santo Domingo Pueblo in New Mexico that focuses on adult binge drinking and adult DWI. Alcohol prevention strategies target strengthening enforcement of alcohol-related laws and activities, decreasing retail access through retail merchant education, reducing social access through community education sessions on historical trauma, and resilience training. (http://santodomingotribe.org/kewa-family-wellness-center/)

Native American Community Academy, Substance Abuse Prevention Office (NACA SAPO)

Native American Community Academy, Substance Abuse Prevention Office (NACA SAPO) is a school-based prevention program located in Albuquerque, New Mexico that focuses on reducing underage drinking and prescription drug misuse and abuse. Alcohol prevention strategies target reducing social access, increasing enforcement of alcohol-related laws and activities, increasing perception of risk, increasing community awareness of historical trauma, and resilience training. (http://nacaschool.org/what-we-teach/wellness-and-support-services/)

Curry County Office of Substance Abuse Prevention (OSAP)

Curry County Office of Substance Abuse Prevention (OSAP) is a county-wide coalition based in Clovis, New Mexico that focuses on reducing underage drinking and prescription drug misuse and abuse with environmental strategies.

Alcohol prevention targets increasing enforcement of alcohol-related laws and activities, increasing perception of risk of arrest for breaking underage drinking laws, strengthening school ATOD policies, and decreasing social access. Restricting social access through secure storage and disposal, reduced sharing, and increased community awareness of prescription drug abuse harm are the prescription drug abuse environmental strategies. (https://www.currycounty.org/services/substance-abuse-prevention/)

La Casa de Buena Salud

La Casa de Buena Salud is a county-wide coalition based in Roswell, New Mexico that focuses on reducing underage drinking and prescription drug misuse and abuse. Alcohol prevention targets increasing enforcement of alcohol-related laws and activities, strengthening school ATOD policies, and decreasing social access through environmental strategies. Prescription drug abuse environmental strategies concentrate on restricting social access through secure storage and disposal, reducing sharing, and increasing community awareness of prescription drug abuse harm. (https://www.lacasahealth.com/)

Future Foundations Family Center

Future Foundations Family Center is a county-wide coalition based in Grants, New Mexico that aims to reduce underage drinking and prescription drug misuse and abuse. Environmental strategies for alcohol prevention target increasing enforcement of alcohol-related laws and activities, increasing perception of risk of arrest for breaking underage drinking laws, strengthening school ATOD policies, and decreasing social access. Prescription drug abuse environmental strategies focus on restricting social access through secure storage and disposal, reducing sharing, and increasing community awareness of prescription drug abuse harm. (https://www.future-foundations.com/)

City of Portales

City of Portales is a county-wide coalition based in Portales, New Mexico that focuses on reducing underage drinking and prescription drug misuse and abuse. Alcohol prevention targets increasing enforcement of alcohol-related laws and activities, increasing perception of risk of arrest for breaking underage drinking laws, strengthening school ATOD policies, and decreasing social access. Prescription drug abuse methods target restricting social access through secure storage and disposal, reducing sharing, and increasing community awareness of prescription drug abuse harm. (https://www.portalesnm.gov/topic/index.php?topicid=54&structureid=14)

New Mexico Higher Education Prevention Consortium (NMHEPC)

New Mexico Higher Education Prevention Consortium (NMHEPC) is a group of five higher education institutional coalitions in New Mexico: The University of New Mexico, New Mexico State University, New Mexico Institute of Mining and Technology, San Juan College, and the Institute for American Indian Arts. NMHEPC is run by the University of New Mexico, Campus Office of Substance Abuse Prevention based in Albuquerque, New Mexico and focuses on reducing underage drinking and prescription drug misuse and abuse. Alcohol prevention targets increasing enforcement of alcohol-related laws and activities, increasing perception of risk of arrest for breaking underage drinking laws, strengthening school ATOD policies, and decreasing social access. Prescription drug abuse environmental strategies focus on restricting social access through secure storage and disposal, reducing sharing, and increasing community awareness of prescription drug abuse harm. (http://cosap.unm.edu/index.html)

New Mexico Tech Alcohol Safety and Awareness Program (NMT ASAP)

New Mexico Tech Alcohol Safety and Awareness Program (NMT ASAP) is a campus and surrounding area coalition based in Socorro, New Mexico that focuses on reducing underage drinking and prescription drug misuse and abuse through environmental strategies. Alcohol prevention strategies target strengthening school ATOD policies, decreasing social access through party patrols, publicizing law enforcement activities, and increasing awareness of fourth degree felonies. Prescription drug abuse strategies focus on educating students about the dangers, safe storage, and disposal of drugs and increasing community awareness of harm. (https://nmt.edu/asap/)

New Mexico State University Wellness, Alcohol, and Violence Education (NMSU WAVE)

New Mexico State University Wellness, Alcohol, and Violence Education (NMSU WAVE) is a campus and surrounding area coalition based in Las Cruces, New Mexico that focuses on reducing underage drinking and prescription drug misuse and abuse. Environmental strategies that target underage drinking are promoting and coordinating to get stronger enforcement of alcohol-related laws and activities, increasing perception of risk of arrest for breaking underage drinking laws, and strengthening school ATOD polices. Environmental strategies that

target prescription drug misuse and abuse are the creation of a provider guide on how to talk to patients about this topic and increased community awareness of the harms of prescription drugs. (https://wave.nmsu.edu/)

San Juan College Social Norms and Alcohol Prevention Program (SJC SNAPP)

San Juan College Social Norms and Alcohol Prevention Program (SJC SNAPP) is a campus and surrounding area coalition in Farmington, New Mexico that focuses on reducing underage drinking and prescription drug misuse and abuse. Strengthening school ATOD policy, increasing the perception of risk of arrest for breaking underage drinking laws, and raising awareness of the fourth-degree felony for providing alcohol to minors are the alcohol prevention environmental strategies. Prescription drug environmental strategies target educating students about the dangers of abusing and sharing prescription drugs and the importance of safe storage and disposal, as well as increasing community awareness of the harms of prescription drugs. (https://www.facebook.com/snapp.sjc/)

University of New Mexico Campus Office of Substance Abuse Prevention (UNM COSAP)

University of New Mexico Campus Office of Substance Abuse Prevention (UNM COSAP) is a campus and surrounding area coalition based in Albuquerque, New Mexico that focuses on reducing underage drinking and prescription drug misuse and abuse. The focus on strengthening enforcement of underage drinking-related laws, school ATOD policies, and reducing social access are the alcohol prevention environmental strategies. The prescription drug strategies target working with pharmacies to educate customers to reduce social access and increase community awareness of the harms of prescription drugs. (http://cosap.unm.edu/index.html)

Additional Clarification

No data

Additional Information Related to Underage Drinking Prevention Programs

State collaborates with federally recognized tribal governments in the prevention of underage drinking	Yes
Description of collaboration: The Office of Substance Abuse Prevention (OSAP) contracts with the Pueblo of Santo Domingo, the Mescalero Apache Tribe, and the Native American Community Academy in New Mexico to provide substance abuse prevention services to include prevention of underage drinking.	
State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing	No
Description of program: Not applicable	
State collaborates with/participates in media campaigns to prevent underage drinking	No
Federal campaigns:	Not applicable
Regional and local media campaigns:	Not applicable
Local school district efforts:	Not applicable
Other:	Not applicable
State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You."	Not applicable
State officially endorses TTHY efforts	Not applicable
State commits state resources for TTHY	Not applicable
State forwards TTHY materials to local areas	Not applicable
Other:	Not applicable
State procures funding for TTHY	Not applicable
Pro bono	Not applicable
Donated air time	Not applicable
Earned media	Not applicable
Other:	Not applicable
State has adopted or developed best practice standards for underage drinking prevention programs	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies):	No
Agency(ies) within your state: State Epidemiological Outcomes Workgroup (SEOW)	Yes
Nongovernmental agency(ies):	No
Other:	No

Best practice standards description: OSAP funds only evidence-based programs (EBPs) shown to be effective on lists that have been peer-reviewed or show evidence of effectiveness in New Mexico. OSAP works with the SEOW to identify and select EBPs eligible for substance abuse prevention, including underage drinking.

Additional Clarification

No data

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities	Yes
Committee contact information: Name: Karen Cheman Email: karen.cheman@state.nm.us Address: Office of Substance Abuse Prevention, Behavioral Health Services Division, Human Services Department, 37 Plaza la Prensa, Santa Fe, NM 87508 Phone: 505-476-9270	
Agencies/organizations represented on the committee: Office of Substance Abuse Prevention, Behavioral Health Services Division, Human Services Department Epidemiology and Response Division, Department of Health DWI Program, Department of Finance and Administration Children's Behavioral Health Services Division, Children, Youth, & Families Department Traffic Safety Division, Department of Transportation Pacific Institute for Research and Evaluation Office of School & Adolescent Health, Department of Health Tobacco Use Prevention and Control Program, Department of Health	
A website or other public source exists to describe committee activities	No
URL or other means of access: Not applicable	

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years	No
Prepared by: Not applicable Plan can be accessed via: Not applicable	
State has prepared a report on preventing underage drinking in the last 3 years	No
Prepared by: Not applicable Report can be accessed via: Not applicable	

Additional Clarification

No data

State Expenditures for the Prevention of Underage Drinking

Compliance checks in retail outlets:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Checkpoints and saturation patrols:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Community-based programs to prevent underage drinking:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
K–12 school-based programs to prevent underage drinking:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Programs targeted to institutes of higher learning:	

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Programs that target youth in the juvenile justice system:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Programs that target youth in the child welfare system:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Other programs:	
Programs or strategies included: Data not available	
Estimate of state funds expended:	Data not available
Estimate based on the 12 months ending:	Data not available

Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue streams:

Taxes	Yes
Fines	No
Fees	No
Other: Not Applicable	No

Description of funding streams and how they are used:

A portion (approximately 41 percent) of annual state alcohol excise tax revenue is allocated by statute to county-level local DWI prevention programs. County programs allocate these funds, in turn, to treatment, prevention, law enforcement, compliance monitoring, and other activities, of which prevention is a substantial portion. Of the funds allocated for prevention, roughly 60 percent are allocated for underage drinking prevention.

Additional Clarification

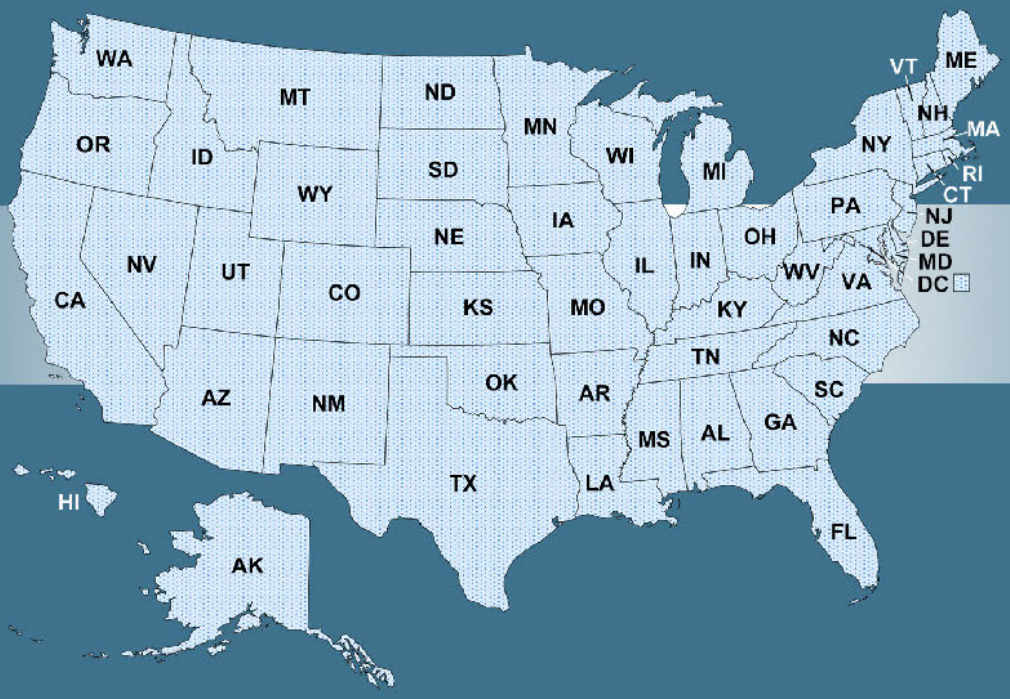
As it pertains to enforcement expenditures, NMSP/SIU does not receive state funding for the "prevention of underage drinking;" however, we maintain working relationships with various prevention groups throughout the state.

SAMHSA
Substance Abuse and Mental Health
Services Administration

OKLAHOMA STATE REPORT

Underage Drinking Prevention and Enforcement

2020



SAMHSA
Substance Abuse and Mental Health Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report "on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking." As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

Time Period Covered by this *State Report*: This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

Source of Data: For each state, overall population information was taken from 2010 Census data. Data about the portion of each state's population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA's Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ's Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention's Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis's Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

Recommended Citation: U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). 2020 *Oklahoma State Report – Underage Drinking Prevention and Enforcement.* Rockville, MD: SAMHSA.

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Oklahoma Governor's Designated Contact for STOP Act State Survey:

Jessica Hawkins
Director, Prevention Services
Oklahoma Department of Mental Health and Substance Abuse Services
Phone: (405) 522-5952
Email: jhawkins@odmhsas.org

Oklahoma

State Population: 3,943,079

Population Ages 12–20: 455,600

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	76,900 (16.9%)
Past-Month Binge Alcohol Use – Number (Percentage)	47,900 (10.5%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	3,400 (2.2%)
Past-Month Binge Alcohol Use – Number (Percentage)	1,400 (0.9%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	21,300 (13.3%)
Past-Month Binge Alcohol Use – Number (Percentage)	13,800 (8.6%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	52,100 (37.3%)
Past-Month Binge Alcohol Use – Number (Percentage)	32,600 (23.4%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	71
Years of Potential Life Lost (under 21)	4,326
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01%[1]	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	13
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	15%

[1] Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

Prevention, Early Identification, Treatment, and Recovery Support Systems[2]

Services and supports are available statewide through a network of provider and community-based programs. These include 14 Community Mental Health Centers (CMHCs), 70 substance use disorder (SUD) treatment providers, 16 prevention organizations, and 53 specialty providers, (including housing, advocacy, and consumer- and family-operated programs). There are 21 Health Homes (HH) for adults with serious mental illness (SMI) and children with serious emotional disturbance (SED). Of these, 14 are CMHCs. These HHs are required to provide care coordination and care management to ensure integrated behavioral health and health care. And there are two Recovery After an Initial Schizophrenia Episode NAVIGATE programs to assist individuals who are experiencing first episode of psychosis (FEP).

As the Single State Agency (SSA) for Substance Abuse and the State Mental Health Authority, the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) fulfills state-level responsibilities as a regulator and purchaser of services. In some areas of the state, and with specific levels of care, the ODMHSAS also operates as a direct provider of services. Other state agencies collaborate with the ODMHSAS to fulfill similar roles within their authority. Regional and local responsibilities are typically carried out by specific organizations with which the ODMHSAS contracts.

The ODMHSAS Central Office in Oklahoma City provides planning, training, technical assistance, oversight, fiscal, and accountability support for the entire system. Key Central Office functions include support for treatment and recovery services, decision support services, information technology services, consumer advocacy and wellness, the inspector general, human resources management and development, finance, legal, grants management, and provider certification. All leadership and management structures are organized under the ODMHSAS Commissioner and her executive staff, including the Chief Operating Officer, and the Deputy Commissioner for Treatment and Recovery Services.

Substance Use Disorder Services

The SUD treatment and recovery services funded through the ODMHSAS service system are provided at 70 facilities, covering all 77 Oklahoma counties. The intention is to offer a full recovery-oriented system of care. All SUD treatment organizations must be state-licensed (certified). Facilities can be licensed as a basic alcohol and drug treatment program providing a specific service set or as a certified comprehensive addiction recovery center (CCARC) providing a full continuum of care. Currently, nine CCARCs are located in the state. All providers must be Medicaid-compensable, and many accept other types of third-party payment and self-payment. The ODMHSAS-funded services are primarily purchased through contracts with private, for-profit, and non-profit certified agencies to provide multiple levels of withdrawal management, residential treatment, halfway house, outpatient, intensive outpatient, and early intervention services with substance abuse block grant funds and state appropriations. These

[2] Extracted from fiscal year (FY) 2018/2019 – (Oklahoma) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment (CSAT), Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

agencies include SUD treatment facilities, community mental health centers, community action agencies, youth and family services agencies, and schools. Among the contracted facilities, the University of Oklahoma Health Sciences Center provides screening, assessment, and treatment planning for children with Fetal Alcohol Spectrum Disorder. An essential component to the recovery system is the state's network of Oxford Houses. Currently, there are 102 Oxford Houses throughout the state with more in development. Most of the Oxford Houses have accessed loans from a revolving loan fund administered by the ODMHSAS. The ODMHSAS also directly operates three SUD residential treatment facilities staffed with state employees.

Prevention Services System

The 17 Regional Prevention Coordinators (RPCs) serving all 77 counties in Oklahoma are the backbone of Oklahoma's prevention service system. RPCs develop community-level prevention work plans in partnership with community coalitions. Community-level prevention work is based on the Strategic Prevention Framework (SPF) and aligned with state prevention priorities. Services focus on achieving sustainable, population-level outcomes.

The ODMHSAS also administers 2Much2Lose (2M2L) as an overarching moniker of Oklahoma's underage drinking prevention initiative. 2M2L initiatives include a youth leadership development program, delivery of AlcoholEdu in Oklahoma schools, and the enforcement of underage drinking laws. No Substance Abuse Prevention and Treatment Block Grant (SABG) funds are used for enforcement, only training and technical assistance and support services to communities and law enforcement agencies.

Other programs administered through ODMHSAS prevention initiatives include the Oklahoma Partnership Initiative funded by the Administration on Children and Families; Screening, Brief Intervention, and Referral to Treatment (SBIRT) services funded by the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT) and state and foundation sources; the Office of Suicide Prevention funded by the SAMHSA Center for Mental Health Services and state-appropriated funds; mental health first aid training program funded by state-appropriated resources; the SPF Partnerships For Success (PFS)and SPF Rx programs funded by SAMHSA's Center for Substance Abuse Prevention (CSAP) and state-appropriated funds; the State Targeted Response to Opioids grant funded by SAMHSA's CSAT; the Prescription Drug Overdose project funded by SAMHSA's CSAT; and Oklahoma's Take As Prescribed initiative supported by state-appropriated funds.

Two emerging prevention services include a partnership with the Oklahoma Department of Veterans Affairs to share a full-time employee for prevention and promotion services reaching veterans and military families and the development of Good Behavior Game (GBG) Support Center for Oklahoma schools.

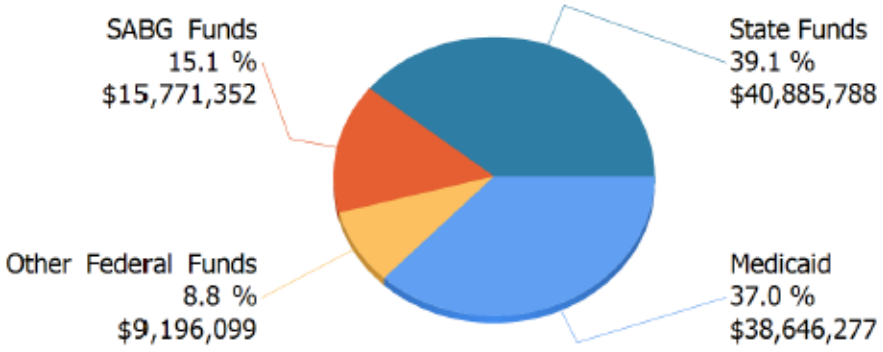
Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through SABG funds administered by SAMHSA. Exhibit 1 shows the sources that Oklahoma used for expenditures

on substance abuse prevention and treatment in 2019. As indicated, state funds and Medicaid funds account for the largest sources (39.1 percent and 37.0 percent, respectively).[3]

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018–2019, Oklahoma designated reduction of underage drinking as part of priority number five for use of SABG funds.[4]

Exhibit 1: Sources of Oklahoma's 2019 Expenditures for Substance Abuse Prevention and Treatment



[3] WebBGAS State Profile, 2019 SABG and MHBG Reports – Oklahoma 2019.
[4] FY 2018/2019 – (Oklahoma) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, CSAT, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Oklahoma's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

State Laws and Policies: These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

STOP Act State Survey Data: The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	No
• Is possession allowed if spouse is present or consents?	No
Is there an exception based on location?	Yes, in any private location

Underage-Consumption	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Internal Possession	
Is underage consumption of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	N/A
• Is consumption allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	No law
May youth purchase for law enforcement purposes?	Yes

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	No

• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	N/A
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	N/A
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No
Notes: Between July 1, 2006 and September 30, 2018, Oklahoma provided retailers a defense in criminal prosecutions for furnishing minors with "low-point beer" (defined as all beverages containing more than 0.5% alcohol by volume and not more than 3.2% alcohol by weight). The defense took the form of a rebuttable presumption that the retailer reasonably relied upon proof of age if (1) the minor presented what a reasonable person would have believed was a driver license or other government-issued photo identification purporting to establish that the individual was 21 years of age or older; or (2) the retailer confirmed the validity of the driver license or other government-issued photo identification presented by the individual by using a transaction scan device; and (3) if the retailer exercised reasonable diligence to determine whether the physical description and picture on the driver's license or other government-issued photo identification was that of the individual who presented it.	

Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.00%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)	
Is there a "use/lose" law that suspends or revokes a minor's driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	No
• Possession of alcohol	Yes
• Consumption of alcohol	No
The law applies to people under what age?	18
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	180
Maximum number of days	180
Notes: Beginning on October 1, 2018, the denial of driving privileges is a consequence imposed on those under 18 years of age who have possessed any intoxicating beverage or low-point beer. Between September 30, 2018 and November 1, 2015, the denial of driving privileges is a consequence imposed on those under 18 years of age who have purchased, possessed or consumed low-point beer (defined as containing not more than 3.2 percent ABW) or any intoxicating beverage. Prior to November 2015, the denial of driving privileges was a consequence imposed on those under 18 years	

who have possessed an intoxicating beverage or purchased, possessed, or consumed low-point beer. Between July 1, 2006 and October 31, 2010, the law required the court to order the Department of Public Safety to cancel or deny driving privileges for a period of 6 months for a first offense from the date of the offense or from the date the person reaches 16 years, whichever period of time is longer. In addition, the court has the discretion to impose a longer cancellation or denial period which can extend to the offender's 21st birthday. After November 1, 2010, the legislature did not change the 6-month mandatory period and the provision regarding the court's discretion to impose a longer penalty but revised the law's application to those under 16 years of age. It no longer requires the court to begin the 6-month mandatory cancellation or denial period upon the 16th birthday. It instead requires that the period be extended to the offender's 16th birthday if the period would otherwise end before that date.

Graduated Driver's Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15 years, 6 months
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	50 (10 of which must be at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	10:00 PM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes, officer may stop driver for night driving violation
Are there restrictions on passengers?	Yes, no more than one passenger who is not a household member, unless accompanied by driver at least 21
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes, officer may stop driver for passenger restrictions violation
License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	16 years, 6 months

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	No
• Is furnishing allowed if the spouse supplies the alcohol?	No
Is there an exception based on location?	No

Affirmative Defense for Sellers and Licensees	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	16
What is the maximum age a decoy may be to participate in a compliance check?	21
Are there appearance requirements for the decoy?	Yes, should not be deceptively mature in appearance
Does decoy carry ID during compliance check?	Required
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Mandated

Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	Not specified
What is the penalty for the first offense?	Not more than $500, or imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment (misdemeanor offense)
What is the penalty for the second offense?	$2,500 to $5,000, or imprisoned in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment (felony offense)
What is the penalty for the third offense?	Not specified
What is the penalty for the fourth offense?	Not specified
Notes: Any violation may also result in revocation.	

Responsible Beverage Service (RBS)–Mandatory	
Is there a state law pertaining to Beverage Service Training?	Yes–Mandatory
If training is mandatory, who must participate?	Managers, Servers/Sellers
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	N/A
• Discounts in dram shop liability insurance, license fees, or other	N/A
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	N/A
• Protection against license revocation for sales to minors or sales to intoxicated persons	N/A

Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Both
Does the RBS law apply to new or existing licensees?	New

Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	18
Wine	18
Spirits	21
Does a manager or supervisor have to be present?	No

Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	21
Wine	21
Spirits	21
Does a manager or supervisor have to be present?	No

Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 300 feet. College or university located within an improvement district may override state restriction.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 300 feet. College or university located within an improvement district may override state restriction.
To which alcohol products does requirement apply?	Beer, Wine, Spirits
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 300 feet.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 300 feet.
To which alcohol products does requirement apply?	Beer, Wine, Spirits

Dram Shop Liability	
Does a statute create dram shop liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law dram shop liability exist?	Yes

Social Host Liability	
Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	No

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	Yes
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	General
What action by underage guest triggers a violation?	Possession/Consumption
Property type covered by the law?	Residential/Outdoor/Other
What level of knowledge by the host is required?	Knowledge: Host must have actual knowledge of party
Does host's preventive action protect him/her from being held liable?	No
Are there any exceptions for underage guests?	Yes – Residents of household

Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	Yes
Must the common carrier (deliverer) verify age of recipients?	Yes
State approval/permit requirements	
Must the producer/manufacturer obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	No
Recording/reporting requirements	

Must the producer/manufacturer record/report purchaser's name?	Yes
Must the common carrier (deliverer) record/report recipient's name?	No
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes

Keg Registration	
How is a keg defined (in gallons)?	Equal to or more than 4.00
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	Yes (Maximum fine/jail, $500/6 months)
What purchaser information is collected?	
Must the retailer collect the name and address?	Yes
Must the retailer collect the ID number, name and address on license or other government information?	Yes
Must the retailer collect the address at which keg will be consumed?	No
Must warning information be given to purchaser?	Yes, passive (requires no action by purchaser)
Is a deposit required?	No
Does law cover disposable kegs?	No

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	No
Wine	No
Spirits	No

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

Laws Affecting Alcohol Pricing

Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	$0.40
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A

Retail tax rate (if applicable)	13.50%
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	13.50%
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
Wine	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	$0.72
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	13.50%
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	13.50%
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
Spirits	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	$5.56
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A

Retail tax rate (if applicable)	13.50%
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	13.50%
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	

Low-Price, High-Volume Drink Specials	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No
Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	Yes
Increased volume without increase in price	Yes

Wholesaler Pricing Restrictions	
Wine	
Are volume discounts to retailers allowed?	Banned
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post and Hold (60 days)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
Spirits	
Are volume discounts to retailers allowed?	Banned
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post and Hold (60 days)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No

Beer	
Are volume discounts to retailers allowed?	Banned
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No

Oklahoma State Survey Responses

State Agency Information	
Agency with primary responsibility for enforcing underage drinking laws:	
Oklahoma Alcoholic Beverage Law Enforcement Commission	
Enforcement Strategies	
State law enforcement agencies use:	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	Yes
Local law enforcement agencies use:	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	Yes
State has a program to investigate and enforce direct sales/shipment laws	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Oklahoma Alcoholic Beverage Law Enforcement Commission
Such laws are also enforced by local law enforcement agencies	No
Enforcement Statistics	
State collects data on the number of minors found in possession	Yes
Number of minors found in possession[1] by state law enforcement agencies	1
Number pertains to the 12 months ending	12/31/2018
Data include arrests/citations issued by local law enforcement agencies	No
State conducts underage compliance checks/decoy operations[2] to determine whether alcohol retailers are complying with laws prohibiting sales to minors	Yes
Data are collected on these activities	Yes
Number of retail licensees in state[3]	7,363
Number of licensees checked for compliance by state agencies **(including random checks)**	410
Number of licensees that failed state compliance checks	65
Numbers pertain to the 12 months ending	12/31/2018
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
*State conducts **random** underage compliance checks/decoy operations*	Yes
Number of licensees subject to **random** state compliance checks/decoy operations	408
Number of licensees that failed **random** state compliance checks	63
Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	592
Number of licensees that failed local compliance checks	91
Numbers pertain to the 12 months ending	06/30/2018
Sanctions	
State collects data on fines imposed on retail establishments that furnish to minors	Yes
Number of fines imposed by the state[4]	48
Total amount in fines across all licensees	$51,250
Smallest fine imposed	$150

Largest fine imposed	$5,000
Numbers pertain to the 12 months ending	12/31/2018
State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors	Yes
Number of suspensions imposed by the state[5]	18
Total days of suspensions across all licensees	359
Shortest period of suspension imposed (in days)	5
Longest period of suspension imposed (in days)	61
Numbers pertain to the 12 months ending	12/31/2018
State collects data on license revocations imposed on retail establishments specifically for furnishing to minors	Yes
Number of license revocations imposed[6]	5
Numbers pertain to the 12 months ending	12/31/2018

Additional Clarification

No data

[1] Or having consumed or purchased per state statutes.
[2] Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.
[3] Excluding special licenses such as temporary, seasonal, and common carrier licenses.
[4] Does not include fines imposed by local agencies.
[5] Does not include suspensions imposed by local agencies.
[6] Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State

Regional Prevention Coordinators (RPCs)

Number of youth served	2,848
Number of parents served	No data
Number of caregivers served	No data
Number of Adults 21 and older	43,463
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	No data
URL for more program information: http://ok.gov/odmhsas/Prevention_/Prevention_Initiatives/Regional_Prevention_Coordinators_(RPC)/index.html	

Program Description: The primary purpose of the Regional Prevention Coordinators (RPCs) is to provide regional prevention services by engaging community members, local organizations, public agencies, youth, and the media to change community conditions that contribute to alcohol, tobacco, and drug-related problems. A major goal of the RPCs is to prevent the onset and reduce the problems associated with the use of alcohol by those under age 21. All contracted RPC's are required to create and implement a regional alcohol enforcement plan (AEP).

Ten out of the 17 alcohol enforcement plans prioritized underage drinking as a priority based on their community's needs.

AlcoholEdu for Oklahoma High Schools

Number of youth served	2,392
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information: https://www.ok.gov/odmhsas/2M2L.html	

Program Description: AlcoholEdu is an online alcohol prevention course designed to impact entire student populations by engaging today's teens using the tools they love: the Internet, videos, and project-based learning. AlcoholEdu is currently available free of charge to all Oklahoma high schools.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

Program description: No data

Additional Clarification

Evaluation data are available for RPC services; however, the data are not a comprehensive evaluation of the RPC services. In the RPC section above, findings are provided by the 17 Regional Prevention coordinators (RPCs) conducting environmental strategies across the state of Oklahoma. For underage drinking strategies, Oklahoma has been monitoring the number of new laws and policies created, along with community advocacy and enforcement efforts regarding those laws and policies.

Additional Information Related to Underage Drinking Prevention Programs

State collaborates with federally recognized tribal governments in the prevention of underage drinking	Yes
Description of collaboration: The state has active collaborations with several tribal nations, including Cherokee Nation, Osage Tribe, Choctaw Nation, and the Cheyenne-Arapaho Tribes. Collaborations include tribal representatives serving as RBSS trainers and members of state advisory groups and workgroups. In addition, tribal representatives participate in and host 2M2L youth and adult training opportunities throughout the year, and Cherokee Nation is a prevention service provider under Oklahoma's SABG. Multiple tribes work with state-funded RPCs to require mandatory RBSS training for all casino employees.	
State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing	Yes
Description of program: RPCs advise communities as needed, as requested, or in coordination with selected priorities on the harms caused by exposure to alcohol advertising.	
State collaborates with/participates in media campaigns to prevent underage drinking	Yes
Federal campaigns: Talk. They Hear You.	Yes
Regional and local media campaigns:	No
Local school district efforts:	No
Other:	No
State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You."	Yes
State officially endorses TTHY efforts	No
State commits state resources for TTHY	No
State forwards TTHY materials to local areas	Yes
Other:	No
State procures funding for TTHY	No
Pro bono	No
Donated air time	No
Earned media	No
Other:	No
State has adopted or developed best practice standards for underage drinking prevention programs	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies):	No
Agency(ies) within your state: Oklahoma Evidence-Based Practices Workgroup through the Oklahoma Department of Mental Health and Substance Abuse Services	Yes
Nongovernmental agency(ies):	No
Other:	No

Best practice standards description: Oklahoma's priority is to fund and implement evidence-based environmental strategies for the prevention of underage drinking. A strategy is considered a best practice if it meets one of the following three criteria:

- Definition 1: It is included on federal lists or registries of evidence-based strategies and has documented positive outcomes.
- Definition 2: It is reported (with positive effects) in peer-reviewed journals.
- Definition 3: Documented effectiveness is supported by other sources of information and the consensus judgment of informed experts as specified by the Oklahoma Evidence-Based Workgroup.

Additional Clarification

No data

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities	Yes
Committee contact information: Name: Jessica Hawkins Email: jhawkins@odmhsas.org Address: 2000 N. Classen Blvd, Oklahoma City, Oklahoma 73106 Phone: 405-248-9270	
Agencies/organizations represented on the committee: Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission Oklahoma State Department of Education Oklahoma State Department of Mental Health and Substance Abuse Services Oklahoma Department of Public Safety Oklahoma State Department of Health Oklahoma Commission on Children and Youth Oklahoma Institute for Child Advocacy University of Oklahoma Oklahoma State Legislature Oklahoma Prevention Policy Alliance Oklahoma Turning Point	
A website or other public source exists to describe committee activities	Yes
URL or other means of access: https://ok.gov/odmhsas/Prevention_/Prevention_Initiatives/Underage_Drinking_Prevention_Initiatives/index.html	

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years	No
Prepared by: Not applicable Plan can be accessed via: Not applicable	
State has prepared a report on preventing underage drinking in the last 3 years	No
Prepared by: Not applicable Report can be accessed via: Not applicable	

Additional Clarification

No data

State Expenditures for the Prevention of Underage Drinking

Compliance checks in retail outlets:	
Estimate of state funds expended	$16,457.23
Estimate based on the 12 months ending	06/30/2018

Checkpoints and saturation patrols:	
Estimate of state funds expended	$0
Estimate based on the 12 months ending	06/30/2018
Community-based programs to prevent underage drinking:	
Estimate of state funds expended	$101,275.27
Estimate based on the 12 months ending	06/30/2018
K–12 school-based programs to prevent underage drinking:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Programs targeted to institutes of higher learning:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Programs that target youth in the juvenile justice system:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Programs that target youth in the child welfare system:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
Other programs:	
Programs or strategies included: Data not available	
Estimate of state funds expended:	Data not available
Estimate based on the 12 months ending:	Data not available

Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue streams:	
Taxes	No
Fines	Yes
Fees	No
Other: Not applicable	No

Description of funding streams and how they are used:

The Prevention of Youth Access to Alcohol Revolving Fund consists of all monies received by the Department of Mental Health and Substance Abuse Services from fines collected pursuant to Section 241 of Title 37.

Additional Clarification

New alcohol laws went into effect on October 1st, 2018, including:

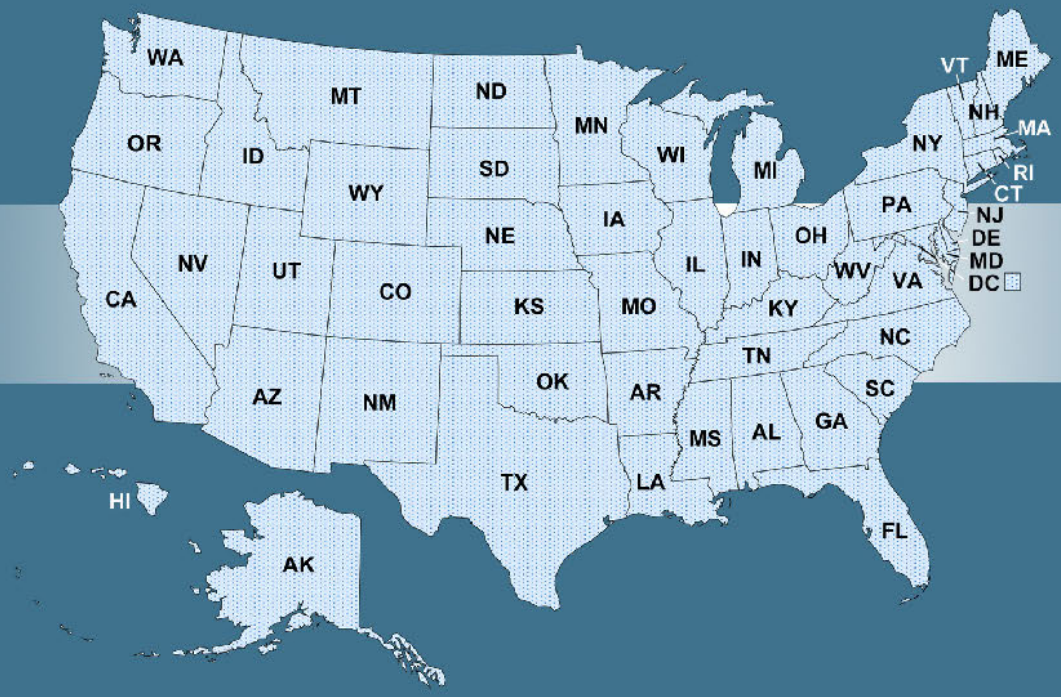
- No longer distinguishing between low-point beer (3.2 alcohol by volume [abv]) which was not considered an intoxication beverage and was not overseen by the Oklahoma Alcohol Beverage Law Enforcement Commission, and strong-point beer (over 3.2 abv).
- All beer, regardless of alcohol content, is under the oversight of the Oklahoma Alcoholic Beverage Law Enforcement Commission.
- Other retailers besides retail spirits licensees (i.e. convenience stores) are allowed to sell beer and wine (which increased our overall licensee totals).

SAMHSA
Substance Abuse and Mental Health
Services Administration

TEXAS STATE REPORT

Underage Drinking Prevention and Enforcement

2020



SAMHSA
Substance Abuse and Mental Health Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report "on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking." As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

Time Period Covered by this *State Report*: This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

Source of Data: For each state, overall population information was taken from 2010 Census data. Data about the portion of each state's population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA's Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ's Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention's Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis's Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

Recommended Citation: U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). 2020 *Texas State Report – Underage Drinking Prevention and Enforcement.* Rockville, MD: SAMHSA.

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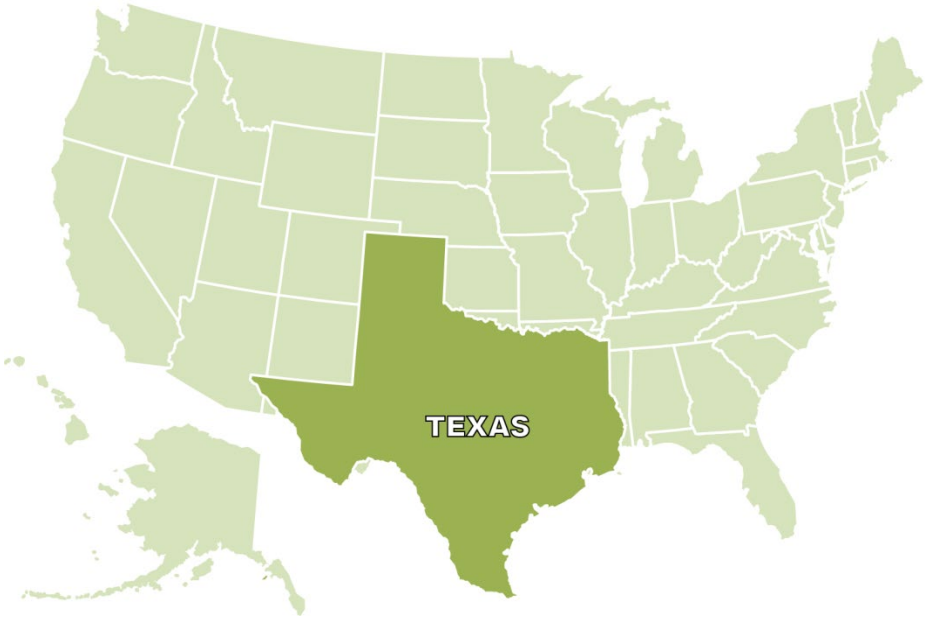

Texas

State Population: 28,701,845

Population Ages 12–20: 3,643,800

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	608,400 (16.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	350,500 (9.6%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	31,000 (2.6%)
Past-Month Binge Alcohol Use – Number (Percentage)	13,600 (1.2%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	174,900 (13.9%)
Past-Month Binge Alcohol Use – Number (Percentage)	86,900 (6.9%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	402,500 (33.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	250,000 (20.6%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	372
Years of Potential Life Lost (under 21)	22,574
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01%[1]	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	155
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	32%

[1] Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

Behavioral Health Services Overview[2]

The Health and Human Services Commission (HHSC) operates 11 state psychiatric hospitals and contracts for 456 locally managed inpatient psychiatric hospital beds. HHSC also operates community-based outpatient mental health services at 39 local mental health authorities or local behavioral health authorities (Centers). The centers serve as both authorities and local providers.

HHSC funds community-based providers and state-licensed treatment program providers to deliver substance use disorder (SUD) prevention, intervention, treatment, and recovery services. The block grant accounts for the majority of HHSC expenditures on SUD services. A funding formula based on population, poverty, and need determines the amount of funding allocated to each of the 11 service regions. These contracts are procured in accordance with HHSC policy. Texas also has a Medicaid benefit for SUD outpatient services (i.e., assessment, ambulatory detoxification, counseling, and medication assisted therapy) and SUD residential services (treatment, detoxification, and specialized services for women). Each region has a continuum of services provided in accordance with the block grant guidelines, legislative direction, and HHSC's strategic plan.

Substance Use Services – Youth

Treatment: Youth ages 13-17 who meet *Diagnostic and Statistical Manual of Mental Disorders,* Fifth Edition *(*DSM-5) criteria for substance use or dependence are eligible for treatment services. Young adults ages 18-21 may be admitted to a youth treatment program when the screening process indicates the individual's needs, experiences, and behavior are similar to those of youth. HHSC established Individual Placement Guidelines, which are based on assessed severity of diagnosis: Intensive residential treatment for high severity, supportive residential treatment for moderate severity, and outpatient treatment for lower severity. Youth outpatient treatment providers use the following evidence-based curriculums: Cannabis Youth Treatment Series, Motivational Enhancement and Cognitive Behavioral Therapeutics, and Family Support Network treatment models. Services to youth include in-home and school-based counseling and psychiatric consultation, when appropriate or necessary.

Prevention: The core strategy is the prevention education/skills training component driven by an evidence-based curriculum proven effective with specific target groups in school and community sites. Programs types, including Youth Prevention Universal (YPU), Youth Prevention Selective (YPS), and Youth Prevention Indicated (YPI) target the primary youth population, and the YPI also targets young adults. These program types serve a secondary adult target population, including parents, guardians, and grandparents of the youth who participate in a family-focused curriculum. The YPU direct services are designed to reach the general population, ages 6-18, without regard to individual risk factors, and are generally intended to reach a very large audience. The YPS direct services target subgroups of the general population, ages 6-18, determined to be at risk for substance abuse. The YPI direct services target youth (ages 11-17) and young adults (ages18-21) who are experiencing early signs of substance abuse and other

[2] Extracted from fiscal year (FY) 2018/2019 – (Texas) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

related problem behaviors associated with substance use. The curriculum is delivered in a structured setting and the fidelity of the curriculum design must be maintained. Pre- and post-tests are given to the participants enrolled in the curriculum, and outcome measures are collected. Family-focused activities provide an opportunity for the youth and their family to meet together to improve the family unit. Additionally, YP programs provide Alcohol and Other Drugs (AOD) presentations, tobacco-specific presentations, and AOD and tobacco-specific alternative activities. These alternative activities are substance-free and age-appropriate events to teach and reinforce skills that promote a healthy and substance-free lifestyle. The YP programs also provide referral to other support services for those parents and youth in the program who may need assistance. Referrals are initiated through the problem identification and referral prevention strategy.

Community Coalition Partnerships (CCPs): CCPs focus on establishing or changing laws, policies, and social norms within the community through the implementation of environmental evidence-based strategies throughout the 11 health service regions of the state. The coalition's focus may be to prevent alcohol/underage drinking, marijuana, or prescription drug use/abuse based on the identified needs of the community. The primary population is young adults ages 18-25 in colleges and universities, adolescents, and the general community. The coalitions begin their work by conducting a needs assessment to identify the targeted county, zip code, neighborhood area, or community. They will then assess capacity and mobilize coalition members and key stakeholders to begin discussing the needs assessment data and establish the goals and priorities for their communities. Data collected determines the direction in which the members will contribute their time and effort in establishing written policy, attitude, and behavioral change. This community work impacts the total population as policies, ordinances, city priorities, and school policies are implemented. To publicize their efforts, coalitions initiate media contacts for media awareness activities, such as billboards, television, radio, and editorial news prints with a no-use message.

Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through Substance Abuse Prevention and Treatment Block Grant (SABG) funds administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that Texas used for expenditures on substance abuse prevention and treatment in 2019. As indicated, SABG funds and state funds account for the largest sources (68.7 percent and 22.5 percent, respectively).[3]

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018–2019, Texas designated prevention of substance abuse among children and youth as part of the number one priority for use of SABG funds.[4]

[3] WebBGAS State Profile, 2019 SABG and Community Mental Health Block Grant (MHBG) Reports– Texas 2019.
[4] FY 2018/2019 – (Texas) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

Exhibit 1: Sources of Texas' 2019 Expenditures for Substance Abuse Prevention and Treatment

State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Texas' performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

State Laws and Policies: These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

STOP Act State Survey Data: The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	Yes
• Is possession allowed if spouse is present or consents?	Yes
Is there an exception based on location?	No
Notes: In Texas, a minor may possess an alcoholic beverage if the minor is in the visible presence of his adult parent, guardian, or spouse. Tex. Alco. Bev. Code Ann. § 106.05.	

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	Yes
• Is consumption allowed if the spouse is present or consents?	Yes
Is there an exception based on location?	No
Notes: In Texas, a minor may consume an alcoholic beverage if it is in the visible presence of the minor's adult parent, guardian or spouse.	

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	Yes

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	Yes
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes

May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes
• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	Yes
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No

Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.00%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)	
Is there a "use/lose" law that suspends or revokes a minor's driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	Yes
• Possession of alcohol	Yes
• Consumption of alcohol	Yes
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	30
Maximum number of days	30

Graduated Driver's Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	30 (10 of which must be at night)

Intermediate Stage	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	12:00 AM
Can law enforcement stop a driver for night driving violation as a primary offense?	No, officer must stop driver for another offense to cite for night driving violation
Are there restrictions on passengers?	Yes, no more than 1 non-family passenger under 21
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	No, officer must stop driver for another offense to cite for passenger restriction violation
License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	18

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	Yes
• Is furnishing allowed if the spouse supplies the alcohol?	Yes
Is there an exception based on location?	No
Affirmative Defense for Sellers and Licensees	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No
Notes: In Texas, a person may purchase an alcoholic beverage for or give an alcoholic beverage to a minor if he is the minor's adult parent, guardian, or spouse, or an adult in whose custody the minor has been committed by a court, and he is visibly present when the minor possesses or consumes the alcoholic beverage.	

Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	Not specified
What is the maximum age a decoy may be to participate in a compliance check?	18
Are there appearance requirements for the decoy?	Yes, must appear youthful and have no facial hair and be dressed age appropriate
Does decoy carry ID during compliance check?	Discretionary
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Mandated

Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	3 years
What is the penalty for the first offense?	8-12 days suspension or $300 per day
What is the penalty for the second offense?	16-24 days suspension or $300 per day
What is the penalty for the third offense?	48 days - cancellation of license or $300 per day
What is the penalty for the fourth offense?	Not specified

Responsible Beverage Service (RBS)–Voluntary	
Is there a state law pertaining to Beverage Service Training?	Yes–Voluntary
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	No
• Discounts in dram shop liability insurance, license fees, or other	No
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	No
• Protection against license revocation for sales to minors or sales to intoxicated persons	Yes
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Not specified
Does the RBS law apply to new or existing licensees?	Not specified

Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	16
Wine	16
Spirits	21
Does a manager or supervisor have to be present?	No

Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present?	No

Notes: Effective May 19, 2015, on-premises licenses that derive less than 50% of their gross receipts from alcoholic beverage sales may employ a person under 18 years of age as a cashier for transactions involving the sale of alcoholic beverages if the beverages are served by a person 18 years of age or older.

Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A

Dram Shop Liability	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	Yes (Retailers may be held liable if they are 21 or over and furnish alcohol to a minor under age 18.)
Does the statute limit elements or standards of proof?	Yes (Knowledge of underage status.)
Does common law dram shop liability exist?	Unclear
Notes: Any retailer may be held liable for furnishing alcohol to individuals 18 or older that are obviously intoxicated to the extent that they present a clear danger to themselves or others at the time of furnishing.	

Social Host Liability	
Does a statute create social host liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	Yes (Social hosts may be held liable if they are 21 or over and furnish alcohol to a minor under age 18.)
Does the statute limit elements or standards of proof?	Yes (Knowledge of underage status.)
Does common law social host liability exist?	Unclear
Notes: There is no common law liability when underage person is 18 or over. It is unclear whether there is common law liability when drinker is under age 18.	

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	No law
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	N/A
What action by underage guest triggers a violation?	N/A
Property type covered by the law?	N/A
What level of knowledge by the host is required?	N/A
Does host's preventive action protect him/her from being held liable?	N/A
Are there any exceptions for underage guests?	N/A

Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	Yes
State approval/permit requirements	
Must the producer/manufacturer obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	Yes
Recording/reporting requirements	
Must the producer/manufacturer record/report purchaser's name?	Yes
Must the common carrier (deliverer) record/report recipient's name?	Yes
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes

Keg Registration	
How is a keg defined (in gallons)?	No law
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No law
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No law

What purchaser information is collected?	
Must the retailer collect the name and address?	No law
Must the retailer collect the ID number, name and address on license or other government information?	No law
Must the retailer collect the address at which keg will be consumed?	No law
Must warning information be given to purchaser?	No law
Is a deposit required?	No law
Does law cover disposable kegs?	No law

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	Yes (Package store permittees must have a Cartage Permit. Vehicles used to transport alcoholic beverages must be clearly marked.)
Wine	Yes (Package store permittees must have a Cartage Permit. Vehicles used to transport alcoholic beverages must be clearly marked.)
Spirits	Yes (Package store permittees must have a Cartage Permit. Vehicles used to transport alcoholic beverages must be clearly marked.)

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

Laws Affecting Alcohol Pricing

Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	$0.19
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	14.95%
If retail tax rate applies, is there an exemption from general sales tax?	Yes
• General sales tax rate	6.25%
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	8.70%
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A

If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	$0.20 per gallon for alcohol content of more than 5%.
Notes: In Texas, holders of a wine and beer retailer's permit or a beer retail dealer's license are subject to the State sales tax rate of 6.25% rather than the Ad Valorem Excise Tax On-Premises rates.	
Wine	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	$0.20
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	14.95%
If retail tax rate applies, is there an exemption from general sales tax?	Yes
• General sales tax rate	6.25%
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	8.70%
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
Notes: In Texas, the holder of a wine and beer retailer's permit is subject to the State sales tax rate of 6.25% rather than the Ad Valorem Excise Tax On-Premises rates.	
Spirits	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	$2.40
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	14.95%
If retail tax rate applies, is there an exemption from general sales tax?	Yes
• General sales tax rate	6.25%
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	8.70%

Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	

Low-Price, High-Volume Drink Specials	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No
Multiple servings for same price as single serving	Yes
Reduced price for a specified day or time (i.e., happy hours)	Restricted (Permitted before 11 PM)
Unlimited beverages for fixed price	Yes
Increased volume without increase in price	Yes

Wholesaler Pricing Restrictions	
Beer	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
Wine	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (25 days)
Spirits	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (25 days)

Texas State Survey Responses

State Agency Information	
Agency with primary responsibility for enforcing underage drinking laws:	
The Texas Alcoholic Beverage Commission (TABC) is responsible for enforcing prevention at licensed locations. Local law enforcement agencies enforce minor in possession, furnishing (non-licensed/permitted), and social host laws.	
Enforcement Strategies	
State law enforcement agencies use:	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes
Local law enforcement agencies use:	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
State has a program to investigate and enforce direct sales/shipment laws:	No
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Not applicable
Such laws are also enforced by local law enforcement agencies	Not applicable
Enforcement Statistics	
State collects data on the number of minors found in possession:	No
Number of minors found in possession[1] by state law enforcement agencies	Not applicable
Number pertains to the 12 months ending	Not applicable
Data include arrests/citations issued by local law enforcement agencies	Not applicable
State conducts underage compliance checks/decoy operations[2] to determine if alcohol retailers are complying with laws prohibiting sales to minors	Yes
Data are collected on these activities	Yes
Number of retail licensees in state[3]	64,374
Number of licensees checked for compliance by state agencies **(including random checks)**	9,272
Number of licensees that failed state compliance checks	1,084
Numbers pertain to the 12 months ending	12/31/2017
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
*State conducts **random** underage compliance checks/decoy operations:*	Yes
Number of licensees subject to **random** state compliance checks/decoy operations	Unknown
Number of licensees that failed **random** state compliance checks	Unknown
Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors	Don't know/No answer
Data are collected on these activities	Don't know/No answer

Number of licensees checked for compliance by local agencies	Not applicable
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Sanctions	
State collects data on fines imposed on retail establishments that furnish minors	Yes
Number of fines imposed by the state[4]	475
Total amount in fines across all licensees	$1,134,600
Smallest fine imposed	$900
Largest fine imposed	$15,000
Numbers pertain to the 12 months ending	12/31/2017
State collects data on license suspensions imposed on retail establishments specifically for furnishing minors	Yes
Number of suspensions imposed by the state[5]	199
Total days of suspensions across all licensees	1,656
Shortest period of suspension imposed (in days)	4
Longest period of suspension imposed (in days)	45
Numbers pertain to the 12 months ending	12/31/2017
State collects data on license revocations imposed on retail establishments specifically for furnishing minors	Yes
Number of license revocations imposed[6]	2
Numbers pertain to the 12 months ending	12/31/2017

Additional Clarification

State agency enforcement data provided by TABC only. Other state agencies may conduct operations but do not report to TABC.

NOTE: Enforcement data reported in the section above was previously reported in the 2018 Texas State Survey Responses. Updated enforcement data was not available for the 2019 survey.

[1] Or having consumed or purchased per state statutes.
[2] Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.
[3] Excluding special licenses such as temporary, seasonal, and common carrier licenses.
[4] Does not include fines imposed by local agencies.
[5] Does not include suspensions imposed by local agencies.
[6] Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State

Youth Prevention (YP) Programs - Universal, Selected, and Indicated Populations

Number of youth served	247,034
Number of parents served	60,389
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information	https://hhs.texas.gov/about-hhs/process-improvement/behavioral-health-services/substance-use-misuse-prevention

Program Description: The Texas Health and Human Services Commission (HHSC) funds several Substance Use and Misuse Prevention providers around the state. These providers deliver a comprehensive array of prevention services, modeled after the 6 SAMHSA/Center for Substance Abuse Prevention (CSAP) strategies. One of these services is the delivery of one of eight HHSC-approved evidence-based prevention curricula. These curricula are part of a holistic approach to educate youth and their families on the dangers of substance use and misuse and promote healthy living and positive decision-making. Texas recognizes underage alcohol use as an ever-present

danger to youth and all Texans, and HHSC continues to recognize this as a leading prevention priority. Thus, underage drinking is addressed throughout all strategies delivered in the prevention contracts, particularly in the education being delivered to youth and their families. In addition to prevention education, YP Programs highlight the importance of incorporating substance-free activities in communities as a way to engage young people and their families and strengthen the bonds established within healthy communities. YP Programs also conduct prevention presentations to schools, community sites, and any place where stakeholders require information on alcohol, tobacco, and other substances.

Community Coalition Partnerships (CCP)

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information: https://hhs.texas.gov/about-hhs/process-improvement/behavioral-health-services/substance-use-misuse-prevention	

Program Description: CCPs are programs designed to work in the community to engage and mobilize various sectors to implement evidence-based environmental strategies with a primary focus on changing policies and influencing social norms related to substance use and misuse. HHSC recognizes underage drinking as a top prevention priority, and the 43 currently funded CCPs across Texas are engaged in policy and social norm change related to alcohol and underage drinking. CCPs work on initiatives such as alcohol excise tax, sticker shock campaigns, media campaigns, and other evidence-based strategies that target underage access and consumption of alcohol.

Prevention Resource Centers (PRC)

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information https://hhs.texas.gov/about-hhs/process-improvement/behavioral-health-services/substance-use-misuse-prevention	

Program Description: PRCs work to increase the capacity of the statewide substance use and misuse prevention system by enhancing community collaboration, increasing community awareness and readiness, providing information and resources on substance use and related behavioral health data, supporting professional development of the prevention workforce, and providing resources for evaluation activities within each service region. A major product of the PRCs is the Regional Needs Assessment (RNA) created by each of the 11 HHS regions, used to identify substance use and other behavioral health-related trends around the state, find gaps in services, and inform areas of greatest need for prevention services. These RNAs monitor and capture an alcohol and underage drinking data set that helps HHSC ensure targeted prevention services in areas of greatest need.

Strategic Prevention Framework - Partnerships for Success (SPF-PFS)

Number of youth served	2,332
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information https://hhs.texas.gov/doing-business-hhs/grants/behavioral-health-services/strategic-prevention-framework-partnerships-success	

Program Description: SPF-PFS consists of eight funded community coalitions located in the high-needs counties of Dallas, Tarrant, Harris (two), Bexar, and the border counties of Cameron, Hidalgo, and Zapata, all tasked with reducing underage alcohol consumption and prescription drug misuse. These coalitions were developed to mobilize communities to implement evidence-based environmental strategies focused on changing policies and influencing social norms related to substance use and misuse.

Statewide Prevention Media Campaign

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	No data

Program Description: The Statewide Prevention Media Campaign utilizes all media platforms to disseminate unified media messages related to the state's four prevention priorities of alcohol (underage drinking), tobacco and nicotine products, marijuana and other cannabinoids, and prescription drug misuse.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

Program description: No data

Additional Clarification

While HHSC does not have one specific underage drinking prevention program, it uses federal SABG funds to contract comprehensive and holistic prevention services concentrated on four main priorities, of which alcohol (underage drinking) is a primary initiative. The numbers provided in this report are not reflective of all individuals impacted by or receiving these prevention services. In addition, it is difficult to determine the number of youth and adults specifically receiving services related to alcohol prevention.

Additional Information Related to Underage Drinking Prevention Programs

State collaborates with federally recognized Tribal Governments in the prevention of underage drinking: Yes

Description of collaboration: SAMHSA awarded Texas the Strategic Prevention Framework - Partnerships for Success (SPF-PFS) discretionary grant, which focuses primarily on underage drinking and the misuse of prescription drugs. The grant funds eight coalitions, of which one is located in El Paso, TX, with the Ysleta del Sur Pueblo Tribe. The SPF-PFS grant also funded work with the Alabama-Coushatta Tribe, the Kickapoo Traditional Tribe of Texas, the Ysleta del Sur Pueblo Tribe, and the Drug-Free Texas Prevention Media Campaign to attend the Annual Red Ribbon Rally Capitol Kickoff event (RRRCK) held at the Texas capitol building in Austin In October, 2019. More than 900 students from 26 Texas schools participated in the annual event, with more than 100 youth and adults volunteering from coalitions across the state, including the Kickapoo Traditional Tribe of Texas, the Ysleta del Sur Pueblo Tribe, and Texans Standing Tall. Texans Standing Tall is a statewide coalition committed to creating healthier and safer communities in which the underage use of alcohol, tobacco, and other drugs has no place. Activities at the kickoff included tribal youth leadership leading 5th graders in lessons on "I-Messages" and "Refusal Skills," as well as creating advocacy posters used to march up to the south steps of the capitol with a "drug-free" chant.

Ysleta del Sur Pueblo also receives youth prevention funding from Texas from the SABG. The program works with the tribal population in El Paso by using Positive Action, an evidence-based curriculum.

State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing: Yes

Description of program: Texas' Drug-Free Texas statewide prevention media campaign addresses underage drinking through social media messaging on Facebook and Instagram, as well as a digital text-to-subscribe "GovDelivery" campaign geared toward parents of 10- to 17-year-olds.

State collaborates with/participates in media campaigns to prevent underage drinking: No

Federal campaigns: Not applicable

Regional and local media campaigns:	Not applicable
Local school district efforts:	Not applicable
Other:	Not applicable
State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You."	Not applicable
State officially endorses TTHY efforts	Not applicable
State commits state resources for TTHY	Not applicable
State forwards TTHY materials to local areas	Not applicable
Other:	Not applicable
State procures funding for TTHY	Not applicable
Pro bono	Not applicable
Donated air time	Not applicable
Earned media	Not applicable
Other:	Not applicable
State has adopted or developed best practice standards for underage drinking prevention programs:	No
Agencies/organizations that established best practice standards:	
Federal agency(ies)	Not applicable
Agency(ies) within your state:	Not applicable
Nongovernmental agency(ies):	Not applicable
Other:	Not applicable
Best practice standards description:	Not applicable

Additional Clarification

While the prevention programs funded by HHSC do not solely focus on underage alcohol use, they all follow the SPF model for best practices to implement prevention services that are on a continuum for sustainable and culturally and linguistically appropriate services. HHSC identifies four prevention priorities: alcohol (underage drinking), tobacco and nicotine products, marijuana and other cannabinoids, and prescription drug misuse. Alcohol remains the number one cause of fatalities among Texans and is therefore a top priority for substance use and misuse prevention programming in the state.

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities	Yes
Committee contact information:	
Name: Jesikah Martinez, contact for the State of Texas Epidemiological Workgroup (STEW) and the Texas Prevention Priorities Workgroup	
Email: Jesikah.gutierrez@hhsc.state.tx.us	
Agencies/organizations represented on the committee:	
No data	
A website or other public source exists to describe committee activities	No data
URL or other means of access: No data	

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years:	Yes
Prepared by: HHSC's Statewide Behavioral Health Coordinating Council	
Plan can be accessed via: https://hhs.texas.gov/reports/2016/05/texas-statewide-behavioral-health-strategic-plan	
State has prepared a report on preventing underage drinking in the last 3 years:	Not sure
Prepared by: Not applicable	
Report can be accessed via: Not applicable	

Additional Clarification

The Texas Statewide Behavioral Health Strategic Plan addressed in this report is a cumulative representation of services and initiatives related to behavioral health services at HHSC. The State's Behavioral Health Strategic Plan addresses all behavioral health-related activities and strategies and not specifically underage drinking.

State Expenditures for the Prevention of Underage Drinking	
Compliance checks in retail outlets:	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
Checkpoints and saturation patrols:	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
Community-based programs to prevent underage drinking:	
Estimate of state funds expended	$6,012,036
Estimate based on the 12 months ending	08/31/2019
K–12 school-based programs to prevent underage drinking:	
Estimate of state funds expended	$37,809,927
Estimate based on the 12 months ending	08/31/2019
Programs targeted to institutes of higher learning:	
Estimate of state funds expended	$0
Estimate based on the 12 months ending	08/31/2019
Programs that target youth in the juvenile justice system:	
Estimate of state funds expended	$0
Estimate based on the 12 months ending	08/31/2019
Programs that target youth in the child welfare system:	
Estimate of state funds expended	$0
Estimate based on the 12 months ending	08/31/2019
Other programs: Tobacco Prevention, Statewide Prevention Media Campaign, SPF-PFS, Prevention Training Contract, Professional Services	
Estimate of state funds expended	$13,720,825
Estimate based on the 12 months ending	08/31/2019
Funds Dedicated to Underage Drinking	
State derives funds dedicated to underage drinking from the following revenue streams:	
Taxes	No
Fines	No
Fees	No
Other: Not applicable	No
Description of funding streams and how they are used:	
Not applicable	

Additional Clarification

Texas' community-based programs (e.g., community coalitions) and school-based programs (e.g., youth prevention programs) may provide services focused on underage drinking to all areas of the community, including institutions of higher learning, juvenile justice programs, and child welfare programs. Our community coalitions spend resources to educate, mobilize, and affect change within a targeted age range of college-age youth and young adults. In addition, our youth prevention programs may provide education utilizing an evidence-based curriculum in the juvenile justice system or with youth who are in welfare programs. Given the nature of these curricula and activities, it would be difficult to determine the exact dollar amounts spent on such programs.

SAMHSA Publication
No. PEP21-03-11-008 Released 2021
Substance Abuse and Mental Health Services Administration

SAMHSA
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