

FACT SHEET

MINIMUM DRINKING AGE LAWS

What is the national age 21 drinking law?

The National Minimum Drinking Age Act of 1984 required all states to raise their minimum purchase and public possession of alcohol age to 21. States that did not comply faced a reduction in highway funds under the Federal Highway Aid Act. The U.S. Department of Transportation has determined that all states are in compliance with this act.

The national law specifically requires states to prohibit purchase and public possession of alcoholic beverages. It does not require prohibition of persons under 21 (also called youth or minors) from drinking alcoholic beverages. The term “public possession” is strictly defined and does not apply to possession for the following.

- An established religious purpose, when accompanied by a parent, spouse, or legal guardian age 21 or older;
- Medical purposes when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution;
- In private clubs or establishments; and
- In the course of lawful employment by a duly licensed manufacturer, wholesaler or retailer.

State Issues

Article XXI of the United States Constitution, which repealed prohibition, grants states the right to regulate alcohol distribution and sale. State laws are unique, but each allows local communities to regulate youth access to alcohol through local ordinances and law enforcement. State laws address youth-related violations separately. These include:

- Sales to minors. Prohibits vendors or any other persons from selling, giving, or otherwise providing alcohol to minors.
- Purchase. Prohibits or limits minors from obtaining alcohol from vendors or other sources.
- Possession. Generally prohibits or limits minors from carrying or handling alcohol. Some state laws contain various exemptions, such as handling alcohol in the course of employment and possession with parental possession.
- Consumption. Prohibits or limits minors’ drinking of alcoholic beverages.
- Misrepresentation of age. Provides for penalties against minors who present false identification or otherwise represent themselves as being of legal purchase age.

Minimum Drinking Age Laws Fact Sheet continued

State and local enforcement agencies may use administrative and/or criminal penalties against alcohol law violations. Administrative penalties are assessed against vendors through licensing agencies. Administrative penalties include fines, license suspensions and revocations. Criminal penalties are assessed against vendors or minors through state or local criminal courts. Criminal penalties include fines, jail sentences and diversion programs, such as community service.

Why are age 21 minimum drinking laws needed?

The National Highway Traffic Safety Administration (NHTSA) estimates that minimum drinking age laws have saved 18,220 lives (of all ages) since 1975. In 1998 alone these laws saved 861 lives. These laws have had greater impact over the years as the drinking ages in the states have increased, affecting more drivers age 18 to 20. Although significant progress has been made over the past 15 years in reducing alcohol involvement in fatal crashes by young drivers, they are still at-risk and over-involved compared to older drivers. In 1998, 42 percent of 18- to 20-year-old crash fatalities were alcohol-related. This compares to 38.4 percent for the total population. More 18 year-olds died in low blood alcohol content (between .01 and .09 BAC) crashes than any other age. These numbers were much higher in past years when many states had lower drinking ages.

The traffic safety benefit of age 21 drinking laws has been well established. Many studies have examined the increase in fatalities when states raised the age. The Government Accounting Office has examined these studies and confirmed the life-saving benefits of age 21 drinking laws.

Loopholes

The Surgeon General of the U.S. determined, in a series of reports in 1991, that many states' laws contain loopholes that permit underage drinking.

- Although no states permit vendors to sell to minors, some states do not prohibit minors from purchasing alcohol.
- States allow minors to possess alcohol under certain conditions.
- Many states do not specifically prohibit consumption by minors.
- Some states allow minors to sell or serve alcohol without adult supervision.
- Most states do not prohibit minors from entering drinking establishments.

What can you do?

Loopholes in state laws and weaknesses in law enforcement and education have been identified by the Surgeon General. Become familiar with the laws and policies concerning youth access to alcohol in your state by reviewing the following checklist.

Minimum Drinking Age Laws Fact Sheet continued

Do your alcohol laws:

- Prohibit youth from purchasing and attempting to purchase?
- Prohibit youth from consuming and possessing alcohol in public places?
- Prohibit youth from consuming and possessing in private places without parent or guardian supervision?
- Contain employment provisions, which reduce the opportunity for youth to sell alcohol to peers?
- Bar youth from entering bars, taverns, cocktail lounges and other establishments that are primarily drinking establishments?
- Contain specific civil liability provisions addressing establishments and individuals that illegally provide alcohol to minors?
- Contain provisions such as California's "Kegger Statute" that allow enforcement agents to take action against minors who drink in private residences?
- Provide decoy operation authority?
- Provide options for diversionary penalties such as driver's license suspension?

Do you emphasize the need for preventing youth from illegally purchasing alcohol by:

- Giving high priority to detecting and prosecuting alcohol-related offenses?
- Ensuring that alcohol enforcement agencies are adequately funded and staffed?
- Giving your ABC jurisdiction over minors and assuring that penalties are adequate, appropriate and uniformly applied?

Are your education efforts directed at:

- Youth at early ages using unique approaches whenever possible?
- The general public to change attitudes about youth drinking?
- Law enforcement agencies to emphasize the need to eliminate youth access to alcohol?
- The judicial system to stress the need to impose penalties?
- Alcoholic beverage sellers through vendor and server training programs?

Do you inhibit the use of false IDs by:

- Prohibiting the manufacturer and sale of false IDs?
- Prohibiting minors from misrepresenting their age?
- Providing adequate penalties for violations of false ID laws?
- Vigorously prosecuting offenders?
- Issuing driver's licenses and identification on cards that cannot be duplicated or counterfeited?

U.S. Department of Transportation
December 1999