Joint Meeting of the Role of ABC Underage Drinking Subcommittees
June 12, 2013

Marny Rivera, Ph.D.
# Alaska Alcohol and Tobacco Compliance Check Violations Rates, 2006–2011

<table>
<thead>
<tr>
<th>State Fiscal Year</th>
<th># Vendor Checks</th>
<th># Sales</th>
<th>Violation Rate</th>
<th>Violation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>874</td>
<td>169</td>
<td>19.3 %</td>
<td>9.4 %</td>
</tr>
<tr>
<td>2007</td>
<td>1037</td>
<td>190</td>
<td>18.3</td>
<td>13.6</td>
</tr>
<tr>
<td>2008</td>
<td>609</td>
<td>82</td>
<td>13.5</td>
<td>9.2</td>
</tr>
<tr>
<td>2009</td>
<td>614</td>
<td>83</td>
<td>13.5</td>
<td>15.1</td>
</tr>
<tr>
<td>2010</td>
<td>700</td>
<td>105</td>
<td>15.0</td>
<td>9.0</td>
</tr>
<tr>
<td>2011</td>
<td>804</td>
<td>98</td>
<td>12.0</td>
<td>7.6</td>
</tr>
</tbody>
</table>

Source: State of Alaska Alcoholic Beverage Control Board (2011)
Research Questions

• Goal: Improve alcohol enforcement practices to increase compliance rates
  – Tobacco enforcement as a model
• Classification: Violation versus misdemeanor
• Factors that influence compliance
• Differences in policy and enforcement: Agencies, resources, punitive consequences, social forces, etc.
2001-2005 increase from 16% to 31% (nat’l average: 20%) (BRFSS)

Source: CDC, YRBSS (2011)
Underage Alcohol Problem: Last 30 Days

Alaska and U.S Underage Alcohol Use
Used Alcohol in Last 30 Days

2001-2005 increase from 39% to 48% (nat'l average: 40%) (BRFSS)
Underage Alcohol Problem: Lifetime

Alaska and U.S Underage Alcohol Use
Used Alcohol in Lifetime

Source: CDC, YRBSS (2011)
Alcohol Problem

Underage


- Alaska - Ever used
- Alaska - Recent use
- Alaska - Binge drinking
- U.S. - Ever Used
- U.S. - Recent use
- U.S. - Binge drinking

Source: CDC, YRBSS (2011)

Adult

Alaska and U.S. Adult Alcohol Use 2001-2010

- Alaska - Regular drinkers
- Alaska - Heavy drinkers
- Alaska - Binge drinkers
- U.S. - Regular drinkers
- U.S. - Heavy drinkers
- U.S. - Binge drinkers

Source: CDC, BRFSS (2011)
Alcohol & Tobacco Problems

Underage


- Ever used alcohol
- Ever smoked cigarette

Year
- 1995
- 2003
- 2005
- 2007
- 2009
- 2011

Percentage of Population
- 0%
- 10%
- 20%
- 30%
- 40%
- 50%
- 60%
- 70%
- 80%
- 90%

Source: CDC, YRBSS (2011)

Adult

Alaska and U.S. Adult Tobacco and Alcohol Use 1995-2010

- Regular drinkers
- Current smokers

Year
- 1995
- 1996
- 1997
- 1998
- 1999
- 2000
- 2001
- 2002
- 2003
- 2004
- 2005
- 2006
- 2007
- 2008
- 2009
- 2010

Percentage of Population
- 0%
- 10%
- 20%
- 30%
- 40%
- 50%
- 60%
- 70%
- 80%
- 90%

Source: CDC, BRFSS (2011)
Compliance Checks

• Definition: Underage buyer attempts to purchase alcohol without ID

• Justification
  – Deter sales to underage persons by promoting regular identification checks
  – Effective compliance checks reduce purchase and use of age-restricted products
  – Shown to be more effective than merchant education

• Recommendation: Part of a multi-pronged effort
Federal Tobacco Prevention & Intervention

• Synar Amendment of Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act (1992)

• Requirements:
  – Enact and enforce laws prohibiting sale or distribution of tobacco to underage persons
  – Conduct compliance checks
  – Compliance rates of 80% or better (by 2003). Alternative: Lose up to 40% of Substance Abuse Prevention and Treatment (SAPT) Block Grant funds
  – Annual reporting
Alaska Target and Reported Tobacco Retailer Violation Rates (RVR) *

Source: SAMHSA (2011)
Caution About Comparisons

General

- Process of conducting compliance checks varies greatly
- Surveys versus law enforcement
- Demographics: Age, gender, and ethnicity
- Training and supervision of underage buyers

Alaska

- Synar sample
- ABC Board must approve underage alcohol buyers
- Synar reporting differentially weights rural and urban checks
Factors Influencing Effectiveness

- Regular checks: More frequent checks associated with increased compliance
  – 364 day reprieve may deter less effectively
- Checks occur over a prolonged period
- Compliance checks and results are publicized in the media
  – Retailers and community
- Compliance is rewarded
Recommendations

• Increase number of compliance checks
• Reward compliant employees or retail outlets
• Require identification checks for all alcohol purchases
  – Consider electronic techniques
• Pair compliance checks with media campaign (merchants and community)
• Compliance checks as part of a multi-pronged effort
Penalties for Noncompliance

- Classification as misdemeanor is common
  - Administrative penalties only are used in communities with no other enforcement options
- Graduated sanctions
- Imposed on licensees (not just employees) to promote policy change
  - Hiring, training, supervising, regular identification checking
Age-of-Sale Laws in Alaska: Alcohol versus Tobacco

**Alcohol**
- Misdemeanor
- Prosecuted in court and handled administratively by ABC Board
- 5 year period for multiple violations

**Tobacco**
- Violation
- Handled administratively by DCCED
- 2 year period for multiple violations
Alcohol

- First conviction/offense:
  - Up to $10,000 fine
  - License suspension up to 45 days
- Second conviction/offense (within 5 years)
  - Up to $30,000 fine
  - License suspension up to 90 days
- Third conviction/offense (within 5 years)
  - Up to $50,000 fine
  - License can be suspended or revoked

Tobacco

- First offense:
  - Up to $300 fine (seller and licensee)
  - License suspension up to 20 days
- Second offense (within 2 years)
  - Up to $500 fine
  - License suspension up to 45 days
- Third offense (within 2 years)
  - Up to $1,000 fine
  - License suspension up to 90 days
Penalties for Noncompliance in Alaska

Alcohol
- 727 sales (2006-2011)
- Number of sanctions: 63
- Sanction rate
  - 63/727 = 8.7%
- Length of license suspension
  - Maximum: 45 days
  - Median: 7 days
- Penalties lack certainty and severity

Tobacco
- 124 sales (2008-2011)
- Number of sanctions: 112
- Sanction rate
  - 112/124 = 90.3%
- Length of license suspension:
  - Maximum: 20 days
  - Median: 18 days
- Penalties are certain and more severe
Recommendations

• Graduated penalty structure with mandatory license suspensions and revocations and fines
• Specify aggravating and mitigating circumstances and impact on penalties
• Hold licensees responsible for conduct of employees
• Impose sanctions consistently and in accordance with penalty structure
Funding

<table>
<thead>
<tr>
<th></th>
<th>Tobacco</th>
<th>Alcohol</th>
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</thead>
<tbody>
<tr>
<td>Alaska appropriation</td>
<td>$9,839,800 (exceeds level recommended by CDC)</td>
<td></td>
</tr>
<tr>
<td>Excise taxes</td>
<td>Fund tobacco control and education</td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>Master Settlement Agreement from tobacco industry</td>
<td></td>
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<tr>
<td>Enforcement resources</td>
<td>$175,000</td>
<td>$100,000</td>
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</tbody>
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Well-funded prevention efforts result in higher rates of compliance
Recommendations

• Model tobacco control program to reduce underage drinking
  – Adequately funded, coordinated, multi-pronged prevention and intervention plan

• Adequately fund the multi-pronged effort
  – Increase cost of licenses
  – Require yearly (rather than biennial) license renewal
  – Dedicate licensee penalty fees
  – Increase excise tax on alcohol to keep pace with inflation
  – Explore other revenue sources
Recommendations

• Collect and report data on compliance and violation, repeat violators, case dispositions, and criminal and civil sanctions

• Evaluate ABC Board control and enforcement efforts
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