

POLICIES TO REDUCE SOCIAL ACCESS TO ALCOHOL

BEER KEG REGISTRATION

What is keg registration and how does it work?

- Keg registration (or keg tagging) is a tool to identify and punish adults who buy beer kegs for underage youth.
- Keg registration policies stipulate that:
 - Beer kegs are marked with unique identification numbers (using metal or plastic tags, stickers, invisible ink, or engraving).
 - When a store sells a keg, the keg identification number is recorded along with the purchaser's name, address, telephone number, and driver's license number. These records must be kept for a specified length of time, usually six months to a year.
 - When a beer keg from which underage youth drink alcohol is confiscated by police, the purchaser of the keg is identified and arrested or fined for supplying alcohol to underage persons.
 - The keg deposit fee is forfeited if a keg is returned with an identification tag that is defaced or missing.
- Keg purchasers can also be required to sign a statement promising not to serve alcohol to underage individuals. This statement can be used as a tool to educate purchasers about their potential liability if they serve alcohol to underage people.
- Keg registration can be implemented voluntarily by a store, or required by a local ordinance or state law.

Why keg registration is important for your community

- **Beer kegs are often a main source of alcohol at teenage parties.** In addition, kegs may encourage drinking larger quantities of beer, increasing the risk of driving under the influence of alcohol and other alcohol-related problems
- **When police arrive at underage keg parties, people often scatter.** Without keg tagging, there is no way to trace who purchased the keg.
- **Adults who illegally provide alcohol to underage youth may be deterred only if they believe they will face legal or financial consequences for providing alcohol to people under 21.** Keg registration encourages adults to think twice before purchasing kegs and allowing underage youth to drink from them.

Considerations for passing this ordinance in your community

ISSUE: There may be strong opposition from beer wholesalers and retailers who may feel targeted by this policy.

RESPONSE: *Keg registration does not penalize the beer industry or retailers. Rather, it is a policy to penalize adults who buy beer for underage youth. By supporting keg registration, the industry becomes part of the solution to the underage drinking problem.*

ISSUE: There may be opposition from retailers who fear they will lose business if keg purchasers buy beer in neighboring communities that don't have keg registration policies.

RESPONSE: *Customers who do not intend to supply beer to underage persons are unlikely to avoid purchasing kegs at a store that has keg registration.*

ISSUE: Retailers may think that keg registration is too costly and time-consuming.

RESPONSE: *Communities can pay for keg tagging through various methods, such as licensing fees. Keg registration is not likely to be time consuming because most retailers already record the name and address of keg purchasers.*

Note: You are strongly urged to consult with a local attorney to learn about state law requirements before attempting to pass a local ordinance on beer keg registration.

Considerations for implementation

- **Purchaser can decide to forfeit the deposit fee and remove the keg identification tag, thereby preventing the police from tracing the keg.** Possible solutions:
 - Keg deposits can be increased.
 - Require keg identification markers that are either difficult to detect (such as invisible ink) or hard to remove. Communities may need to identify new methods to tag kegs.
- **If keg registration is only required in one small geographic area, customers who want to buy a keg for underage youth could go to a neighboring community that does not have keg registration.** For this reason, keg registration may work best if it covers a wide geographic area.
- **Liquor stores may be concerned about increased liability.** In reality, liability will be reduced for those establishments that comply with the law. Keg registration holds liable adults who buy beer kegs for underage youth. Establishments that legally sell alcohol to adults and follow correct keg registration procedures are not breaking the law and should not be held liable.
- **Underage youth may drink more beer in bottles/cans or drink other types of alcohol if beer keg access is limited.** Alcohol in cans and bottles is generally not as cheap as keg beer, so the potential for youth drinking as much or more alcohol is not likely. Furthermore, it may be more difficult for youth to get beer in cans and bottles than it is to get it from a keg at a party.

How keg registration fits into a larger context

Keg registration alone cannot solve the problem of underage drinking. Other strategies that target adults who provide alcohol to youth should also be implemented, such as:

- Increased police enforcement against adult providers and increased follow-up by the court system. (see social host liability)
- "Shoulder tap campaigns" in which police cite adults who buy alcohol for youth who approach the adults outside liquor establishments.
- Warning posters, flyers, and other educational campaigns to inform adults of the potential financial and criminal consequences for illegally providing alcohol to underage youth. (see warning posters)

Communities may want to implement keg registration as a first step in attempting to reduce youth drinking because it is relatively easy to implement.

For more information see: http://www.alcoholpolicy.niaaa.nih.gov/Keg_Registration.html

ALCOHOL RESTRICTIONS ON PUBLIC PROPERTY

What are alcohol restrictions on public property?

- Alcohol restrictions on public property control the availability and use of alcohol at parks, beaches and other public spaces. Restrictions can range from total bans on alcohol consumption to restrictions on the times or places at which alcohol can be consumed.¹
- A range of policies may be implemented, such as those that:
 - Prohibit possession of an open container of alcohol in public parks, playgrounds, beaches, etc.
 - Establish standard procedures for dealing with intoxicated persons in public areas.
 - Require regular monitoring of public areas such as parks, beaches and parking lots.
 - Require responsible serving practices at special events in park shelters/buildings where alcohol can be served (e.g. private weddings, parties).
 - Establish standard enforcement procedures for all existing policies.
- Policies should be specific to your community and should be based on the community's own needs and issues.
- These policies can be part of a local ordinance or state law, or be implemented by local organization or agency overseeing the public space.

Why alcohol restrictions on public property are important for your community

- **Underage drinking may occur in a variety of unsupervised places such as parks, beaches, cemeteries, or parking lots.** Prohibiting or restricting alcohol consumption in these public spaces will likely make it easier for police to prevent or break up underage drinking parties.
- **Alcohol consumption in unsupervised public places can lead to problems such as fighting, vandalism and public disturbances, especially among youth.** Prohibiting or restricting alcohol consumption on public property may reduce such problems.

Considerations for establishing alcohol restrictions on public property

ISSUE: Policy makers and public administrators may oppose alcohol restrictions on public property, viewing such restrictions as an additional regulatory burden for government agencies.

RESPONSE: *To help overcome this opposition, policy advocates will need to develop partnerships with a number of community groups, such as law enforcement agencies, local public interest groups, business interests, merchants and public/volunteer agencies.*

ISSUE: Local law enforcement may oppose alcohol restrictions on public property because enforcing the restrictions will create additional work.

RESPONSE: *Although additional work may be created for law enforcement officers on the front end, this added burden would likely be relatively small compared to the effort needed to deal with problems resulting from drinking on public property.*

ISSUE: Community citizens may oppose alcohol restrictions on public property.

RESPONSE: *If citizens in a community oppose such restrictions, community organizers may want to shift their focus from a complete ban on drinking in public places to restrictions on the times and places where/when alcohol consumption is allowed.*

Note: Community members are strongly urged to consult with a local attorney to learn about state law requirements before attempting to pass a local ordinance to restrict alcohol in public places.

Considerations for implementation

- **Enforcement:** Creating an ordinance that restricts or bans alcohol use on public property is not enough to solve the problems related to alcohol consumption—the restrictions must also be enforced. It is important for communities to work with law enforcement agencies to obtain their input and support for these policies.
- **Local implementation:** If alcohol restrictions are implemented and/or enforced only in specific areas of a community, the alcohol-related problems that are being targeted may simply shift to other nearby areas that don't have restrictions or enforcement. Hence, restrictions or bans on alcohol on public property should be implemented and enforced throughout the community and not just in selected areas.
- **Underage drinkers:** It is important to make sure that law enforcement officers not only target or punish the underage drinkers but also identify where/how the underage persons got the alcohol (e.g., who sold or gave the alcohol to the underage persons) so adult or commercial sources can also be targeted and punished.

How alcohol restrictions in public places fit into a larger context

In addition to alcohol restrictions on public property, other strategies should be implemented and enforced to help reduce youth access to alcohol, such as:

- Keg registration to identify and penalize adults and youth who purchase beer kegs for underage youth. (see [beer keg registration](#))
- Banning home deliveries to prevent the delivery of alcohol to underage persons, who may then give the alcohol to other underage youth. (see [home delivery restrictions](#))
- Restrictions on noisy assemblies to aid police in controlling underage alcohol parties in private residences.

ALCOHOL RESTRICTIONS AT COMMUNITY EVENTS

What are alcohol restrictions at community events and how do they work?

- Alcohol restrictions at community events include policies that control the availability and use of alcohol at public venues, such as concerts, street fairs and sporting events. Such restrictions can be implemented voluntarily by event organizers or through local legislation. These restrictions may reduce alcohol-related problems such as traffic crashes, vandalism, fighting, and other public disturbances.
- Alcohol restrictions at these events can range from a total ban on alcohol consumption to the posting of warning posters that detail the risks associated with consuming alcohol. The following is a list of policies that may be implemented to restrict the availability and use of alcohol by underage youth and obviously intoxicated attendees at community events:

Planning and set-up:

- Establish non-drinking areas for families and youth
- Establish designated drinking areas where underage youth are not allowed; prohibit people from leaving these particular areas with alcoholic beverages
- Limit alcohol sponsorship
- Have alcohol-free days/nights
- Establish enforcement procedures for all policies

Alcohol providers and sellers:

- Require alcohol license holder to have liability insurance (check your state laws for specific legal requirements on liability)
- Require responsible beverage service training for alcohol sellers and event coordinators
- Require alcohol sellers to be at least 21 years old
- Require a manager to be on duty at the alcohol booth at all times
- Establish age identification checking procedures
- Prohibit drinking by servers
- Require signs indicating the illegality of providing alcohol to minors

Security:

- Establish procedures for handling intoxicated drinkers
- Require that security staff be adequately trained
- Ban alcohol consumption in parking lots and monitor the lots

Food/Beverage:

- Limit cup size to 12 ounces
- Use cups for alcoholic beverages that are easily distinguishable from non-alcoholic beverage cups
- Limit number of servings per person per purchase to one or two at a time
- Stop serving alcohol at least one hour before closing
- Sell food and non-alcoholic drinks and provide free water

Why alcohol restrictions at community events are important for your community

- **At community events, underage youth may easily get alcohol by buying it directly or by having friends over 21 buy it for them.** One study showed that youth were able to purchase alcohol in 50% of attempts at community festivals.¹ Banning alcohol or restricting alcohol sales (through policies such as age-ID checking or

limiting number of servings per person) at community events can reduce these sources of alcohol for youth.

- **Individuals who are already intoxicated may easily get alcohol at festivals and sporting events.** In one study of 50 festivals, individuals appearing obviously intoxicated were able to buy alcohol in 89% of attempts.¹
- **At community and sporting events, alcohol use may fuel outbreaks of fighting and other forms of disruptive behavior among patrons and fans.** Policies such as discontinuing alcohol sales during the last half or final hour of the event or limiting the number of servings per person can reduce alcohol-related problems. Stadiums can also prohibit the sale of alcohol in the stands.
- **Alcohol consumption at community events may also cause other types of disturbances within the community.** Possible disturbances include noise level issues, litter and trash on property surrounding the event, traffic and parking issues, property damage or vandalism and public urination.
- **Alcohol consumption at community events may increase the risk of alcohol-impaired patrons driving after an event.** Policies such as banning the sale of alcohol at an event, prohibiting sales to intoxicated customers or restricting the hours during which alcohol can be sold may reduce the likelihood that patrons will drive drunk after an event.

Why festival alcohol policies need to be changed

- A survey of 45 community festivals in the summer of 2000 found that: ¹
 - 62% allowed individuals under age 21 into designated drinking areas
 - 53% did not limit the number of alcoholic drinks purchased per sale
 - 33% received at least some funding from the alcohol industry
 - 32% did not restrict alcohol to a specific area
 - 30% of event planners did not know whether alcohol servers were required to be trained on how to responsibly serve alcohol
 - 20% of those who served alcohol did not use any special methods to identify underage patrons.

Considerations for establishing this policy in your community

ISSUE: Stadium owners and other event organizers may oppose bans or restrictions on the sale of alcohol for fear that such restrictions would reduce participation in events or reduce profits because revenue from alcohol sales would be eliminated.

RESPONSE: *Although some events may draw smaller crowds as a result of alcohol bans or restrictions, many events would not likely lose a significant number of participants. Events with alcohol bans or restrictions could also draw more families and other patrons who want to enjoy an event that is safe and free from alcohol-related problems.*

ISSUE: Some community members may think that restrictions will be more effective when implemented voluntarily by the event organizers.

RESPONSE: *Community members can first ask and encourage event organizers to voluntarily implement their own alcohol restrictions. If the event organizers do not comply, concerned community members may want to take the following steps:*

- Gather information about any problems associated with specific events (contact: police department, licensing agency, managers of facilities, security personnel, event coordinators, business and property owners near event).

- Evaluate the strengths, weaknesses, and enforcement of existing alcohol control policies for community events.
- Identify alcohol policies that address the problems associated with community events and encourage event organizers to adopt policies or attempt to pass local ordinances requiring such policies.

Note: Community members are strongly urged to consult with a local attorney to learn about state law requirements before attempting to pass a local ordinance on restricting alcohol at community events.

Considerations for implementation

- **Event organizers should ensure that all staff, paid and voluntary, are aware of event policies and are trained to comply with these policies.**
- **Mechanisms need to be in place to enforce event policies.** As with any policy, alcohol restrictions at community events must be enforced to be effective. A monitoring system, such as security guards, management spot-checks, or surveillance cameras, can ensure that employees are complying with event rules.

How alcohol restrictions at community events fit into a larger context

Youth obtain alcohol from commercial and social sources. Effective alcohol restrictions at community events can reduce youth access to alcohol from both types of sources by making it difficult for teens to purchase alcohol themselves (commercial source) and for them to obtain it from other people (social source). Additionally, alcohol restrictions send a clear message that consumption of alcohol by underage youth at community events is not acceptable. Communities also need to implement and enforce policies that reduce other commercial and social sources of alcohol for youth in the community, such as:

- Restrictions on sponsorship of events by alcohol producers and sellers. (see [alcohol sponsorship](#))
- Zoning ordinances to restrict alcohol outlets.
- Bans and restrictions on alcohol billboards and other advertising. (see [alcohol advertising restrictions](#))
- Restrictions on alcohol use in public places such as parks, parking lots and streets.

What other communities have done

California's Licensee Education on Alcohol and Drugs program (LEAD), administered through the California Department of Alcoholic Beverage Control, provides free training for event leaders and staff in a two-hour voluntary session. During this program, leaders learn effective strategies to deal with underage and irresponsible drinking concerns, as well about California laws on alcohol control. [9](#)

References:

1. Toomey TL, Erickson DJ, Patrek W, Fletcher LA, Wagenaar AC. Illegal alcohol sales and use of alcohol control policies at community festivals. *Public Health Reports*, 120(2):165-173, 2005.

SOCIAL HOST LIABILITY

What is social host liability and how does it work?

- Under social host liability laws, adults who serve or provide alcohol to minors or persons who are intoxicated can be held liable if the person who was provided alcohol is killed or injured, or kills or injures another person.
- In some states, social host liability is covered under dram shop law. Dram shop liability refers to a drinking establishment's potential financial liability for serving alcohol to an intoxicated or underage person who later causes injury to a third party. However, dram shop law normally only covers commercial service and not private parties.
- Note that social host laws vary from state-to-state. Some state laws may only target those who provide to underage youth vs. intoxicated persons. See; http://www.alcoholpolicy.niaaa.nih.gov/Prohibitions_Against_Hosting_Underage_Drinking_Parties.html

Why social host liability is important

- **Common sources of alcohol are the young person's own home or from persons over the age of 21.**^{1,2} Social host liability laws may deter parents and other adults from hosting underage parties and purchasing/providing alcohol for underage youth.
- **Some adults believe underage drinking is just part of growing up and therefore think it is acceptable to give alcohol to underage people.** Social host liability laws send a clear message to adults that providing alcohol to underage youth is not acceptable.
- **Many people do not realize that it may be illegal in their state to serve or provide alcohol to obviously intoxicated persons.** Social host liability laws may act as a strong deterrent if providers believe that they will be sued if injury or death occurs as a result of the provision of alcohol to an obviously intoxicated person.
- **Without social host liability laws, it can be difficult to enforce laws against those who provide alcohol to underage youth or intoxicated persons.** Social host liability laws may act as a strong deterrent if providers believe that they will be sued if injury or death occurs as a result of the provision of alcohol to an underage or intoxicated person.
- **Research shows social host liability laws are effective.** In an analysis of all 50 states, social host laws were associated with reductions in drinking-driving and heavy drinking.³

Considerations for passing a social host law in your state

ISSUE: Some states have Supreme Court decisions that bar suits by third parties where the alcohol was served by social hosts.

RESPONSE: *If a state has a case history of decisions barring third party suits of social hosts, then activists should consider sponsoring legislation to provide for third party liability for social hosts who serve underage persons.*

ISSUE: Parents may oppose such legislation, arguing that it is unfair to prosecute parents for providing alcohol to their own children.

RESPONSE: *In most states, under social host liability laws, parents cannot be sued for legally serving alcohol to their own children- parents can only be sued for serving children other than their own*

ISSUE: Parents may also oppose such a law because it may seem unfair to prosecute parents who do not give their children permission to have parties in their home.

RESPONSE: *Social liability laws usually apply to parents who fail to take adequate precautions to prevent underage drinking on their property can be held liable for negligence. Some laws only hold those adults responsible who "knowingly" allow underage drinking parties in their home.*

Considerations for implementation

Enforcement: It may be difficult to enforce a law against hosts who provide alcohol to underage or intoxicated persons unless the person is caught destroying property or causing injury to themselves or others. It is important to take steps to identify and intervene in situations where people may be providing alcohol to youth or intoxicated persons. For example, police can routinely patrol alcohol outlets to prevent the transfer of alcohol from adults to underage persons outside of these establishments, and flyers can be distributed at liquor stores that educate purchasers about the legal liability for providing alcohol to youth or intoxicated individuals.

Social host liability and the larger context

Social host liability cannot by itself eliminate youth's access to alcohol or provision of alcohol to intoxicated persons. Although some providers may be deterred by the threat of civil or criminal liability, other alcohol control policies such as keg registration can help identify those who provide alcohol to youth and intoxicated individuals. (see [keg registration](#)).

References

1. Jones-Webb R, Toomey T, Miner K, Wagenaar AC, Wolfson M, Poon R. Why and in what context adolescents obtain alcohol from adults: A pilot study. *Substance Use & Misuse*, (2):219-28, 1997.
2. Wagenaar AC, Toomey TL, Murray DM, Short BJ, Wolfson M, Jones-Webb R. Sources of alcohol for underage drinkers. *Journal of Studies on Alcohol*, 57(3):325-33, 1996.
3. Stout EM, Sloan FA, Liang L, Davies HH. Reducing harmful alcohol-related behaviors: Effective regulatory methods. *Journal of Studies on Alcohol*, 61(3):402-12, 2000.