

POLICY RECOMMENDATIONS

CONFRONTING NEW JERSEY'S UNDERAGE DRINKING PROBLEM

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*Promoting Addiction Treatment,
Prevention, and Recovery
through Advocacy and Education*

- ↪ *Public Policy and Information*
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Executive Summary

Reducing and Preventing Youth Drinking: Policy Recommendations

Earlier this year, the National Council on Alcoholism and Drug Dependence—New Jersey released its first recommendation to address the problem of underage drinking in the state. In its April 2003 white paper, NCADD—NJ outlined a proposal to have New Jersey increase its excise tax on alcohol to create a price barrier to underage drinking and to use a portion of the additional revenue to create a comprehensive underage drinking prevention and education program.

The release of NCADD—NJ's first recommendation on underage drinking was timely in that April was Alcohol Awareness Month, and the theme for 2003 focused on ending underage drinking. April also was the month when the New Jersey Legislature examined proposals and solutions, as it traditionally does at that time, to balance the state budget for the next fiscal year. Given the current bleak fiscal climate, which shows little sign of improving in the near future, NCADD—NJ strongly believes that alcohol excise taxes are a source of revenue that the state should seriously consider.

This document is a continuation of NCADD—NJ's April 2003 white paper on underage drinking. It proposes policy recommendations beyond an alcohol tax increase that the agency believes should be considered in New Jersey to further address this wide-spread public health problem. The recommendations are offered to state policymakers and other concerned organizations, communities, and individuals in the spirit of cooperation so that we may all collaborate to reduce and prevent underage drinking in New Jersey.

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Introduction

Underage drinking in the United States, including New Jersey, is a pervasive and critical public health problem. Underage and adult excessive drinking account for half of the alcohol beverage industry's sales (\$56.9 billion of the total \$116.2 billion Americans spend on alcohol each year). Underage drinking constitutes 20 percent of all alcohol consumed in the U.S., with excessive adult drinking accounting for an additional 30 percent.¹

As advocates for the prevention and treatment of alcoholism and other drug addiction, NCADD—NJ is firmly committed to reducing underage drinking and its devastating consequences. The agency believes New Jersey must treat underage drinking as a high public policy priority.

Background

Alcohol is the number one drug of choice by America's teens. The *2002 Monitoring the Future Survey* – a national study of middle and high school students conducted annually to provide national prevalence of use information for alcohol, tobacco, and other illicit drugs – found that:²

- ❖ A large majority of 8th graders (68%), 10th graders (85%), and 12th graders (95%) say that it is “fairly easy” or “very easy” to get alcohol.
- ❖ More than half (62%) of the 12th graders and a fifth (21%) of the 8th graders report having been drunk at least once in their life while nearly a third (30.3%) of the 12th graders report having been drunk in the past 30 days. Nearly 18% of the 10th graders and almost 7% of the 8th graders have been drunk in the same time period.
- ❖ Even more alarming are the percentages that (1) report five or more drinks in a row in the last two weeks – 29% of 12th graders, 22% of 10th graders, and 12% of 8th graders, and (2) report *any daily use* of alcohol – 4% of 12th graders and 2% of 10th graders and almost 1% of 8th graders.

New Jersey's youth making alcohol their drug of choice mirrors the degree of use found in their national counterparts. According to the *2001 New Jersey Middle School Survey* of 7th and 8th graders, almost 45% have used alcohol sometime in their lifetimes. Sixteen percent of New Jersey middle school students used alcohol in the past 30 days, with nearly 22% of 8th graders and 10% of 7th graders reporting use.³ These figures, similar to those seen nationally, are higher than those reported for the use of tobacco or illegal drugs.

No other drug threatens as many of the nation's children as alcohol. It is linked to numerous social, emotional and behavioral problems. Most disturbingly, alcohol is implicated in the three top causes of teen deaths: accidents, homicide and suicide. Underage drinking costs Americans nearly \$53 billion annually, including more than \$29 billion in alcohol-related violent crime costs, more than \$19 billion in traffic crashes, and more than \$1.5 billion in suicide attempts.⁴

Moreover, teen drinking is the primary source of adult alcoholism. Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21. Children who begin drinking before age 21 are more than twice as likely to develop alcohol-related problems.⁵

The dangers and devastating consequences of early alcohol use are crystal clear. The challenge is to effectively reduce and prevent underage drinking and to sustain that momentum.

NCADD—NJ believes that the key to effective prevention of underage drinking is to use multiple strategies in multiple settings. Research and experience have shown that successful alcohol prevention approaches use one or more of the following three science-based strategies:⁶

Science-Based Strategies

- ❖ Reduce the availability of alcohol. Make it harder for young people to get alcohol and they will drink less. This can be accomplished through higher alcohol taxes, holding adults accountable when they provide alcohol to youth, and reducing the number of places where alcohol is sold or served.
- ❖ Improve the effectiveness of law enforcement. In many communities existing laws regulating underage drinking are not often enforced, which communicates to young people that there is a general indifference in their community to underage drinking.
- ❖ Change social norms. Children's attitudes and behaviors about alcohol are shaped by what they see and hear about it in their families and communities. These influential adults must reinforce the message that youth alcohol use is illegal and unacceptable.

NCADD—NJ recognizes that there already exists in New Jersey a host of youth alcohol prevention policies and programs that employ one or more of these strategies, measures the agency both applauds and endorses. For example,

- ❖ N.J.S.A. 2C:33-15 provides that any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage in any school, public conveyance, public place, place of public assembly, or motor vehicle is guilty of a disorderly persons offense. If the offense occurs in a motor vehicle, it will also result in a six-month loss of license.
- ❖ N.J.S.A. 2C:33-17 establishes a disorderly persons offense for anyone who makes real property that he or she owns or controls available to another person, with the knowledge that alcoholic beverages will be served to, or consumed by, minors while they are on the property. In addition, this law also strengthens the existing prohibition against knowingly offering or serving an alcoholic beverage to a person under the legal drinking age. The law also expands the application of penalties to a person who not only “entices” but “encourages” such drinking by a person under the legal drinking age.
- ❖ N.J.S.A. 33:1-81 makes it a disorderly offense for an underage person who purchases or attempts to purchase alcohol or lies about his/her age, or a person of legal age who purchases alcohol for an underage person. Underage persons can lose their licenses for six months to a year and may be required to participate in a state-sponsored alcohol education program.
- ❖ Under the *Operation Summer* program, state troopers from the Alcohol Beverage Control Enforcement Unit work undercover in bars and nightclubs in shore resort areas to apprehend underage drinkers.
- ❖ The *Cops in Shops* program, in which law enforcement officers join forces with local retail establishments, deters the sale of alcohol to underage individuals, and stops adults from attempting to purchase alcohol for people under the legal age. Besides the number of arrests and enforcement aspects, this program serves as a deterrent for young people attempting to purchase alcohol and helps to cut down on illegal underage consumption in New Jersey.
- ❖ *We Check for 21*, a three-phase project launched by the New Jersey Prevention Network, reaches out to retailers statewide with an educational and advocacy campaign designed to improve compliance with the state’s drinking-age law.

NCADD—NJ further endorses New Jersey’s minimum drinking age requirement of 21. The agency supports the state’s youth consumption law prohibiting people under 21 from having any amount of alcohol in their bodies, as well as its “zero tolerance” law making it illegal for drivers under 21 to operate a motor vehicle with a blood alcohol level of .01 or more, and its statute that imposes potential liability on social hosts as a result of their serving alcohol to minors who subsequently are involved in crashes causing death or injury to third parties.

The Recommendations

Underage alcohol use must remain high on the national and state agenda, especially since we have so many effective tools to prevent it. To highlight the issue as a high priority public health problem and to reinforce its own commitment, NCADD—NJ promotes the following recommendations.

Aside from the first recommendation to increase New Jersey’s alcohol tax, which will be a major thrust for NCADD—NJ over the coming months, the recommendations are not prioritized in order of importance. They are offered to enhance and supplement existing strategies and to keep the problem of underage drinking at the forefront of policy discussions in the state. Further, the recommendations reflect NCADD—NJ’s policy goals based on its review of the current landscape. The Council will continue to monitor underage drinking in New Jersey and refine its goals as needed.



Recommendation 1: Increase New Jersey’s alcohol excise tax.

Simply put, make it harder for young people to get alcohol and they will drink less. Younger people are generally more price sensitive, so higher alcohol prices would help delay and reduce drinking among youths. Numerous studies (Grossman, et.al.⁷) indicate that increasing alcohol taxes can be an effective means of deterring and reducing youth alcohol use.

NCADD—NJ recommends that New Jersey raise its tax on alcohol as an effective measure to reduce underage drinking in New Jersey, and that the state deposit a significant portion of any new revenues generated from such an increase to the Alcohol Education, Rehabilitation and Enforcement Fund. NCADD—NJ further recommends that some of the additional revenue apportioned to the AEREF be used to create and sustain a comprehensive underage drinking prevention and education program.

This recommendation is discussed in greater detail in NCADD—NJ’s April 2003 white paper at <http://www.ncaddnj.org/pdf/UnderageWhitePaper.pdf>.

Recommendation 2: Implement a statewide keg registration program.

Beer kegs are often a main source of alcohol at youth parties. When law enforcement officers arrive at these parties, people quickly disperse, and the police have no way of knowing who purchased the keg if it isn't tagged. Beer keg registration laws require retailers to place an identifying tag on each beer keg sold at retail and collect information on the purchaser's identity. This allows police to identify the purchaser of any keg that may be used to provide beer to underage drinkers.

A statewide keg registration policy in New Jersey is consistent with NCADD—NJ's belief that individuals must be held reasonably accountable for their behavior. People who are 21 and older and who illegally provide alcohol to youth must be held accountable through legal and/or financial consequences for their actions. Keg registration encourages adults to think twice about buying kegs of beer and allowing youth to drink from them.

Keg registration laws have been enacted in the District of Columbia and 21 states, including Connecticut, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont and Virginia on the east coast. Although requirements for keg registration could be implemented by local ordinance (currently none exists in New Jersey), NCADD—NJ recommends the enactment of a statewide law to prevent purchasers from driving to a nearby town where keg registration is not required.

Recommendation 3: Advocate for the passage of local ordinances to prohibit underage persons from drinking alcohol on private property in municipalities throughout the state.

A state law passed in 2000 (N.J.S.A. 40:48-1.2) that permits municipalities in New Jersey to enact an ordinance making it unlawful for any underage person to possess or consume an alcoholic beverage on private property. Such a violation is punishable by a fine of \$250 for a first offense and \$350 for any subsequent offense. In addition, the court may suspend or postpone the driving privilege of the defendant for six months.

Although there is no central repository of local ordinances passed statewide on this issue, NCADD—NJ has identified a number of New Jersey municipalities that already have passed a local ordinance based on this state law. For example, Moorestown (Burlington County); Seaside Heights and Stafford (Ocean County); Monroe (Middlesex County); Glassboro (Gloucester County); Avalon and North Wildwood (Cape May County); and at least 39 municipalities in Bergen County and five in Monmouth County have adopted such ordinances.

N.J.S.A. 40:48-1.2 sends a consistent message to youth and adults alike that underage drinking is illegal no matter where it occurs -- on private or public property. New Jersey statute (N.J.S.A. 2C:33-15) also prohibits the possession and consumption of alcohol by underage persons in certain public places.

Further, the law is in accord with the Council’s belief that underage individuals should use no alcohol and that individuals should be held reasonably accountable for their behavior. Because a driver’s license is a prized possession for most young people, license suspension or revocation can be a powerful deterrent on underage drinking. It is particularly true when this measure is coupled with other enforcement, prevention, and public education strategies.

NCADD—NJ believes N.J.S.A. 40:48-1.2 encourages good public health policy. Therefore, NCADD—NJ, working with county and municipally-based prevention efforts, will (1) establish a mechanism to track all enacted and proposed local ordinances on this issue and (2) advocate for the passage of such ordinances in as many New Jersey municipalities as possible.

Recommendation 4: Expand options available to judges when underage persons are charged and/or convicted of illegal possession and consumption of alcohol in public places.

Under N.J.S.A. 2C:33-15, an underage person who possesses or consumes any alcoholic beverage in any school, public conveyance, public place or place of public assembly, or motor vehicle, is guilty of a disorderly persons offense, which is punishable by a fine of not less than \$500, a term of imprisonment of not more than six months, or both. If the offense is committed in a motor vehicle, the underage person’s driver’s license is also suspended for at least six months, depending on the violator’s age at the time the offense was committed.

NCADD—NJ recommends that N.J.S.A. 2C:33-15 be amended to enhance the current penalties by imposing the license suspension for any violation committed in a public place, not just those committed in a motor vehicle. This would be consistent with penalties that can be imposed under the state law permitting municipalities to adopt ordinances prohibiting consumption of alcohol by minors on private property.

Recommendation 5: Establish a counter-advertising campaign about the health risks associated with alcohol consumption with television, radio, and cable operators and print and other media who run advertisements promoting alcoholic beverages.

The alcohol industry spends over \$4.5 billion a year promoting its products.⁸ Advertising glamorizes drinking and associates it with success, sophistication, athletic ability and sex. Among those most influenced by alcohol ads are adolescents.

Advertisers focus on promoting alcohol products through association with desirable lifestyles. Analyses of liquor ads show that the characters depicted tend to be youthful (but not underage) and display enjoyment (but not intoxication) in association with drinking. Alcoholic beverages are depicted as something that can enhance social and physical pleasure, sexual performance and responsiveness, power and aggression, and social competence.⁹

Although advertising is certainly not in itself the sole reason for teen drinking, it offers constant reinforcement equating this behavior with the good life. And, while print and broadcast media are brimming with this advertising, they offer almost nothing showing the negative effects of alcohol.

Counter-advertising will reduce alcohol consumption among youth by contributing to a more realistic idea of both the benefits and the risks of drinking. A study of 75 students ages 20 to 21, which appeared in the Journal of Studies on Alcohol, suggested that alcohol warnings might have the long-term potential to influence beliefs regarding risks and benefits of alcohol use. Even among people who believe that alcohol use is low-risk, exposure to these warnings decreased the generally high levels of confidence that subjects had in their beliefs concerning risks associated with beer. Repeated exposure to warnings tended to decrease confidence in the belief that alcohol is beneficial.¹⁰

Working with free media outlets, NCADD—NJ will promote a counter-advertising campaign – in coordination with other interested parties – that highlights the health risks associated with alcohol consumption. Also, in conjunction with Recommendation 1, NCADD—NJ proposes that some of the additional revenue raised from an alcohol tax increase and apportioned to the AEREF to create a comprehensive underage drinking prevention and education program be used to fund a counter-advertisement campaign.

Recommendation 6: Ensure immediate access to appropriate addiction treatment services for youth.

While NCADD—NJ supports alcohol policies that encourage “no use” by underage individuals, the Council recognizes that part of combating New Jersey’s underage drinking problem addresses youth that are addicted to alcohol. Unfortunately, youth and adults alike in New Jersey often are unable to get the appropriate treatment for alcohol addiction that they need. A report released by a task force for the state Department of Health and Senior Services found that two in three teens in New Jersey can’t get access to addiction treatment.¹¹

NCADD—NJ strongly believes that every person who has an addiction should be able to access treatment. Particular attention should be given to ensuring immediately accessible and appropriate treatment services for youth. Legislation currently pending in New Jersey would require health insurers to provide coverage for alcohol and drug addiction treatment and all non-biologically-based mental health disorders included in the latest edition of the Diagnostic and Statistical Manual of Mental Disorders under the same terms and conditions as for other diseases and illnesses. Such legislation would help to expand addiction treatment capacity without exhausting additional state resources and would ensure that the treatment stays of privately insured people are covered by the private sector rather than by public-sector funds.

Conclusion

Alcohol is a major contributing factor to a host of economic costs and social problems in the United States. In 1998, the estimated economic cost of alcohol abuse in the U.S. exceeded \$184 billion¹². The cost to Americans of underage drinking alone totals nearly \$53 billion. New Jersey and its taxpayers bear a substantial portion of these costs.

Youth alcohol use is a tremendously difficult behavior to change. Alcohol use in our culture is deeply ingrained. Youth often consume alcohol because it is a part of daily life in their communities and, for many, in their homes.

We all must make preventing underage drinking a high social and political priority. State policymakers and the general public must develop a more complete understanding of the problems and the costs. Understanding the nature of underage drinking – and the human, economic, and other costs associated with it – will promote more vigorous and comprehensive application of effective prevention strategies.

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