Minimum Legal Drinking Age: State Deviations & Prevention

In 1984 Congress passed the Uniform Drinking Age Act, which mandated a significant decrease in federal highway funding for states that did not increase their minimum legal drinking age (MLDA) to 21.\(^1\) By 1988 all 50 states were in compliance with the federal legislation.\(^2\) Certain exceptions to the act can be made and include: use for established religious practices; when accompanied by a parent, guardian, or spouse who is 21 years of age or older; for medical purposes when prescribed by a physician; and in private clubs or establishments.\(^3\) Currently 31 states have laws that deviate from MLDA 21 under these exceptions.\(^4\)

Family & Location Exceptions

Two of the most common state deviations from MLDA 21 are family and location exceptions. Family exceptions allow for minors to possess, consume, or transport alcohol under the supervision and/or consent of a parent, guardian, or spouse. Location exceptions allow for minors to possess, consume, or transport alcohol on private property. State laws vary on whether the family exception and location exception function independently of each other. As of January 1, 2009, twelve of the thirty-one states that deviate from MLDA 21 require a combination of the family and location exception.\(^5\)

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State laws also vary in regard to the scope of the location exception. Eleven states extend the exception to all private property, eight states extend it to only private residences, and four states only to the private residence of a parent, guardian, or spouse. No provisions for the location exception exist in Maryland, Massachusetts, Montana, New York, Ohio, Texas, Washington or Wisconsin. For a complete list of family and location exceptions refer to Appendix 1.

Efforts to Curb Underage Alcohol Abuse

State Initiatives

Underage drinking is a serious public health concern considering that “annually, about 5,000 youth under age 21 die from either motor vehicle crashes, unintentional injuries, homicides, or suicides that involve underage drinking.” In response, states have implemented a range of policies to curb underage drinking. These policies include stricter identification requirements for purchasing alcohol, loss of driving privileges for alcohol violations by minors (use/lose laws), and lower blood alcohol concentration levels for drivers under 21 (zero-tolerance laws). Additionally, states have implemented regulations including criminal penalties for hosting underage parties, keg registration requirements, and minimum ages for alcohol sellers, servers, and bartenders.

Table 1: State Policies and Number of States with Active Laws

<table>
<thead>
<tr>
<th>State Policies:</th>
<th>Number of States with Active Laws:</th>
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</thead>
<tbody>
<tr>
<td>Stricter Identification Requirements</td>
<td>50 States, District of Columbia</td>
</tr>
<tr>
<td>Use/Lose Laws</td>
<td>40</td>
</tr>
<tr>
<td>Zero Tolerance Laws</td>
<td>50 States, District of Columbia</td>
</tr>
<tr>
<td>Hosting Underage Parties</td>
<td>24</td>
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<tr>
<td>Keg Registration</td>
<td>31</td>
</tr>
<tr>
<td>Minimum Ages for Alcohol Sellers, Servers, Bartenders</td>
<td>50 States, District of Columbia</td>
</tr>
</tbody>
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7 National Institute on Alcohol Abuse and Alcoholism. (n.d.). Highlight on Underage Drinking.
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State Initiatives

**Florida:** In 2006 Florida imposed a new tax on alcoholic beverages which provided $11 million to the Department of Children and Family Services to create and expand community based initiatives to prevent alcohol and substance abuse among youths. The funding was also used to create alcohol prevention education programs.11

**Maryland:** Maryland allows minors to possess and consume alcohol with the consent of a parent or guardian. In 2008 the state increased the penalty for furnishing an alcoholic beverage for consumption to an individual under 21. An adult found guilty of furnishing minors with alcohol is fined $2,500 for a single violation and $5,000 for subsequent violations. Exceptions are made for immediate family members furnishing minors with alcohol and the consumption of that alcohol in a private residence or “within the curtilage of a residence that the adult owns or leases and in which the adult resides.”12

**Colorado:** In 2009 Colorado passed a bill establishing the Rural Alcohol and Substance Abuse Grant Program. The program offers grants to entities that provide alcohol and substance abuse treatment in rural areas. It also supports community based programming for youths in rural areas that are aimed at reducing drug and alcohol usage.13

Federal Initiatives

In December 2006, the Sober Truth on Preventing Underage Drinking (STOP) Act was enacted authorizing $18 million to address issues of underage drinking.14 STOP mandated an interagency committee to coordinate efforts by Federal agencies, annual reporting to Congress about state efforts to address underage drinking, a national media campaign, assessments of youth exposure to media messages, increased resources for community coalitions to enhance prevention, and funding for new research—specifically research into the short and long term effects of alcohol on adolescent brain development.15

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**Vermont Bill H.712**

During the 2006 session, Richard Marron, David Deen, Brian Dunsmore, and Judith Livingston sponsored H.712 which would have lowered the drinking age in Vermont under certain circumstances.\(^{16}\) Eighteen- to 20-year-old Vermont residents or full-time postsecondary educational students would be permitted to obtain a license to purchase and consume alcohol after attending classes on alcohol education, and would be allowed to consume alcoholic beverages in the presence of a parent or legal guardian. This license could be revoked at the discretion of the state, without affecting the individual’s right to consume alcohol after his/her 21st birthday.

The bill was met with controversy, and did not pass. At the time, Governor Jim Douglas stated that he “might see some logic in the proposal if the federal highway money was not involved.”\(^{17}\) Other supporters of the bill included Ronald D. Liebowitz, President of Middlebury College, and Alex Koroknay-Palicz, the executive director of the National Youth Rights Association, noted “[i]nstead of doing it in a controlled situation, going to a bar with a drink limit, they’re doing it at keg parties in places that are harder to control.”\(^{18}\) Barbara Cimalglio, the Deputy Commissioner for the alcohol and drug abuse programs in Vermont, however, opposed H.712, asserting that, “brain research showed that 18-year-olds were not as responsible as 21-year-olds, and that lowering the age would make alcohol more available to 15-, 16- and 17-year-olds.”\(^{19}\)

**Military Drinking Age**

A number of states including Kentucky, South Carolina, Wisconsin, and New Hampshire have proposed bills that would lower the minimum legal drinking age to 18 for military personnel. None, however, have been passed because they risk losing federal highway funding.\(^{20}\)

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The Marine Corps

On April 19, 2007, the Marine Corps drinking age was lowered to 18 for active duty personnel during overseas port calls, based on the local drinking age, and during official on-base command functions. The Air Force, Army, and Navy allow off-duty personnel to consume alcohol when overseas; however, the policy change departs other military guidelines by permitting underage drinking on-base in limited circumstances.

State Movements to Lower the Drinking Age

New Hampshire

In January 2006, New Hampshire State Representative Jim Splaine proposed a bill to lower the MLDA for active military service members, provided the state receives federal approval or is granted the opportunity to participate in a pilot program. Splaine, who also sponsored the 1983 bill that increased New Hampshire’s drinking age to 21, emphasized that the bill was created to demonstrate respect to military members. If passed, the bill would have lowered the MLDA for military service members on active duty in New Hampshire to 18. Because New Hampshire lacks motorcycle helmet and seatbelt laws for adults, many federal highway funds are already withheld, and the state is less dependent on the funds controlled in the Uniform Drinking Age Act.

Wisconsin

In 2005, a Wisconsin House Committee approved a similar bill on a conditional basis by a 7-2 vote. If approved by the US Department of Transportation for a pilot program, the bill would have created an exemption for 18 to 20 year old military service members from Wisconsin to purchase or consume alcohol in taverns with a military ID. In addition, the fine for underage drinking would be reduced from $500 to $10 for military service members. Wisconsin Governor Jim Doyle is in support of the program provided federal highway funds are not affected; however, the federal government has informed the Wisconsin Legislature that there is no process in place to obtain a waiver for the minimum drinking age requirement, and it would likely take an act of Congress to create such a process.

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Conclusion

Thirty-one states deviate from MLDA 21 under the exceptions provided in the Uniform Drinking Age Act of 1984 via family and location exceptions. States do not deviate beyond the Act’s provisions nor do they provide exceptions for active duty military personnel because any deviation will result in a significant cut to the state’s federal highway funding. To address the issue of underage drinking both states and the federal government have adopted several initiatives. State initiatives include: stricter identification requirements, use/lose laws, zero tolerance laws, laws against hosting underage parties, keg registration and minimum ages for alcohol sellers, servers and bartenders. On the federal level, initiatives include annual reporting on state efforts to reduce underage drinking, a national media campaign, and funding for both community coalitions and new research on the effects of alcohol on adolescent brain development.

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Disclaimer: This report has been compiled by undergraduate students at the University of Vermont under the supervision of Professor Anthony Gierzynski. The material contained in the report does not reflect the official policy of the University of Vermont.