

Efficacy and the Strength of Evidence of U.S. Alcohol Control Policies

Toben F. Nelson, ScD, Ziming Xuan, ScD, SM, Thomas Babor, PhD, Robert D. Brewer, MD, MSPH, Frank J. Chaloupka, PhD, Paul Gruenewald, PhD, Harold Holder, PhD, Michael Klitzner, PhD, James Mosher, JD, Rebecca L. Ramirez, MPH, Robert Reynolds, MA, Traci L. Toomey, PhD, Timothy S. Naimi, MD, MPH

Appendix A. Background and expertise of participating alcohol policy experts

Policy panelist	Affiliation and title	Areas of expertise
Thomas Babor, PhD	Professor and Chair, Department of Community Medicine, University of Connecticut School of Medicine	Alcohol policy research, psychiatric epidemiology, alcohol treatment evaluation
Robert Brewer, MD	Lead Epidemiologist, Alcohol Program, CDC	Binge drinking, alcohol epidemiology, alcohol-impaired driving
Frank Chaloupka, PhD	Professor, Department of Economics, University of Illinois at Chicago	Economic analysis of substance use and abuse, impact of tax and price policies on alcohol consumption and harms
Paul Gruenewald, PhD	Scientific Director/Senior Research Scientist, Prevention Research Center, Berkeley CA	Social, economic, and physical availability of alcohol, alcohol use, and alcohol-related problems
Harold Holder, PhD	Senior Research Scientist (retired), Prevention Research Center, Berkeley CA	Environmental strategies for the prevention of substance abuse; multicomponent policy intervention studies
Michael Klitzner, PhD	Principal Social Scientist, The CDM Group, Inc., Bethesda MD	Public policy and systems science, adolescent health, traffic safety, alcohol and drug problems
James Mosher, JD	Senior Policy Advisor, The CDM Group, Inc., and Consultant, Alcohol Policy Consultations, Felton CA	Alcohol law, alcohol policy analysis, public health law
Rebecca Ramirez, MPH	Program Director, Pacific Institute for Research and Evaluation, Calverton MD	Alcohol beverage control agency activities, alcohol law enforcement, law enforcement practices and evaluation
Robert Reynolds, MA	Retired Director of Alcohol Policy Initiatives, Pacific Institute for Research and Evaluation, Calverton MD	Community-based interventions, community mobilization for policy implementation, policy advocacy
Traci Toomey, PhD	Professor, Division of Epidemiology and Community Health, University of Minnesota	Alcohol policy effectiveness research, intentional and unintentional injury prevention, underage drinking

Appendix B: Description of alcohol control policies considered

Alcohol beverage control agencies present; functional; adequately staffed

Alcohol beverage control agencies act alone or in concert with local law enforcement officials to enforce alcohol laws, particularly with respect to licensure and compliance with laws related to alcohol sales and service. An ideal state agency of this type would have authority to enforce liquor laws, adequate staffing and funding, and would conduct regular enforcement efforts in conjunction with local law enforcement.

Administrative license revocation

Administrative license revocation allows law enforcement to immediately suspend the driver's license of a DUI (driving under the influence) offender upon the failure or refusal of a chemical test. An ideal policy would apply to all offenders, would have no restrictions, and would allow police to confiscate the license at the scene of the arrest.

Advertising in mass media restrictions

Marketing exposure for underage youth is a function of the number of messages placed and the size and age composition of the audience exposed, across various media types. Overall exposure could be reduced in a number of ways (e.g., limiting advertising based on audience composition or time of day). However, an ideal policy would ban alcohol marketing and advertising in mass media.

Blood alcohol concentration to 0.08/per se laws

In the U.S., permissible blood alcohol concentrations (BACs) have been reduced to 0.08% from 0.10%. A BAC at or above that level is considered per se evidence of impairment, meaning that a violation has occurred without regard to other evidence of intoxication or sobriety. An ideal policy would include aggressive enforcement of laws, immediate administrative license revocation, and strong, fixed penalties for convictions.

Blood alcohol concentration to 0.05/per se laws

In the U.S., permissible blood alcohol concentrations are set at 0.08%. A BAC at or above that level is considered per se evidence of impairment, meaning that a violation has occurred without regard to other evidence of intoxication. Laws that establish the threshold for per se intoxication could be lowered to 0.05%, as has been done throughout much of Europe. For the purposes of this policy, with respect to youth assume that zero-tolerance laws are already in effect.

Bans on alcohol sales

Bans on alcohol sales refer to complete bans on sales within geographic areas, either nationally (as with prohibition in the U.S.); at the county level; or on some American Indian reservations. An ideal policy has no exceptions to the ban, but small geographic size or factors that contribute to a "black market" or home production can limit the impact of a ban.

Compliance checks (enforcement of minimum legal drinking age laws)

Compliance checks involve the use of underage, deputized purchasers who attempt to purchase alcohol at retail outlets as part of a law enforcement program. Ideal state policies would allow the use of underage decoys; would be conducted frequently (e.g., at least annually at all outlets); and have mandatory, fixed punishments for violators.

Consumption restrictions in public places, events

Alcohol restrictions at community events specify the availability and use of alcohol at public venues, such as concerts, street fairs, and sporting events. An ideal policy would require: professional service of alcohol, a liquor license, responsible beverage service training for all employees and volunteers who serve alcohol at the event, and cups for alcohol of standard size and that are distinguishable from those for non-alcoholic beverages. It would also place restrictions on the number of servers at the event, limit alcohol sales and consumption to a designated area from which underage people are restricted, and have limitations on the maximum volume of sales and hours of sale.

Counter-marketing campaigns for alcohol

Counter-marketing campaigns are mass media advertising with the intent to discourage underage drinking and adult risky drinking. An ideal counter-marketing campaign would use state-of-the-art media messaging and would have placement and resources to reach most underage youth and heavy drinkers on a regular basis (e.g., \$2.50 per capita annually, as is recommended for tobacco counter-marketing).

Credit card sales of alcohol prohibited

Such a policy would eliminate the use of any credit card to purchase alcohol; this is done in some municipalities with respect to the purchase of lottery tickets. An ideal policy would require cash payments for all on- and off-premises alcohol purchases.

Days of sale restriction (Sunday sales)

Days of sale restrictions specify limits on the days when alcohol may be sold (e.g., no sales on Sunday). Ideal policies would apply to all beverage types, and to all types of on- and off-premises establishments.

Direct shipment of alcohol to consumers restricted

Direct shipments of alcohol by producers to consumers (including Internet- and telephone-generated sales) may be banned; restricted (e.g., require age verification, reports regarding purchasers' age, labeling the shipment box as containing alcohol); or permitted without restriction. An ideal policy would ban direct shipments altogether to reduce underage drinking and to prevent circumvention of existing wholesale price restrictions.

Dram shop liability laws

Dram shop liability laws specify that a commercial drinking establishment can be held financially liable for serving alcohol to an intoxicated or underage person who later causes injury to a third party. Ideal laws would apply to service to both underage and intoxicated people and would not have limits on liability.

Excise taxes (state)

States impose taxes on distilled spirits, wine, and beer. Typically, these taxes are based on a dollar amount per volume but in some cases are imposed on an ad valorem basis (percentage of cost). An ideal tax policy would be one where taxes are high (e.g., 33%–50% of total price); where tax is based on a percentage of sales price or indexed to inflation; and where taxes are based on ethanol content.

Fetal alcohol syndrome warning signs

Fetal alcohol spectrum disorders (FASD) are a range of birth defects caused by maternal alcohol consumption during pregnancy. States have established policies requiring that warning signs be where alcoholic beverages are sold and in healthcare facilities where pregnant women receive treatment to warn women of the risks associated with drinking during pregnancy.

False ID laws

False ID laws specify that forms of identification (e.g., driver's license or state identification card) may not be altered or used to establish a false identification or false age in order to purchase an alcoholic beverage. An ideal false ID law would: require IDs to have a different appearance (e.g., color, orientation) for those under the legal drinking age; have penalties for possessing, manufacturing, or selling false IDs; make merchants accountable for sales to those with false IDs; require the use of scanners; and permit immediate seizure of suspected false IDs.

Furnishing alcohol to minors prohibited

Such laws sanction adults or commercial establishments for providing alcohol to underage people. An ideal policy allows no exceptions (e.g., parental exceptions, exceptions for private property) and provides clear penalty guidelines.

Graduated driver license laws

Typical provisions of graduated licensing laws are: extended periods of supervised driving before a full license is granted; required hours of adult supervision during learner periods; restrictions on late-night driving during initial months after teens get their license; restrictions on driving with teen passengers; seat belt requirements for drivers and passengers.

Hours of sale restrictions

A state or locality may establish the hours during which alcoholic beverages may be sold. An ideal policy would not be subject to state pre-emption and would limit hours of sale, particularly late at night (e.g., after midnight). For reductions to have an impact, they should restrict sales by 2 hours or more compared with baseline.

House party laws (social host, criminal liability)

House party laws make it illegal for individuals to allow minors to possess or consume alcohol on property they control. Violators may be subject to fine or imprisonment. An ideal policy would include

the option of applying civil penalties; designate violations as a form of public nuisance; impose strict liability (no knowledge or negligent conduct requirement for civil penalties to apply); include any private property (including residences and outbuildings); and apply to gatherings with any number of underage people.

Keg registration laws

Keg registration (or keg tagging) requires retailers to identify those who purchase kegs of beer so that law enforcement can track purchasers of kegs found in the possession of minors. An ideal keg registration policy would have a large (e.g., \$50) deposit; would impose penalties for destroying the kegs' identifying information; and would apply to all keg sizes.

Ignition interlock laws for “driving-under-the-influence” offenders

Ignition interlock laws for DUI (driving under the influence) offenders allow the courts to require offenders of laws prohibiting driving under the influence of alcohol to install an ignition interlock device in their vehicles. An alcohol ignition interlock is a device installed into the starting circuit of a vehicle that requires the driver to blow into the device; the vehicle will not start if the driver has measurable alcohol (set to a predetermined level) in their system. An ideal policy would apply to all DUI offenders (not just multiple offenders) and would require the use of the interlock for an extended period of time (e.g., 2 or more years).

Local authority to regulate retail alcohol availability (pre-emption/conditional-use permits)

Many states delegate to local governments at least some authority to regulate retail alcohol availability (the number, types, locations, and operating practices of alcohol retail outlets). Typically, this local authority is exercised through a conditional-use permit (CUP) process, which requires any applicant for an alcohol retail outlet to meet specific conditions before a permit will be issued, and requires a public hearing so that local citizens can participate in the process. Some states "pre-empt" this local authority through the application of the State Preemption Doctrine, which requires regulatory decisions regarding retail alcohol availability to be made by a state agency, typically the Alcoholic Beverage Control agency. State pre-emption can exclude all local decision-making or can restrict it to particular regulatory issues (e.g., times of day that alcohol is allowed to be sold). An ideal policy would give local governments broad authority to regulate retail alcohol availability through the use of a CUP process while establishing minimum public health and safety standards that are applicable across the state.

Local option permissible

Local option laws allow local jurisdictions to prohibit alcohol sales within their boundaries. If the local jurisdiction chooses to end its local ban, the alcohol control laws applicable across the state then apply.

Mandatory substance abuse assessment for “driving-under-the-influence” offenders

Laws that require offenders of DUI laws to go through formal assessment for alcohol abuse problems and participate in a treatment program if appropriate; an ideal policy would apply to first-time and multiple offenders.

Minimum age of server/seller

Minimum age of server or seller laws specify a minimum age for employees who may serve, dispense, or sell alcoholic beverages. An ideal policy would apply to on- and off-premises establishments, and would prohibit selling, dispensing, or serving alcohol by those aged <21 years.

Minimum legal drinking age laws

All states prohibit possession and purchase of alcoholic beverages (with certain exceptions) by those aged <21 years. In addition, most but not all states have statutes that specifically prohibit consumption of alcoholic beverages by those aged <21 years. Ideal policies would prohibit sales, consumption, and purchase of alcohol by underage people, and would not allow statutory exceptions to these provisions (e.g., parental or private property exceptions).

Nutrition information labels

An ideal nutrition labeling policy would require specification of the nutritional and ethanol content of alcoholic beverages.

Open-container laws, automobiles

Open-container laws prohibit open containers of alcohol in the passenger compartments of noncommercial motor vehicles.

Outdoor advertising restrictions

Outdoor advertising refers to signs that are in public places or on public facilities (e.g., billboards, signs on public transit). Some example policies prohibit outdoor advertising within 500 feet of schools, churches, playgrounds, or other locations where underage people are likely to congregate. An ideal policy would prohibit such advertising altogether, as is the case with tobacco outdoor advertising under the Master Settlement Agreement.

Outlet density restrictions

States and many localities have the authority to restrict retail outlet density in on- or off-premises establishments. Ideal policies around outlet density restrict density based on the size of the geographic area, or population size, and also restrict clustering of outlets in small zones and limit or prohibit outlets in certain locations (e.g., close to schools, playgrounds, or churches).

Place-of-last-drink information collection and reporting

Such laws or policies mandate that law enforcement officials who are investigating a DUI or other alcohol-related offense: (1) determine the place where the offender consumed his/her last drink before committing the offense in question; and (2) report their findings to local and state alcohol retail licensing agencies to determine if licensing sanctions should be imposed. An ideal policy would require a mandatory collection and reporting of place-of-last-drink data and follow-up review by local and state alcohol retail licensing agencies, and the presence of supporting alcohol policies such as dram shop liability and social host laws.

Public consumption laws

Public consumption laws ban the consumption of alcohol in public places by individuals.

Public intoxication prohibited

Laws prohibiting public intoxication specify that it is illegal to be in a public place under the influence of alcohol to the degree that it endangers the drinker or others, or if it results in boisterous and offensive conduct.

Promotional materials and giveaway restrictions

Alcohol companies sometimes provide promotional materials and giveaways with product logos. Ideal policies would forbid the provision of any materials or giveaways, particularly to children and young adults who are under the legal age for purchasing alcohol.

Responsible beverage-service training

Responsible beverage-service training is intended to decrease the number of illegal alcohol sales to underage youth and intoxicated patrons through education programs that: help managers and servers/sellers understand state, community, and establishment-level alcohol policies and potential consequences for failing to comply with such policies (e.g., criminal or civil liability, job loss) and provide the necessary skills to comply with these policies. An ideal policy would: mandate training, apply to all employees of all new and existing on- and off-premises alcohol establishments; and be supported by same-state dram shop liability laws and tough sanctions for sales to underage youth or sales to intoxicated patrons.

Retail alcohol license policy

In the U.S., retail alcohol establishments must be licensed by state and/or local licensing bodies in order to legally sell and serve alcohol. States and localities have varying rules regarding the transfer of licenses to new retail operators. For example, license transfers may be permitted on the open market and may be used in a new location, which can result in the state-issued license gaining an inflated monetary value. License transfers may also occur using an expedited licensing process, limiting opportunities for community input and review. An ideal retail alcohol license policy would make a license specific to the owner and to the establishment in its location at the time of licensure, prohibit private license transfers, and require new licensees to apply for a license directly from the state.

Retail price restrictions

States and some localities have the authority to apply retail price restrictions. Ideal policies on retail price promotions would apply to both on- and off-premises outlets, and would include minimum price provisions and limits or bans on alcohol-discounting practices such as happy hours, discount coupons, and 2-for-1 or all-you-can-drink specials.

Retail signage restrictions

Retail signage restrictions apply to indoor and outdoor signage at establishments that sell alcohol. An ideal policy would: limit outdoor signage to a single sign that covers no more than 10% of window space; prohibit indoor signs within 4 feet of the floor or at checkout counters; and not be affected by state pre-emption laws.

Sales or service to intoxicated patrons prohibited

Restrictions on service or sales to intoxicated patrons laws prohibit licensed establishments from selling or serving alcoholic beverages to people who are, or appear to be, intoxicated. An ideal policy would include provisions and adequate resources for monitoring and enforcement; reasonable evidentiary standards for conviction of those charged with selling to intoxicated people; and tough penalties for violators, including license suspension. Enforcement actions and effectiveness might also be improved by the presence of dram shop liability laws and collection of place-of-last-drink data.

Sobriety checkpoints

Sobriety checkpoint laws allow local law enforcement to establish temporary checkpoints or roadblocks to catch drivers who are under the influence of alcohol. Officers can stop every vehicle or use a specific pattern to stop certain cars on a public road to investigate if drivers are impaired. An ideal state policy would permit sobriety checkpoints, which would be implemented frequently (e.g., monthly) and be well publicized.

Social host laws (civil liability)

Social host liability laws specify that individuals who provide alcohol to minors or obviously intoxicated people in noncommercial settings can be held financially liable for injuries or damage caused by the person served. An ideal policy would be widely publicized, base liability on whether the social host had acted negligently in serving the alcohol, would not place additional evidentiary burdens on the person seeking recovery, and would not limit the amount that can be recovered.

State alcohol control systems (monopoly)

A monopoly on retail sales is when the state is the sole seller of alcohol at the retail level in off-premises locations. An ideal monopoly policy would be one where the primary intent of the state is to limit alcohol-related harms, more alcohol beverage types are covered, and the monopoly applies to all off-premises outlets.

Use alcohol/lose license (youth)

As a penalty for underage purchase, possession, or consumption of alcoholic beverages, use/lose laws authorize suspension of a drivers' license. An ideal policy would include adequate enforcement of minimum legal drinking age laws generally, good communication between law enforcement and the department of motor vehicles, and a mandatory revocation of a driver's license for offenses.

Warning labels on alcohol products

Warning label laws require labels to be placed on all alcoholic beverages to warn consumers of the potential negative health effects of using the product. An ideal policy would make labels persuasive by requiring that they be large and have graphic, explicit warnings that include images.

Wholesale price restrictions

Restrictions on wholesale pricing include provisions that are typically administered through a three-tier distribution system (producer, wholesaler, retailer) and include minimum markups in sales from producer to wholesaler and wholesaler to retailer, bans on volume discounts, laws that require wholesalers to publicly post their prices and hold them constant for a specified time period, and minimum price provisions.

Zero-tolerance laws

Zero-tolerance laws state that people aged <21 years are not permitted to have consumed any alcohol prior to driving (per se BAC $\geq 0.02\%$). Minors are subject to punishment for violating this law, regardless of whether they are physically impaired.