

MINUTES OF THE House COMMITTEE ON Federal and State Affairs

The meeting was called to order by Rep. Neal D. Whitaker at \_\_\_\_\_  
Chairperson

1:30 ~~am~~/p.m. on February 14, 1983 in room 313-S of the Capitol.

All members were present except:  
Rep. Barr, who was excused.

Committee staff present:  
Russ Mills, Legislative Research  
Nora Crouch, Committee Secretary

Conferees appearing before the committee:

- Rep. Keith Farrar
- Rep. Ron Fox
- Reverend Richard Taylor, Kansans for Life at Its Best
- William Plymat, Presidential Commission on Drunk Driving
- Dr. Vern Osborn, U.S.D. 305, Salina, Ks. Association of School Boards
- Jim Yonally, Shawnee Mission School District
- Ernie Ferguson, High School Teacher, Neosho, Missouri
- Jim Nimmo, Jr., High School Student, Neosho, Missouri
- Darrell D. Cyr, Cyr's Driving School, Wichita
- Mrs. Ruth Nelson, Women's Christian Temperance Union, Manhattan
- Eleanor Lowe, Shawnee Mission Area Council, PTA
- Mark Tallman, Executive Director, Associated Students of Kansas
- Scott Swenson, Associated Students of Kansas, KU Delegation & Research Team
- Angie Wood, Student, Pittsburg State University
- Bill Rogenmoser, Student Body President, Kansas State University
- Pvt. Lowell Crawford, HQ, S 1st BN 2 INF, 1st Division, Ft. Riley, Kansas
- Lowell Thoman, Cloud County Commissioner
- Jon Thurston, Rock Quarry Disco, Concordia, Kansas
- David E. Kingsley, Director, Mid-America Foundation
- Jeff M. Warner, Riley County Sheriff's Department, Manhattan, Kansas
- Paul F. Debaugé, Kansas Beer Wholesaler's Association
- Lisa Young, Freshman, Kansas State University
- Steve Johnson, Kansas City, Missouri
- Frances Kastner, Director, Kansas Food Dealers' Association

Chairman Whitaker called the meeting to order and announced that HB 2145 and HB 2328 hearing would be held concurrently.

Rep. Ron Fox appeared to explain the provisions of HB 2145 stating that it would increase the penalties for violations, restrict parents or legal guardians to furnish cereal malt beverages on their own property, and would raise the drinking age for consumption of cereal malt beverages to 21.  
(See Attachment A)

Rep. Keith Farrar appeared on HB 2145 stating that the bill is not a cure-all but it does point to the problems caused by the drinking driver. He realizes that raising the age will not stop teenage drinking but it does give a parent some authority to say consumption is against the law.  
(See Attachment B)

Reverend Richard Taylor, Kansans for Life at Its Best, appeared in support of HB 2145 and in opposition to HB 2328. Rev. Taylor stated that everyone should be concerned about highway safety and the drunk driver puts us all in danger. He stated that there is a labor drug problem for young people in every state and that tougher laws should be instituted and education stressed. (See Attachment C) On HB 2328, Rev. Taylor stated that changing the age for consumption to 19 was a step in the right direction but that Sunday sales is a step backward and that one strength beer makes no sense at all unless the legal age for consumption is set at 21. (See Attachment D)

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CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal and State Affairs,  
 room 526-S Statehouse, at 1:30 p.m. on February 14, 1983

William N. Plymat, Member of the Presidential Commission on Drunk Driving, appeared in support of HB 2145 stating that all states should immediately adopt 21 years as the minimum legal drinking age for all alcoholic beverages as where the drinking age was increased there was a sizeable reduction in such deaths. (See Attachment E)

Dr. Verne Osborn, U.S.D. 305, Salina, Kansas, appeared in support of HB 2145 stating that we must respond to the losses the nation is suffering as a result of drinking related highway deaths. Raising the age will give some of our youth a chance to graduate from our schools before making the choice of whether to drink. There must be an education program that reaches into the home to help all concerned. (See Attachment F)

James L. Yonally, Shawnee Mission Public Schools and Kansas Association of Drug and Alcohol Directors, appeared in support of the concept of raising the age at which persons can purchase beer from 18 to at least 19. (See Attachment G)

Ernie Ferguson, Chemistry-Physics Teacher, Neosho High School, Neosho, Missouri, appeared in support of HB 2145 stating that on behalf of both the youth of Kansas and neighboring states this bill should be passed. It is far too easy for youth of neighboring states to get liquor on a short ride into Kansas which then causes nightmares for everyone involved. (See Attachment H)

Jim Nimmo, Jr., Student at Neosho High School, Neosho, Missouri, describing a "trip to Egypt" which is a driving run into Kansas to get alcohol resulting in drinking and driving. His greatest fear is that one day he will find the name of some of his friends in the obituaries after a "run" into Kansas and supports the concept of the raise in age. (See Attachment I)

The Chairman advised that a letter was at their places from Principal Brad Tate, Lawrence High School, supporting the raising of the legal drinking age. (See Attachment J)

Darrell D. Cyr, Cyr's Driving School, Wichita, Kansas, appeared in support of HB 2145 stating that the Committee vote will determine life or death for some Kansas youth. (See Attachment K)

Mrs. Ruth Nelson, Woman's Christian Temperance Union, Manhattan, Kansas, appeared in support of HB 2145 stating that by the time a youth has reached the age of 21 they can hopefully make a more mature judgment regarding drinking and driving. (See Attachment L)

Eleanor Lowe, Executive Committee of the PTA Area Council of Shawnee Mission, appeared in support of HB 2145 stating that raising the drinking age would give our youth time to make a more mature judgment on drinking. (See Attachment M)

Mark Tallman, Executive Director, Associated Students of Kansas, appeared in opposition to HB 2145 and HB 2328 stating that although they cannot ignore the alarming problems of alcohol abuse. It is our lives and health at stake after all, but is prohibition the answer. There is no way that through a higher drinking age that you can convince young people there is something wrong with drinking unless they are educated to the harm and the current laws are enforced better. (See Attachments N and O)

Scott Swenson, Campus Director, Associated Students of Kansas, University of Kansas, appeared in opposition to HB 2145 and HB 2328 stating that they do not advocate the consumption of alcohol but they do oppose the prohibition of it. Education is the key factor. A raising of the age would lower the job opportunities for college students who supplement their college education by working in taverns, grocery stores, convenience stores, etc., and would then have no jobs. (See Attachment P)

## CONTINUATION SHEET

Minutes of the House Committee on Federal and State Affairs  
February 14, 1983

Angie Wood, Student, Pittsburg State University, appeared in opposition to HB 2145 and HB 2328 stating that although she was the victim of a drunk driver there is no way to legislate a solution to such a complex problem. Law enforcement officials must enforce the present laws and an education problem on the harmful effects of alcohol abuse should be implemented. (See Attachment Q)

Bill Rogenmoser, Student Body President, Kansas State University, appeared in opposition to HB 2145 and HB 2328 stating that there is a real problem with young people abusing cereal malt beverages but that raising the drinking age is not the answer. An 18 year old is old enough to assume the responsibilities of voting and serving in the military and should be old enough to make responsible decisions about drinking. Raising the legal drinking age is a short-term solution to a long-term problem. (See Attachment R)

Pvt. Lowell Crawford, 1st Division, Fort Riley, Kansas, appeared in opposition to HB 2145 and HB 2328 stating that he is currently in the Army charged with defending his country and that he could be able to buy 3.2% beer. He feels he has learned to be responsible for his actions and urges that on behalf of the young soldiers this law not be passed. (See Attachment S)

Lowell Thoman, Cloud County Commissioner, appeared in opposition to HB 2145 and HB 2328 stating that since 18 year olds have the right to vote, serve in the military, serve on juries, and other rights and responsibilities to assume that they cannot make a responsible judgment on the consumption of beer is discriminatory. (See Attachment T)

Jon Thurston, Rock Quarry Disco, Concordia, Kansas, appeared in opposition to HB 2145 and HB 2328 stating that his establishment is a controlled form of social entertainment for the students around the area. He also pays taxes and has had very little trouble with the police over his establishment. The enactment of this bill would probably close his business and result in the loss of jobs and sales revenue for the state. (See Attachment U)

David E. Kingsley, Director, Mid-American Foundation, Hays, Kansas, appeared in opposition to HB 2145 and HB 2328 stating that raising the legal drinking age will not improve or solve the abuse problems. Drinking problems are more related to many attitudes rather than any particular age. (See Attachment V)

Jeff Warner, Riley County Sheriff's Department, stationed in Manhattan, appeared to express his personal views in opposition to HB 2145 and HB 2328 stating that if these bills are passed you are forcing the 18 year olds back out on the street and in their cars and they will still be drinking. They will just find another place to do their drinking. These same people will find places to get their beer, they will simply find someone older to buy it for them. (See Attachment W)

Paul Debaugé, Kansas Beer Wholesaler's Association, appeared in opposition to HB 2145 and BH 2328 stating that no matter what the age change that the moderate and reasonable use of alcohol would not be assured. The shortfalls in enforcement of the present laws should be addressed and society should be educated. (See Attachment X)

Lisa Young, Student, Kansas State University, appeared in opposition to HB 2145 and HB 2328 stating that she is an employee of a tavern in Manhattan. There are approximately 90 students employed in business' in Aggieville who would be out of jobs - jobs that help support them through school. She stated that 18 year olds have all the rights and responsibilities of an adult at 18 and that should include the choice to consume alcohol. (See Attachment Y)

Steve Johnson, former student, University of Missouri, appeared in opposition to HB 2145 and HB 2328 stating that the 18 to 20 year old will obtain and drink beer either legally or illegally and that the problems should be addressed through educating students and parents. Fake ID's are obtainable almost anywhere and leaving the consumption age at 18 you give young adults a choice. (See Attachment Z)

CONTINUATION SHEET

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Frances Kastner, Director, Governmental Affairs, Kansas Food Dealers' Association, appeared in opposition to HB 2145 and HB 2328 stating there is no definition of the word "Dispense" in terms of accepting payment for cereal malt beverage for off-premise consumption. (See Attachment AA)

Chairman Whitaker announced that the time limit for the Committee hearing had been reached. Any other interested persons in the room who did not have the opportunity to testify and who had written testimony were invited to present that testimony to the Committee Secretary for inclusion in the minutes.

Tom Green, Kansas Retail Liquor Dealers Association, presented testimony to the Committee opposing HB 2145 and HB 2328 regarding the impact on the retailer. (See Attachment BB)

Bob Storey, Kansas Beer Retailers Association, presented testimony opposing HB 2145 and HB 2328 stating that specific legislation is not going to have the desired affect without education. (See Attachment CC)

A copy of the Resolution by the Delegate Assembly of the Kansas Association of School Boards supporting the raise in age change to age 19 was submitted to the Committee. (See Attachment DD)

Gerald M. Christianson, Kansas State Department of Education, presented testimony to the committee on HB 2145 and HB 2328 in support of the age change. (See Attachment EE)

R. E. "Tuck" Duncan, Kansas Wine & Spirits Wholesalers Association, presented testimony in opposition to HB 2328 regarding the change to one strength cereal malt beverage and the constitutionality of the issue. (See Attachment FF)

Robert Bethauser, former student at the University of Kansas, presented testimony to the Committee in support of raising the legal drinking age to 21. (See Attachment GG)

John Bower, KU Delegation & Research Team, Associated Students of Kansas, expressed a desire to circulate an article he had written to the Committee in opposition to HB 2145 and HB 2328. (See Attachment HH)

Newspaper articles from the Hays Daily News and the Manhattan Mercury were also presented to the Committee for their information. (See Attachments II and JJ) *None*

Rev. Richard Taylor presented the Committee with a petition signed by the United Methodist Women, Kansas East Conference, in favor of rasing the legal drinking age to age 21. (See Attachment KK) *None*

A petition from Concordia, Kansas, was presented to the Committee in opposition to raise the consumption age above 18. (See Attachment LL) *None*

The meeting adjourned.



## GUEST LIST

FEDERAL &amp; STATE AFFAIRS COMMITTEE

DATE 2-14-83

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Doug Duffy	2105 SW Gage	Brewsky's (Local Tavern)
Kathy Bryer	2107 CALIF, TOPEKA	QUIK DRAWS "
Ronald Milkman	2107 CALIF TOPEKA	QUIK DRAWS
Vivian Brenden	4331 S.E. 26 <sup>th</sup> Terr. Top.	United Methodist Women
Carol L. Gambriell	3536 S.E. 37 <sup>th</sup> Top.	U.M. Women
Lela Mae Knipp	Westmoreland	U.M. Women
Phyllis E Tudor	500 W 5 <sup>th</sup> Overbrook 66524	United M. Women
Jene Moeller	RR2 Bx 165 Overbrook 66524	"
Her Mentzer	5325 NW Topeka Ave	Topeka, KS 66617
Bernice Needham	522 Broadway	Valley Falls 66088
TERESA ZIMMERMAN	RR#2	VALLEY FALLS, KS 66088
Florence Stout		Lyndon, KS 66451
Frances Tiffany		Vassar, KS 66543
Christie Bramlett	304 Richwood	Hiawatha, KS. 66434 U.M.W.
Opal Hillier		Reserve, KS. 66529
Esther Mueller	R.R. 1	Hiawatha, KS. 66434
Eva Whetstone	RT 2 Osawatomie	United Meth. Women
Lanora Katslaff	1029 Brown Osawatomie, KS.	U.M.W.
Amy Teagarden	109 East 3rd Frankfort, KS.	U.M.W.
Dorothy Dunbar	Richmond, Kans.	U.M.W.
Lorine Steckard	Puncheon, KS.	U.M.W.
Shirley Wulfskuhl	Richmond, KS	U.M.W.
Loree E. Miller	Dwight, Kans	U.M.W.
Louise Miller	" "	U.M.W.
Jeanette L. Hanson	Vassar, KS.	U.M.W.
Charles L. Hanson	Vassar, KS	U.M.W.



GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2-14-83

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Jon Thurston	411 Republican	Rock Quarry Disco
Howell Thoman	RR Jamestown	myself
FRANCES KASTNER	Topeka	Ks Food Dealers
Jim Sheehan	Shawnee Mission	Ks Food Dealers
Paul F. DeBauge	Emporia	DeBauge Bros., Inc.
VICTOR C. TAYLOR	Wichita	COORS of Kansas, Inc.
Phil McNEAL	TOPEKA	LAPEKA, INC.
Steve Patton	Lawrence	Generals Quarters
Joe Ritter	SALINA	CROWN DIST.
D. J. Jensen	SALINA	Ks. Ass. School Boards
Clinton W. Ross	Emporia	Fubar's of Emporia
Larry Bell	Wichita	Coors of Kansas, Inc.
Linnear Num bargar	Topeka	United Meth. Church
Peggy H. Little	Russell	CWA
Ruth Nelson	Manhattan	W.C.T.U. of Kansas
Jim Nimmo	Joplin Mo.	Neosho High School
Ernie Ferguson	Neosho, Mo.	Neosho High School
Margaret <del>Best</del>	Bealton Ks	Kansas STATE University N.S.K
<del>C. J. Best</del>	MANHATTAN, KS	ASS. STUDENTS OF KS.
Jan Reicher	Lawrence, Kansas	Associated Students of Kansas
Pat Levy	Lawrence, KS	Associated Students of Kansas
Jerald Fraker	Junta City Kansas	Junta City Dist. Co. Inc.
Tom Stickney	Great Bend, Ks	Stickney Dist., Inc.
Fleming Elder	Topeka	Ks Beer Retailers Assn
Sandee Zarembo	Lawrence	Attorney's General Office
Bob Beaman	Topeka	Brewsky's



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FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2-14-83

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Audrey Roberts	Denton, Ks.	U. M. W.
Mary Ann Johnson	Bendena, Ks.	U M W.
Mary Anderson	Denton, Ks.	U m. W
DOLORES HULETT	Lyndon, Ks.	U M W
Dean Newton	Lyndon, Ks.	U. M. C.
Mary E. McClure	306 E. Lawrence, Topeka	U M W
J. A. Klam	Topeka	Bois office
Charmie Kade	"	Yours office
Pauline Zimmerman	K.C.	U. M. W.
Vera R. Garwood	1402 Oakhurst Pl Independence, Ks. 67301 RR#2	United Meth. Women
Iris Amick	Independence, Ks. 67301	U M W
Gladys E Clubine	410 N 4th Independence, Ks, 6730	U. M. W
Danell D Cy	821 W 2nd Wichita, Ks	Cyripung School
Leona L. Shellen	5433 Crest Dr. K.C. Ks. 66106	United Meth. Women
Robert L. Sachs	1324 N. 8th Manhattan	ADAS - SRS
John A. Shellen	Topeka	SRS/ADAS
Marge Holton	Topeka	St. Louis office
Patricia Miller	Lyndon	
Sarah White	Lyndon, Ks.	U. M. W.
Mary Ann Goodrich	Lyndon, Ks.	U. M. W.
Nola Davenport	2315 Kentucky, Topeka	U. M. W
Mauel A. Ruggor	1016 North Jackson St., Topeka, Ks 66608	U. M. W
Barbar G. Stearns	Topeka	Consulation of Churches
Patricia McBrath	839 Parkview Topeka 66606	U M W
Betty Succi	6449 S.E. 61st - Rt. 1 Tecumseh, Ks	U M W
Joanne Bauer	4420 S.E. Anne & Dr Tecumseh Ks	U M W



GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2-14-83

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Donna Leins	Box 82, Aptell, Kansas 66403	U. M. W.
Lila Alfery	504 South St. Aptell, KS	U. M. W.
Sharon Gabriel	R.1 Box 62 - Summerfield KS 66541	U. M. Women
Doris Hurtig	207 Chestnut Silver Lake, KS	UM Women
Marian Predmore	517 Mariner " 66539	" "
MIKE JONES	1216 OAKLEY TOPEKA KS	MOTHERS TAVERN
FRED O. SMITH	1022 W. 6 <sup>th</sup> TOPEKA KS	TAVERN OWNER
MIKE McDONNELL	2711 SE 33 TOPEKA KS	TAVERN'S
JOHN McDONNELL	401 NE SUMMIT TOPEKA	BRASS RAIL TAV.
Janet A. Broom	3905 W. 21 <sup>st</sup> Topeka	J. Watson's TAV.
DANA CARTER	3905 W 21ST TOPEKA	J. WATSON'S
Shirley Moore	R.R. 1 Gridley, Ks. 66852	UMW
Clara Kaufman	Gridley Ks 66852	UMW
Cydra Jones	Topeka	Speaker's office
Lila Herbert	Oskaloosa, Ks.	U. M. W.
Claire Rogers	Oskaloosa, Ks.	U. M. W.
Ruth Hannah	Rt 2 Oskaloosa, Ks 66066	U. M. W.
Leila Franklin	1115 Taylor 66612 Topeka, Ks	U. M. W.
JACKIE COLEMAN	OSKALOOSA Ks.	UNITED METHODIST WOMEN
Lorothy Streater	Oskaloosa, Ks.	U. Meth. Women
<del>Karen Dial</del> Karen Dial	1215 S. W. 5 <sup>th</sup>	Grace U. Meth. Church Topeka
Alma S. Anterson	125 1/2 Sage Rd. Silver Lake, Ks. 66539	U. M. Women
Wayne A. Trichler	Box 221 gates Center	U. Meth. man
Alma M. Trichler	" " " "	Woman
Frances D. Wood	4724 SE 37 <sup>th</sup> Topeka 66605	United Methodist Women
Eldon C. Wood	" " " "	U. Methodist Church



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FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2-14-83

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Dorothy Lee	506 Webster Heights Overbrook, Kansas	United Methodist Women
Rhonda Spang	306 Cedar Overbrook, Ks.	United Methodist Church
Laura Greenfield	Rt 1 Box 56 Overbrook, Ks	United Methodist Church
Dorine Sanders	6310 W 93 Terr O.P. Ks	Asbury United Meth
Marilyn Vaughn	5603 W 77 <sup>th</sup> New Prairie Village Ks.	Asbury United Methodist
Margaret Baker	6201 W 94 <sup>th</sup> Overland Park, Ks.	Asbury United Meth.
Carl H. Roney	R.R. Waverly, Kansas	concerned Citizens
Johanna Roney	R.R. #3 Waverly, Ks.	concerned Grandmas
Margaret DeFornette	R. 1 Box 39 Waverly Ks. 66871	United Meth Women
Patricia Plenk	Box 367 Waverly Ks 66871	" " "
Jo Cantrell	1030 S. 56 K.C., Ks 66108	U.M.W.
Jolanne Holmes	Rt 2 Pomona Ks	UMW-Richter Meth. Church
Dorothy M. Cuffel	414 Lincoln, Osage City	U.M.W.
Bernice Cox	7530 Mohawk Dr. Prairie Vlg, Ks.	Asbury U.M. Church
Helen P. Schulenburg	8390 Beverly Dr. Overland Park Ks.	Asbury U.M.E. Church
Doris L. Savio BS	10028 W 70 Terr Merriam Ks	Asbury U. Methodist Church
Corrine Ervin	3010 Grand, Parsons, Kansas	Wesley U.M. Church
Neala Plowman	701 So. 31st, Parsons, Ks	Wesley U.M. Church
Virginia Richards	7728 Rowland Dr. Prairie Vlg, Ks.	Asbury U.M. Church
Carole R. Gray	11019 W 96 <sup>th</sup> Terr., Overland Park, Ks	Asbury Meth. Ch.
Marian Zimmerman	4407 W. 111 <sup>th</sup> Terr. Leawood, Ks	Asbury Meth. Ch.
Carl W. Sullivan	405 S. Topoka	Carbondale, Ks. <sup>Self</sup> 66714
GEORGE WATSON	9344 W. 75 MERRIAM Ks	SELF
Steven M. Johnson	11203 Monroe St. K.C. MO.	SELF
Ronald D. Prugh	3320 Mayo	Topeka
Frances Long	513 Miller	Osage City Ks. 66523



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FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2-14-83

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
J. Willis Jordan	933 Maple Ottawa, Ks. 66067	
Florence R. Jordan	933 Maple, Ottawa, Ks. 66067	UMW
Radys Hupfberg	503 E. 2nd Pomona Ks. 66076	UMW
Doris Mae Katherman	R#1 Alatke, Ks 66061	(UMW)
Richard Joyler	Topeka	Leopard QB Bess
WM. H. PLYMATT	2908 PATRICIA DR. DES MOINES, IA. 50322	
Ruth C Plymatt	" " " " " " " "	
Paul A. Bennett	1617 W. 37th TR, Topeka, Ks 66609	ASK Washburn
Madame Stewart	1145 E. Medford Topeka, Ks 66604	Washburn
William D. Blankenship	5725 SW 22nd Ter #5 Topeka, Ks 66614	ASK Washburn U.
Charlie Busch	1122 MORO Manhattan, Ks. C. Busch & Ass. <sup>Tavern &amp; Casino</sup> Manhattan, Ks.	oppose
Dale Busby	Concordia Ks	Intern/Rep B. Fuller
Marc Nicolas	Lawrence Ks	ASK University of Kansas
Scott Brumensh	LAWRENCE, KS	ASK Campus Director KU
Angewood	Pittsburg Ks	ASK/PSU
Dana Hawkins	Topeka Ks.	ASK
Bob Gorey	Topeka	Ks. Beer Retailers Assoc.
Mark E. Fallman	Topeka	ASK
Chris Seave	Topeka	ASK
Lisa Young	Manhattan Ks	KSU students
Jan [unclear]	Manhattan, Ks	SELF
J M Wan	MANHATTAN Ks	SELF
Luella [unclear]	HHC 1/2 INF Fort Riley Ks. 66442	SELF U.S. ARMY
Liarae Juber	Lawrence Ks.	University Daily Kansan

RON FOX

REPRESENTATIVE TWENTY-FOURTH DISTRICT  
JOHNSON COUNTY

TOPEKA

HOUSE OF  
REPRESENTATIVESCOMMITTEE ASSIGNMENTS  
CHAIRMAN, ENERGY AND NATURAL RESOURCES  
MEMBER, SELECT COMMITTEE  
NATIONAL CONFERENCE OF STATE  
LEGISLATURES COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENTFeb. 14, 1983  
HB 2145

HB 2145 proposes three changes in existing law related to the consumption of cereal malt beverage. I would like to point out those three changes.

1. It would increase the penalties for violations.
2. It would amend the law to restrict parents or legal guardians furnished c.m.b. consumption to the real property of the parents, etc.
3. It would raise the drinking age for consumption of c.m.b. to 21.

These are the intents of HB 2145. They are evident and need no explanations. The reasons for the proposed changes may not be as clear. The reason is simple -- save lives.

You will hear arguments today related to the economic impact and how it is a "right", will increase alcohol abuse, hinder improved attitudes, etc.

I will ask these questions: "What value is a life?" "What good is a right to a dead person?" "Are laws which outlaw murder increasing murder?"

The reasons given, pro and con, for raising the drinking age are as varied as the individuals in this room. I ask that all of those reasons be given a fair hearing. I will not burden you with statistics and facts. You will have those from others.

As you deliberate this bill, however, consider these things:

Can this bill save lives?

Are you willing to tell the parents of an 18, 19, or 20 year old, who has died in an alcohol related death in your district, why you placed economic or social values above the life of their son or daughter?

Thank you.

*Atch. A*

copy to  
Per 2-2-82



Rec'd  
4-21-82  
and copy to Jim  
Sheehan

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

April 14, 1982

MAIN PHONE (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
ANTITRUST: 296-5299

ATTORNEY GENERAL OPINION NO. 82-86

Mr. John Dekker  
City Attorney  
City Hall - Thirteenth Floor  
455 North Main  
Wichita, Kansas 67202

Re: Intoxicating Liquors and Beverages -- Cereal Malt  
Beverages -- Possession by Persons Under Eighteen  
Years of Age

Synopsis: Where a person under the age of eighteen years handles cereal malt beverages as a shelf stocker, checker or carry-out person employed by a store authorized to sell such beverages for off-premises consumption, such minor is not in "possession" of cereal malt beverages in violation of K.S.A. 41-2721. However, even though such minor does not unlawfully possess cereal malt beverages, if the minor's employment duties include the sale of these beverages, such sale would contravene the provisions of K.S.A. 41-2708(i), which preclude a person licensed to sell cereal malt beverages at retail from employing a person under eighteen years of age in dispensing such beverages. Cited herein: K.S.A. 41-2708, 41-2721.

\*

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\*

Dear Mr. Dekker:

You have requested our opinion as to what constitutes "possession" of cereal malt beverages within the meaning of K.S.A. 41-2721, which provides, in part:



"(a) No person under 18 years of age shall:

"(1) Claim to be 18 or more years of age for the purpose of obtaining or attempting to obtain any cereal malt beverage from any person;

"(2) purchase or attempt to purchase any cereal malt beverage from any person; or

"(3) possess or consume any cereal malt beverage.

"(b) Any person who violates this section, upon adjudication thereof, shall be deemed a wayward child under the Kansas juvenile code.

"(c) This section shall not apply to the possession and consumption of cereal malt beverage by a person under 18 years of age when such possession and consumption is permitted, and such beverage is furnished, by the person's parent or legal guardian.

"(d) This section shall be part of and supplemental to article 27 of chapter 41 of the Kansas Statutes Annotated."

Specifically, you inquire whether a person under the age of eighteen is in possession of a cereal malt beverage when such person handles such beverage in the course of his or her employment in a grocery store in the capacity of a checker, shelf stocker or carry-out person.

We believe that such handling of cereal malt beverages by these employees would not constitute possession within the meaning of K.S.A. 41-2721, since such handling is superficial and there exists no intent to control the beverages. The Supreme Court of Kansas has established a two-step test for possession under prior statutes which involved illegal possession of liquor. First, the mental attitude of the claimant, the intent to possess and to appropriate to oneself, must be considered. Second, effective realization of this attitude, which involves the relation of the claimant to other persons, amounting to a security for their non-interference, and the relation of the claimant to the material thing itself, amounting to a security for exclusive use at will, must be determined. State v. Metz, 107 Kan. 593 (1920); State v. Lolson, 134 Kan. 147 (1931). Accordingly, we conclude that the mere touching of cereal malt beverages in sacking, stocking shelves or carrying out such beverages for the purchaser thereof would not evidence sufficient intent to exclusively control the item to establish legal possession.

Mr. John Dekker  
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Several analogous cases involving the unlawful possession of firearms support this conclusion. In determining what would constitute unlawful possession of a firearm, the Kansas Supreme Court held that more than an innocent handling must be established; there must be a willful or knowing possession of the firearm with the intent to control the use and management thereof. State v. Neal, 215 Kan. 737 (1974). Another firearm case stated in dicta that possession requires more than superficial handling.

"Although the statute in question (K.S.A. 21-2611) does require intent to do a prohibited act as a prerequisite for its application [citation omitted], yet the statute contemplates proof of possession and control which is more than an innocent handling of the pistol without intent to have, possess, or control." State v. Phinis, 199 Kan. 472, 482 (1967). See also State v. Hoskins, 222 Kan. 436 (1977).

In addition to the foregoing construction of the term "possession," we believe the language of the statute, when viewed as a whole, indicates that the activities you describe do not constitute illegal possession. "When a statute is susceptible to more than one construction, it must be given that construction which, when considered in its entirety, gives expression to its intent and purpose, even though such construction is not within the strict literal interpretation of the statute." Reeves v. Board of Johnson County Commissioners, 226 Kan. 397, 403 (1979). From a reading of K.S.A. 41-2721, it is clear that the legislature intended to prohibit the consumption of cereal malt beverages by persons under eighteen years of age and the possession of cereal malt beverages with the intent to consume. For example, subsection (1) prohibits one from falsely claiming to be over eighteen in order to obtain cereal malt beverages, and subsection (2) prohibits one under eighteen from purchasing or attempting to purchase any cereal malt beverage from any person. Thus, when subsection (3) is construed in pari materia with the remaining subsections of K.S.A. 41-2721, we believe it is clear that superficial handling of a cereal malt beverage with no intent to maintain control and use thereof would not constitute "possession" in violation of the statute.

While our research fails to reveal any Kansas case law discussing illegal possession of alcoholic or cereal malt beverages by persons under the requisite age, an Oregon case, in dicta, supports our interpretation. State v. Gordeneas, 229 Ore. 105, 366 P.2d 161 (1961), construed O.R.S. 471.430 which provided: "No person under the age of 21 years shall purchase, acquire, or have in his or her possession alcoholic liquor in a manner

Mr. John Dekker  
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other than provided for in the Liquor Control Act." (Emphasis supplied.)  
The court construed "possession" so as to exclude superficial touching  
or carrying, indicating that it could not

"attribute to the legislature the intent to make a criminal  
of a minor child who, though knowing there is intoxicating  
liquor in a package, carries the liquor from an automobile  
into the home of a neighbor at the neighbor's request."  
Id. at 164.

The court further stated:

"'[P]ossession,' as used in this statute, includes  
in addition to guilty knowledge the intent of the  
minor to possess full control over the liquor with  
the right to enjoy its consumption to the exclusion  
of others." Id. at 164.

In light of these cases, it is our opinion that contact by one under  
eighteen years of age with cereal malt beverage while stocking, checking  
or sacking in a retail store would not constitute a violation of K.S.A.  
41-2721.

You further inquire whether such activities would contravene K.S.A. 41-2708,  
which provides, in part:

"The board of county commissioners or the governing body  
of any city, upon five (5) days notice to the persons  
holding such license, shall revoke or suspend such license  
for any one of the following reasons:

. . . .

"(i) for the employment of persons under eighteen (18)  
years of age in dispensing cereal malt beverages . . . ."

A threshold question is the definition of "dispensing" within the meaning  
of the foregoing statute. Webster's Third New International Dictionary  
defines "dispense" as meaning "to deal out in portions, distribute, give,  
provide." We conclude that stocking of shelves and sacking would not  
constitute "dispensing," since there is no act of giving or distributing  
to another any cereal malt beverage; nor do these activities involve  
dealing out in portions. A closer question, however, is whether one  
checking items, including cereal malt beverages, is involved in "dispensing"

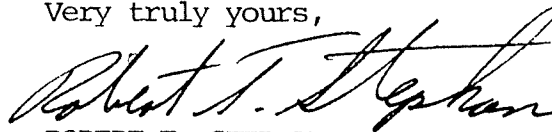
Mr. John Dekker  
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such beverages. A previous opinion from this office issued on April 27, 1960, addressed the issue and concluded that such conduct does not constitute "dispensing" within the meaning of K.S.A. 41-2708(i). Subsequently, an opinion issued on September 7, 1972, reversed that conclusion and held that checking, as it involves a sale, does constitute "dispensing." VII Op. Att'y. Gen., 699 (1972). We believe the latter opinion supplies the better view, i.e., that the duties of a checker do involve "dispensing."

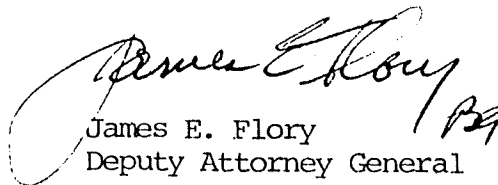
Clearly, a person who sells cereal malt beverages for consumption on the premises is dispensing such beverages. Similarly, a checker in a retail store licensed to sell these beverages for off-premises consumption receives cash for purchased cereal malt beverages and is in effect providing or dealing out such beverages in portions. In our judgment, therefore, the acts of stocking and sacking do not constitute "dispensing" cereal malt beverage. However, we believe a checker who consummates a sale of cereal malt beverage would be "dispensing" within the meaning of K.S.A. 41-2708, as would a person who works in a selling or serving capacity in an establishment which sells cereal malt beverages for consumption on premises.

In conclusion, it is our opinion that a person under eighteen years of age does not "possess" cereal malt beverages in violation of K.S.A. 41-2721(a) (3) due to incidental contact with such beverages while stocking shelves, sacking, checking, or carrying out such beverages, when such activity is done in the course of such person's employment in a retail establishment authorized to sell cereal malt beverages for off-premises consumption. Such superficial handling does not evidence an intent by the minor to maintain control over the use and management thereof. However, even though such minor does not unlawfully possess cereal malt beverages, if the minor's duties include the sale of these beverages, such sale would contravene the provisions of K.S.A. 41-2708(i) which preclude a person licensed to sell cereal malt beverages at retail from employing a person under eighteen years of age in dispensing such beverages.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General



James E. Flory  
Deputy Attorney General

RTS:JEF:may

KEITH FARRAR  
 REPRESENTATIVE, 124TH DISTRICT  
 STEVENS, GRANT, STANTON,  
 MORTON, HASKELL COUNTIES  
 STAR ROUTE  
 HUGOTON, KANSAS 67951



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 MEMBER, WAYS AND MEANS  
 JOINT COMMITTEE ON STATE BUILDING  
 CONSTRUCTION  
 INSURANCE

STATEMENT BY REP. KEITH FARRAR

Before the House Federal & State Affairs Committee

Monday, February 14, 1983 on HB 2145

House Bill 2145 is not designed as a cure-all for alcoholism, but it does provide a means to bring to the attention of the legislature, and the people of Kansas, the concerns some of us have about increased alcohol consumption by our young people. I believe the problem is very real, and the legislature should provide leadership in proposing various methods that can be used in trying to help solve the problems created by teenage alcoholism. I believe HB 2145 provides one method that can help.

For the record, my name is on the bill as a co-sponsor, not because I am against young people's rights but because I am aware of the problems that teenage drinking has brought about. Increased auto accidents, kids as young as 12 and 13 drinking, vandalism and so forth.

After the passage of the 26th amendment in 1971, which lowered the age for voting to 18, twenty-five or so states passed laws to allow people old enough to vote to drink legally. However, in the last few years some states are raising the age to 21 or in phases, such as to 19, then 20, and to 21. In most states, the facts are undisputed. There has been a rise in teenage drinking, increased

*Keith B*

traffic accidents involving drunken teenagers since the drinking age was lowered at the beginning of the decade of the seventies. Quoting from the "Kansas Insurance Letter" Feb. 4, 1983. "In 1981, drivers under the age of 20 accounted for 9.8% of all drivers, but accounted for 16% of the drivers involved in all accidents. Drivers aged 20-24 were 11.9% of the driving public, but accounted for 20% of the drivers involved in all accidents.

A recent Insurance Institute for Highway Safety study found that teen-age drivers kill other persons more often than themselves; that teen-age drivers are responsible for about five times as many crashes as are drivers aged 35-64; and that a male teen-ager is likely to kill four times as many persons as is a female teen-ager.

Some further food for thought, although not statistics, should be considered. When the legal age is 21, this popular recreational drug is purchased for friends who are 20, 19 or 18. When the legal age is 18, alcohol is purchased for friends who are 17, 16 or 15. Persons aged 21 are no longer in high school so their circle of friends are not high school students.

A teenage driver after drinking two beers is much more deadly than an adult with the same body weight, drinking two beers, because the adult has more driving experience. Alcohol makes teenagers think they are better drivers, when in fact, they are poorer drivers. The legal age of 21 gives young people the opportunity to gain driving experience before they complicate their lives with this mind altering drug.

Even though it's hard for some to believe, I can remember when I was a teenager and thought how stupid my dad was, and how

amazed I was about how much he had learned by the time I was 21.

I have no illusion that raising the legal age to 21 will stop teenage drinking. But it will give back to parents the ability to say it is against the law. As someone else has said in relation to raising the age to 21, "there is only a desire for more time to enable these kids to gain maturity and judgment to recognize the dangers of booze. That is what is needed - time."

February 14, 1983

A statement of support for HB 2145 before the House Federal and State Affairs Committee  
Rev. Richard Taylor, KANSANS FOR LIFE AT ITS BEST!

"Alcohol continues to be the drug most associated with crime, violence, auto accidents, marital problems and child abuse." Dr. Walt Menninger, Topeka

Abraham Lincoln speaking to a young man in Leavenworth explained why alcohol is the drug most associated with all the above. When asked why he did not drink, Lincoln quoted Shakespeare, "My young friend, do not put an enemy in your mouth to steal away your brains."

Alcohol makes the drinker feel good by wiping out fears and frustrations, worry and anxiety, feelings of inferiority and insecurity. In doing so, drinking impairs thinking. That is the problem.

The eyes of Kansas are on this Committee. When your vote is taken on HB 2145 we hope it is by roll call so every citizen will know who is concerned for highway safety and who wants to promote beer sales.

I requested the following persons to this hearing to speak in support of age 21 in HB 2145. Because they believe health and safety for Kansas youth is more important than the pocketbook of beer dealers, many have come a great distance. All have sacrificed time at work to be here. They will be brief but please understand the importance of what they say.

William Plymat, member of the Presidential Commission on Drunk Driving, Des Moines, Iowa

Darrell D. Cyr, Cyr's Driving School, Wichita

Ernie Ferguson, High School teacher, Neosho, Missouri  
High school student with him to say a few words.

Dr. Brad Tate, High School Principal, Lawrence (He called for 21 at Governor's  
High school student to say a few words. Committee Hearing.)

Jack Newell, Topeka (He called for 21 at Governor's Committee Hearing)

Mrs. Ruth Newson, speaking for state president of the Women's Christian Temperance Union  
Manhattan

Hiram Cassel, Manhattan

You have been asked to vote for age 21 by the Presidential Commission on Drunk Driving, by the National Transportation Safety Board, by the National Insurance Institute for Highway Safety, by the National Safety Council, by the National Council of Alcoholism, and by editorials in The Wichita Eagle-Beacon, Kansas City Times and Star, Independence Daily Reporter, Hutchinson News, Wellington Daily News, Salina Journal, Hays Daily News, and others I do not know about.

Beer is the major drug problem for young people in every state. According to information from the Kansas Department of Transportation, a good case can be made for age 25. That is the youngest group to have an equal percentage of licensed drivers and alcohol related auto crashes. But to be uniform with 16 other states, we will compromise to the lower age of 21.

*Alh. e*



Big beer argues Kansas is different because we have two legal ages. Maryland had beer and light wine at 18, but recently went to 21 for everything. Surely lawmakers in the nations heartland of Kansas are as concerned for life and limb of youth as are those politicians on the east coast.

Concerned KU students and others support 21 because they know it saves lives. It is refreshing to read editorials and articles in the Kansas University newspaper and others where students support age 21 because students drink less, study more, and experience less injury and death.

Detailed research from the National Transportation Safety Board, from the National Insurance Institute for Highway Safety, or from the Michigan Department of State Police was never discussed at any meeting of the Governor's Committee on Drinking and Driving. Only a biased letter from an opinionated political appointee in Michigan was presented and discussed. It contained misleading information and was included in the Report to the Governor. Please look at the attached page of a June 1982 report from the Michigan Department of State Police to learn the facts.

When the Governor's Committee discussed raising the drinking age, one member said, "When it comes to highway safety there is no question, the age should be raised, but personally I'm against it." Another member said, "They'll get it anyway." If they'll drink as much anyway, auto crashes would not be reduced in states where the age is raised. Insurance executive Charles Baxter of Manhattan and I supported age 21. At every Hearing of the Governor's Committee the request was made for 21. Two from the Topeka Hearing want to speak today in support of HB 2145.

We support HB 2145 and oppose HB 2328. Age 19 as a little step in the right direction but Sunday sales of this deadly drug is a big step in the wrong direction. Who wants to deal in a trade off of human life and limb? Why trade less teenage dismemberment and death on our highways for increased Sunday consumption and tragedy?

If it is HB 2328 or nothing, let it be nothing. Time is on the side of 21. You have no obligation to protect beer dealers pocketbooks with a trade off. They have no constitutional right to push the drug. A simple majority vote of this legislature could put beer sellers out of business at any time and these recreational drug dealers would have no recourse to the due process, equal protection, or commerce clause of our Federal Constitution.

Age 21 is the issue. If HB 2145 needs some amendments to permit persons under 21 to checkout beer at grocery stores, or if going to 21 in one year steps makes it more acceptable, let the wisdom of the committee amend it.

I hope campaign gifts by beer wholesalers and retailers will not influence how you vote on age 21. This is a life and death issue. You will vote to reduce the butchering and slaughter of Kansas youth caused by alcohol durgged drivers or you will vote to continue the current rate of beer consumption. Age 21 will not end teenage highway tragedy. It will reduce it.

Respectfully submitted,

*Richard Taylor*

Richard Taylor

testimony opposing HB 2328

Rev. Richard E. Taylor, KANSANS FOR LIFE AT ITS BEST!

During the 1971 session and every year since, the argument has been made that users of this deadly drug who run out on Sunday at the lake or plan a last minute back yard party need the convenience of Sunday sales. The legislature has defeated the measure time and time again by a vote of 2 to 1. Now the argument is going around that this is a fair trade off for raising the drinking age.

What kind of a mind deals in a trade off of human life and limb? Why trade less teenage butchering and slaughter on our highways for more Sunday consumption and tragedy?

Beer wholesalers and retailers are worried about sagging sales. They complain this reduces the tax take for Kansas. That is good news! For each \$1 of lost revenue, the public saves over \$4. If no one drank, we would be billions ahead.

Big beer knows that nationwide the movement for 21 gains year after year. Frantically they are desperately trying to salvage some sort of gain because of their impending loss due to higher age. The Kansas legislature has defeated Sunday beer sales year after year because we don't need any more beer coming home in drivers from lakes and other recreational activities.

Age 19 is a little step in the right direction. Sunday beer sales is a big step in the wrong direction. As for single strength beer, pushers of this deadly drug have always claimed that a person must drink more 3.2 beer in order to consume the same amount of alcohol as in strong beer. That is correct. One strength beer makes no sense whatever unless the legal age is set at 21, the same as all other alcoholic beverages.

Instead of going backward with Sunday beer sales, we should follow the lead of some Scandanavian countries where alcohol sales are not permitted on Saturday or Sunday. Weekend highways became much safer!

*Atch. D'*

# The Kansas City Times

Thursday, July 16, 1981

## Lowered drinking age raises yearly traffic toll by 1,100, study shows

Los Angeles Times

Lowered state age limits for drinking — many enacted during the Vietnam War out of respect for 18-year-olds who might fight and die in Southeast Asia as adults — have unwittingly been responsible nationally for more than 1,100 traffic deaths a year, a new study shows.

States that lowered their legal drinking age limits to 18, but then raised them again after legislators had second thoughts about the result, have recorded decreases of 28 percent in traffic fatalities among young persons in the 18-21 age bracket.

One state — New Hampshire — chalked up a 75 percent decline in traffic deaths among young persons after it boosted its drinking age from 18 back to 20 in 1979.

The lesson in that, argued the Insur-

ance Institute for Highway Safety, which released the new survey, is that states considering lowering their legal drinking limits below 21 should not, and states that already have should repeal those laws.

The Insurance Institute study focused on nine states that lowered their drinking ages and then raised them again. Five other states also have done so, but the actions were taken too recently to provide reliable data on death toll trends.

Seven of the nine states, however, raised drinking age limits to below 21. In all, however, those nine states cut their traffic death tolls by 380 a year.

If 31 states with drinking ages under 21 — including those seven that have already taken partial action — boost the drinking age to 21, the Insurance

See DRINKING, Page A-7, Col. 1

## DRINKING

Continued from Page A-1

Institute contended, another 730 lives a year could be saved.

"I think this is a hot issue in many state legislatures," said Brian O'Neill, the institute's vice president for research. "It is a live issue. At the state level right now there are pressures to move in both directions."

The Insurance Institute is an independent research organization that is funded by automobile insurance companies.

The study involved Illinois and Michigan, which boosted their drinking ages to 21, and Iowa, Maine, Massachusetts, Minnesota, Montana, New Hampshire and Tennessee, which raised them from 18 to 19 or 20.

After the age-lowering legislation was repealed, the Insurance Institute study found, all of the states except Montana experienced a significant de-

cline in traffic fatalities among youths between the ages of 18 and 21. Montana recorded a 14 percent increase. The researchers did not speculate on why Montana was different.

The new reduction — even with the rise in Montana — was 28 percent for the states involved. Iowa and Michigan recorded declines of more than 40 percent. Deaths in Massachusetts declined only 6 percent.

"Any single state that raises its drinking age can expect the involvement in nighttime fatal crashes of drivers in the (affected) age group to drop by about 28 percent," the institute concluded. "The societal benefits in states that have raised their drinking ages . . . are substantial; the benefits achievable by additional states raising their drinking ages would be even more substantial."

The Insurance Institute study compared death rates and death tolls in the nine lower-age states to nine others with lowered legal drinking ages.

The research focused on crashes between 9 p.m. and 6 a.m. because most alcohol-related crashes occur at night. Some fatalities related to drinking occur during the daytime, however, and experts said the actual savings of lives may be higher than the Insurance Institute's estimates.

After the trend to lower drinking age limits began to develop in the early 1970s, many experts predicted that traffic deaths would increase sharply as a result.

The figures did jump, but the new study, released by the institute's Washington headquarters, is the first confirmation that the damage could be eliminated by changing the legislation again.

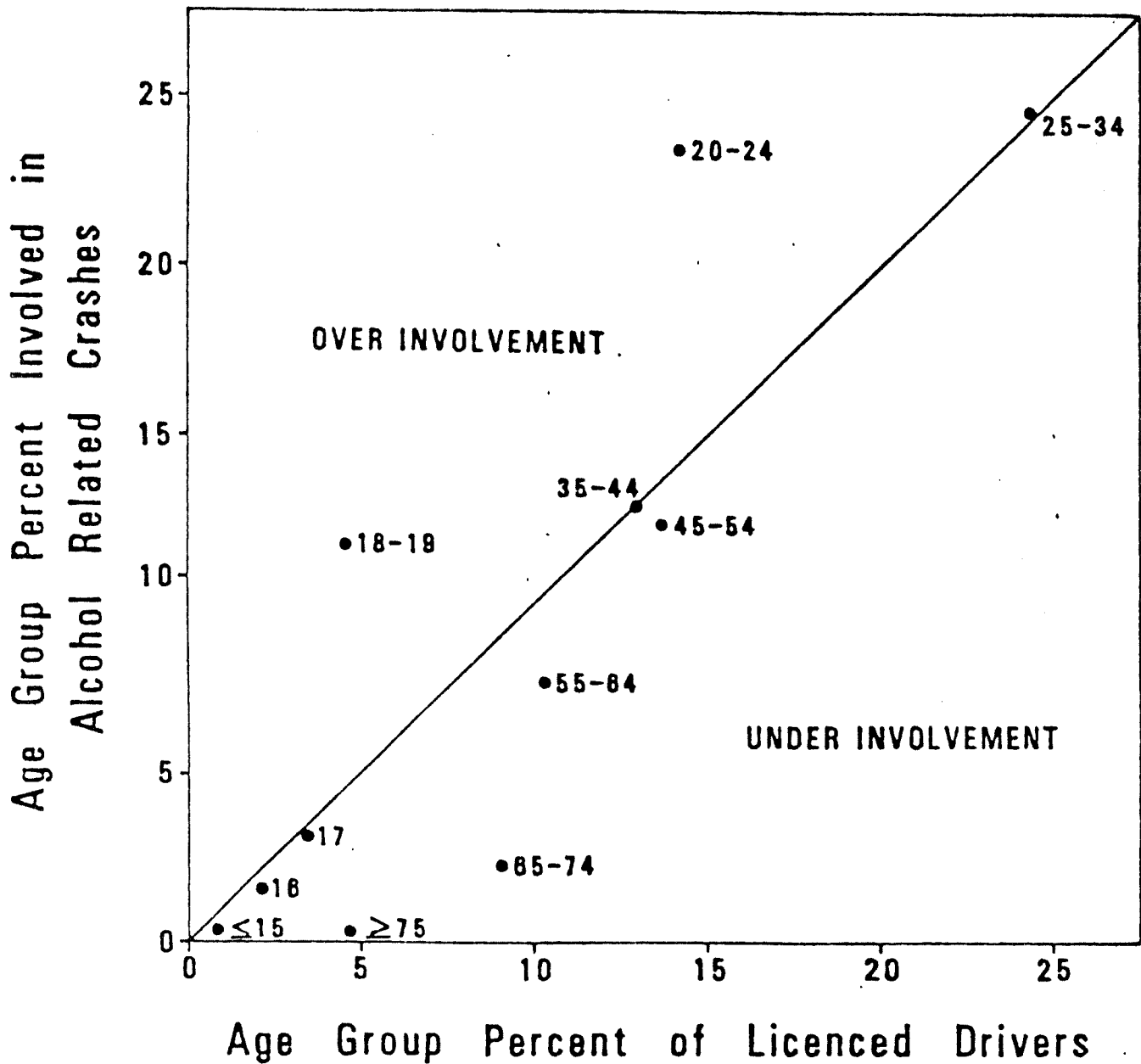
The role of auto crashes in deaths among young adults is particularly pronounced. National death rate statistics indicate that, for the 15 to 24 age bracket, accidents — mostly involving motor vehicles — are the leading cause of death.

Traffic crashes and other accidents kill more than five times as many young people as homicide and more than four times as many as suicide — the two next most common killers of youths.

Atch. D<sup>2</sup>

# State of Kansas

## Comparison of Age Groups Involved in Alcohol Related Crashes 1976-77-78



Source: Safety Information and Education Section,  
Kansas Department of Transportation

BEFORE THE FEDERAL & STATE AFFAIRS COMMITTEE  
OF THE KANSAS HOUSE OF REPRESENTATIVES

TOPEKA, KANSAS  
Feb. 14, 1983

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STATEMENT OF WILLIAM N. PLYMAT, SR.  
of Des Moines, Iowa

Member of the Presidential Commission on Drunk Driving; Member of the Iowa Commission on Substance Abuse; Executive Director of the American Council on Alcohol Problems; Board Chairman Emeritus, Preferred Risk Mutual Insurance Company; Lawyer; Retired Iowa State Senator (1973-1977).

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Since May, 1982, when I was appointed to the Presidential Commission on Drunk Driving, I have attended many meetings and public hearings held by the three committees which were set up among the Commission members. These were held in Oklahoma City, San Francisco, Denver, Chicago, Boston and Washington, D. C.

I listened carefully to witnesses at these hearings and also did a considerable amount of personal research and reading of various studies that have been undertaken by many groups and government agencies.

In San Francisco in November the Legislative Committee adopted a recommendation to the full Commission to urge a return to the legal drinking age of 21, and this recommendation was accepted at a meeting of the full Commission in Washington on December 1st, 1982.

On December 13, 1983, the Commission issued its Interim Report with the specific intention that its recommendations reach all legislatures going into session in January. It is my understanding it has been sent to all governors and all legislative leaders across the country. At page 53 of that Report the following recommendation appears:

"6.1--Minimum Legal Drinking Age. States should immediately adopt 21 years as the minimum legal drinking age for all alcoholic beverages."

It is clear that this recommendation came about because in all states where the legal drinking age was lowered, the evidence showed a sizeable increase in alcohol-related fatalities among those under 21. Then in states where the legal drinking age was raised, there was a sizeable reduction in such deaths.

The Michigan Highway Safety Research Institute at the University of Michigan in Ann Arbor is a nationally recognized research facility. A 15 page report by Dr. Alexander C. Wagenaar, Asst. Research Scientist at this Institute is contained in the Summer 1983 issue (Vol. 13, No. 2) of the Journal of Safety Research. It is entitled: "Preventing Highway Crashes by Raising The Legal Minimum Age for Drinking: An Empirical Confirmation." This Journal is a joint publication of the National Safety Council and Pergamon Press.

*Atch. E*

Results of their research is reported by the National Safety Council in its annual report, "Accident Facts, 1982 Edition," as follows:

"...that the raising of the minimum legal drinking age from 18 to 21 in 1978 resulted in significant reductions in 1979 for drivers 18 to 20 years of age. The study reported that when the legal age in Michigan was lowered, all alcohol-related crash involvement in the 18 to 20 age group increased 35 per cent, and when again raised to 21, involvements decreased by approximately 31 per cent....."

Attached hereto is a reproduction of a page from that report which contains the statement just quoted.

Studies done by the National Highway Traffic Safety Administration have found similar reductions in Maine and Illinois when the age was raised in those states. I know of no state where there have been reports to the contrary. Congress has passed a law providing for \$125,000,000 to states which take action on the drunk driving problem, and states can obtain funds to help them when they take such action. I attach a copy of pages dealing with proposed rule making by the National Highway Traffic Safety Administration under this law. You will note on page 15 of that proposal the following:

"Based on the experience of the States that have raised their minimum legal drinking or purchasing age, the agency concludes that alcohol-related accidents in the 18 to 21 year old age group can be reduced by raising the minimum legal drinking age."

On July 22, 1982, the National Transportation Safety Board issued a safety recommendation to all states having a lower than 21 legal age. Three pages of their submission are attached. They made the same recommendation as did the Presidential Commission, the National Safety Council, and the NHTSA.

After the Michigan Legislature refused in 1978 to take action to raise the legal drinking age to 21, the people of Michigan adopted a constitutional amendment to return to 21. They did so by a margin of 57%. Two years later the beverage industry in that state tried to get an alternate amendment adopted to go back to 19. This was lost by a 62% vote against it. After trying two years with 21, the vote margin for 21 increased by 5%.

The whole history of the drinking age in Michigan is dramatically told in an 18 minute videotape documentary, which you are invited to view. See the attached brochure about this.

Months ago in Maryland a law was passed to raise the legal age there on all alcoholic beverages to 21, and on Dec. 28, 1982 it became the law in New Jersey. Now bills to do this are in many state legislatures. Beer is the beverage of choice among youth--it is clearly the alcohol problem for this group. When Illinois had 21 for liquor and 19 for beer and wine, the City of Chicago raised beer and wine to 21, and then the Illinois Legislature followed that leadership.

It is expected that many other states will raise their legal age to 21 for all alcoholic beverages, and I hope you will do the same. If you do, I predict there will be a sizeable reduction in alcohol-related crashes involving death and injury among those 21 years of age and younger. Thank you.

# Lewis backs 21 minimum for drinking

WASHINGTON (UPI) — Transportation Secretary Drew Lewis Monday endorsed a call by a presidential commission to raise the states' minimum drinking age to 21 and impose mandatory 48-hour jail sentences on drunken drivers.

"This is a very high priority item with the president," Lewis said of the work of the Presidential Commission on Drunk Driving, which held a hearing on Capitol Hill.

Lewis said he would support the recommendations in a preliminary draft of an interim report by the commission calling on the 37 states that do not already have 21 as the minimum drinking age to raise their age limits.

The interim report also calls for mandatory, 48-hour jail sentences for persons found guilty of driving while intoxicated.

Lewis cautioned a final decision on the two recommendations would be up to President Reagan, but he would recommend their approval if the commission makes them final.

Lewis also said if the commission recommends that its own existence be continued in some form after it completes its recommendations in order to continue focusing attention on the problem, "I'd be happy to include it in my budget."

He also noted the president has designated the week of Dec. 13 as "National Drunk and Drug Driving Awareness Week," and said the Transportation Department was planning meetings and other activities to focus on the problem.

Statistics show more than half of the 50,000 highway fatalities that occur each year involve at least one person who has been drinking.

Commission Chairman John Volpe, former secretary of transportation, opened the hearing by noting that the witnesses who have testified at commission hearings around the country are demanding action.

"The road ahead is not an easy one," Volpe said. "We must remember that the right to drive is a regulated one; the right to drink is personal. These two rights must not be allowed to collide at the expense of another human being's right to live."

## Alcohol



Drinking is indicated to be a factor in at least half of the fatal motor-vehicle accidents, according to special studies. Routine accident reports do not show the same frequency of drinking, but it is believed that such reports understate the frequency, since the necessary time and equipment are not available to perform alcohol tests on all of the persons involved in accidents.

According to the National Highway Traffic Safety Administration, 40 to 55 per cent of the fatally injured drivers have alcohol concentrations in body fluids high enough to indicate intoxication.

In the early 1970's, 29 states lowered the minimum legal age for the purchase and drinking of alcoholic beverages. However, as a result of accumulating evidence that linked the lowered legal drinking age with alcohol-related health problems, and more importantly, increased motor-vehicle accidents by young drivers, 17 states have raised the minimum legal drinking age since 1976.

Several in-depth studies have been performed since 1976, concerned primarily with the effects of raising the minimum drinking age on alcohol involvement in motor-vehicle accidents and fatalities. Results of three of these studies are shown below:

The first study, *Traffic Safety Effects of the Raised Legal Drinking Age on Motor-Vehicle Accidents in Michigan*, by Alexander C. Wagenaar of the Highway Safety Research Institute found that raising the minimum legal drinking age from 18 to 21 in 1978 resulted in significant reductions in alcohol-related crashes in 1979 for drivers 18 to 20 years of age. The study reported that when the legal drinking age in Michigan was lowered, all alcohol-related driver crash involvements in the 18 to 20 age group increased 35 per cent, and when again raised to 21, involvements decreased by approximately 31 per cent. Of that 31 per cent, this study found that 18 to 20 year old drivers in Michigan were involved in 11 to 22 per cent fewer alcohol-related crashes causing property damage only.

A second study, *The Effect of Raising the Minimum Legal Drinking Age on Traffic Accidents in the State of Maine*, by Terry M. Klein of the National Highway Traffic Safety Administration found reductions in reported alcohol involvement in nighttime motor-vehicle traffic accidents among 18 and 19 year old male drivers in the state of Maine of 18.6 per cent and 13.9 per cent, respectively, as a result of raising the minimum legal drinking age from 18 to 20. For all Maine drivers aged 18 and 19, there were 17 to 22 per cent fewer alcohol-related crashes causing property damage only.

Also included in the study were cross-tabulations of data supplied by the Fatal Accident Reporting System (FARS) from ten states showing motor-vehicle traffic fatalities among drivers aged 15 to 21 with reported alcohol involvement. The data indicated approximately three times as many alcohol-related fatalities per hour occurred between 10:00 p.m. and 2:00 a.m. on the weekend than for the same time period on weekdays. The study also states that 55 per cent of 15 to 21 year olds that were in fatal accidents had a blood-alcohol content (BAC) of .10 or higher.

A third study, *Impact Analysis of the Raised Drinking Age in Illinois*, by Delmas M. Maxwell of the National Highway Traffic Safety Administration also studied nighttime male drivers, but for the ages 19 and 20. This study found reductions of 8.8 per cent in male drivers involved in single-vehicle nighttime accidents attributable to the law change that went into effect January 1, 1980, raising the minimum legal drinking age in Illinois from 19 to 21.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

23 CFR Part 1209

[NHTSA Docket No. 82-18; Notice 2]

Incentive Grant Criteria for Alcohol

Traffic Safety Programs

**AGENCY:** National Highway Traffic Safety Administration (NHTSA),  
Department of Transportation.

**ACTION:** Advance notice of proposed rulemaking and notice of  
public hearings.

**SUMMARY:** This notice proposes criteria for determining effective programs to reduce traffic accidents resulting from persons driving while under the influence of alcohol. This effort is undertaken pursuant to Public Law 97-364, which provides for two categories of federal incentive grants, basic grants and supplemental grants, to states that implement effective programs to reduce drunk driving. This rulemaking will also set forth the means by which a State may certify to NHTSA facts necessary to establish grant eligibility, and the procedure by which NHTSA will award such grants. This notice announces two public hearings and invites submission of written comments to the public docket on this subject.



of a conviction or license sanction, or perhaps of the completion of the appeals process. In addition, the full driving history of the defendant should be available to prosecuting officials for case preparation, and to the courts or administrative tribunals for use in determining appropriate sentencing or sanctions. States might demonstrate compliance with this criterion by providing the agency with a description of their record system that discusses its availability to prosecutors, courts and the public and indicates the time required for entering drunk driving convictions onto the driver's record.

Such records should be accessible to the public, as well as the courts; because of the need for public awareness of the extent of the problem and the need for public support for stringent enforcement. However, the agency is requesting comments that specifically address how much of the Statewide driver record system should be so publicly available.

→ 2. Setting of the minimum drinking age in each State at 21 years of age.

#### Discussion

Available data show a direct correlation between minimum drinking age and alcohol-related accidents in the 18-to-21 year old age group. In 1981, 25,000 persons died in alcohol-related highway accidents. Approximately 35 percent of these fatalities, 8,484 people, were between the ages of 16 and 24. This death toll of young Americans is grossly disproportionate to the

population of this age group and can be accurately termed a national tragedy.

Raising the drinking age results both in a decrease in the number of accidents and a decrease in the number of fatalities. A NHTSA study using fatal accident data showed that in eight states (Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, and Tennessee) raising the legal drinking age produced an average annual reduction of 28 percent in nighttime fatal accidents involving 18-to-21-year-old drivers.

Studies have shown that an increase in the drinking age results in a decrease in alcohol-related accidents. For example, Michigan had a drinking age of 18 since January 1972, but raised the age back to 21 in December 1978. In the first 12 months after the age limit was raised, a study showed a statistically significant reduction of 31 percent in alcohol-related accidents among drivers aged 18-20. Other studies have shown that increasing the drinking age has a positive effect on the number of single vehicle nighttime male driver accidents, most of which involve drinking drivers. For example, a 1980 study in Illinois showed a 8.8 percent decline in single vehicle nighttime male driver accidents involving drivers 19 and 20 after the drinking age was raised.

In addition to the mere increase in drinking age, the effects on border communities in cases where different age limits prevail in neighboring states is demonstrably acute.

The effectiveness of raising the age limit in one State is substantially affected if teenagers in border communities can easily go into another State with a lower age limit and obtain alcohol.

Based on the experience of the States that have raised their minimum legal drinking or purchasing age, the agency concludes that alcohol-related accidents in the 18-to-21-year old age group can be reduced by raising the minimum legal drinking age. NHTSA, therefore, is considering the establishment of a statewide legal drinking age of 21 years as one of the criteria for receiving a supplemental grant. This conforms to a recent strong recommendation of the National Transportation Safety Board. States would be expected to demonstrate compliance with this criteria by providing the agency with a copy of the law establishing 21 as the minimum drinking age.

3. Establishment in each major political subdivision of a State of locally coordinated alcohol traffic safety programs which are administered by local officials and are financially self-sufficient.

#### Discussion

NHTSA believes that major cities and heavily populated counties should establish and implement locally controlled alcohol traffic safety programs, to be operated on a city, county or regional basis, as appropriate. These jurisdictions are



# National Transportation Safety Board

Washington, D.C. 20594

October 26, 1982

Office of the Chairman

Mr. William N. Plymat  
Executive Director  
American Council on Alcohol Problems  
6955 University Avenue  
Des Moines, Iowa 50311

Dear Mr. Plymat:

Thank you very much for forwarding your September 6, 1982, statement for the members of the Presidential Commission on Drunk Driving and other related materials.

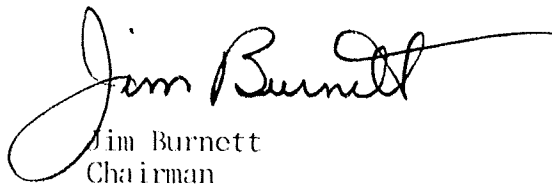
I read the materials with interest and was impressed with the comprehensiveness of your review. You can be assured that my staff will make good use of your report.

Enclosed for your information and use are copies of Safety Board Recommendations on raising the minimum legal drinking/purchasing age to 21 and citizen awareness programs.

We continue to work with the Presidential Commission on Drunk Driving and other concerned groups, associations and agencies in our mutual effort to reduce the scandalous statistics involving drinking and driving.

Thank you for your interest and keeping us informed of your activities.

Respectfully yours,

  
Jim Burnett  
Chairman

Enclosures

NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

ISSUED: July 22, 1982

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Forwarded to: States of: Alabama, Alaska,  
Arizona, Colorado, Connecticut, Delaware,  
Florida, Georgia, Hawaii, Idaho, Iowa, Kansas,  
Louisiana, Maine, Massachusetts, Minnesota,  
Mississippi, Montana, Nebraska, New Hampshire,  
New Jersey, New York, North Carolina, Ohio,  
Oklahoma, Rhode Island, South Carolina,  
South Dakota, Tennessee, Texas, Vermont,  
Virginia, West Virginia, Wisconsin, Wyoming  
and the District of Columbia  
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SAFETY RECOMMENDATION(S)

H-82-18

About 2:18 a.m. e.s.t on March 14, 1982, at a railroad/highway grade crossing on Herricks Road in Nassau County, New York, a southbound van, occupied by 10 teenagers, was driven around a lowered automatic gate with flashing lights onto the main line tracks of the Long Island Railroad and into the path of an oncoming train. Nine of the 10 occupants were killed and one passenger was critically injured. The blood alcohol level of the 19-year-old male owner and apparent driver of the van was .09 percent by weight. New York law determines that a blood alcohol level of .06 to .09 is evidence that the driver's ability is impaired. A level of .10 is considered to be "intoxicated." The minimum legal purchase age for all alcoholic beverages in the State of New York at the time of the accident was 18 years.

In the past 3 years, the National Transportation Safety Board has investigated three other major accidents (see table 1) involving young drivers in the 18- to 21-year-old age group where alcohol was a factor in the accident. In these four accidents, there were 30 fatalities and 15 injuries.

In July 1971, the 26th Amendment to the U.S. Constitution became effective extending the right to vote in Federal elections to citizens between 18 and 21 years of age. Between 1970 and 1973 the 50 States also extended the right to vote in State elections to this age group, and 24 States reduced their minimum legal drinking age for all alcoholic beverages as part of the trend to reduce the age of majority. <sup>1/</sup> Eighteen of the 24 States lowered the legal drinking age to 18, and 6 States lowered it to 19. Eleven other States lowered the legal drinking age for wine and beer only to either 18 or 19.

<sup>1/</sup> States that reduced their legal drinking ages for all alcoholic beverages between 1970 and 1973 were: Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, Rhode Island, Tennessee, Texas, Vermont, West Virginia, Wisconsin, and Wyoming.

3494B

Studies 2/ began to show that the lowered drinking age resulted in increased alcohol-related traffic accidents among the 18- to 21-year-old population, an age already overrepresented in accident statistics. As a result, at least 14 States have raised their minimum legal drinking age since 1976. 3/ (See table 2.) Currently, several other States have legislation pending to raise the legal minimum drinking age.

There have been numerous studies in States that have raised their minimum legal drinking age, showing a significant decrease in alcohol-involved accidents among drivers in the affected age group. For example, Michigan lowered its drinking age to 18 in January 1972 and raised it back to 21 in December 1978. A study that analyzed a random sample of 20 percent of all reported accidents in Michigan from January 1972 to December 1979 concluded:

Controlling for trends, seasonally, and other patterns in the frequency of police-reported "had been drinking" (HBD) crash involvement among 18-20 year old drivers, an [annual] reduction of 31 percent occurred in the first 12 months after the drinking age was raised from 18 to 21 in December of 1978.

To control for potential unreliability in police-reported alcohol-involvement, a "three factor surrogate" 4/ measure of alcohol-related crash involvement is also used. Analyses of late-night, single-vehicle crashes with a male driver, of which a majority have been consistently identified as involving a drinking driver, reveal a statistically significant reduction of 18 percent among drivers aged 18-20 after the higher legal drinking age was implemented." 5/

In another study, made after Illinois raised its minimum legal drinking age in January 1980 from age 19 to 21 years, data for single-vehicle, nighttime, male driver involvements occurring between 8 p.m. and 3 a.m. were used as a surrogate for alcohol-involved accidents. 6/ This study comparing 1980 to 1979 accident data, concluded that raising the legal drinking age law was effective in reducing the single-vehicle, nighttime, male driver involvement for drivers aged 19 and 20. For 1980, the percentage of reduction attributable to the law change was 8.8 percent.

The Michigan and Illinois studies looked at all accidents--fatal, injury, and property damage. Another study, 7/ using data from the Fatal Accident Records System (FARS) of

2/ Douglass, R. L., Filkins, L.D., Clark, F.A. "The Effect of Lower Legal Drinking Ages on Youth Crash Involvement," prepared for National Highway Traffic Safety Administration by Highway Safety Research Institute, June 1974.

3/ States that raised their legal drinking ages after 1976 include: Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New York, New Jersey, and Tennessee.

4/ Surrogate measures for alcohol involvement are typically used since blood alcohol level reporting for driver accident involvement is often incomplete.

5/ Wagenaar, Alexander Clarence, The Minimum Legal Drinking Age: A Times-Series Impact Evaluation, Dissertation, University of Michigan, 1980, p. 148.

6/ "Impact Analysis of the Raised Legal Drinking Age in Illinois" Delmas Maxwell, National Highway Traffic Safety Administration, December 1981.

7/ Williams, Allan F., et al., Insurance Institute for Highway Safety, "The Effect of Raising the Legal Minimum Drinking Age in Fatal Crash Involvement," Journal of Legal Studies, September 1981.

the National Highway Traffic Safety Administration looked at nine States which raised their legal minimum age. <sup>8/</sup> Eight of the nine States experienced a reduction in nighttime fatal crash involvement among drivers in the affected age group; the average annual reduction was 28 percent.

New York State has recently raised the legal purchase age of alcohol from 18 to 19. In New York State during 1979, 26 percent of crash-involved drinking drivers were under 21 years old. This is a rate of 45.1 alcohol-related crash involvements per every 10,000 licensed drivers in the 16- to 20-year-old age group. This rate was 4.2 times higher than the rate of 10.8 per 10,000 licensed drivers 21 years and older. <sup>9/</sup> In the 10 New York counties that are contiguous to Pennsylvania (where the legal drinking age is 21) 10 percent of the alcohol-related accidents involving an 18- to 20-year-old driver involved a driver who was licensed in Pennsylvania. <sup>10/</sup>

Based on the experiences of the States that have raised their minimum legal drinking or purchasing age, the Safety Board concludes that alcohol-related accidents in the 18- to 21-year-old age group can be reduced by raising the minimum legal drinking age. Available data show a direct correlation between minimum drinking age and alcohol-related accidents in the 18- to 21-year-old age group. Studies in Illinois and Michigan, two populous States, demonstrate that dramatic reductions in alcohol-related accidents in this age group can be achieved by raising the minimum drinking age to 21.

Therefore, the National Transportation Safety Board recommends that the States of Alabama, Alaska, Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, and the District of Columbia:

Raise the minimum legal age for drinking or purchasing all alcoholic beverages to 21 years of age. (Class II, Priority Action) (H-82-18)

BURNETT, Chairman, GOLDMAN, Vice Chairman, McADAMS and BURSLEY, Members, concurred in this recommendation.

  
By: Jim Burnett  
Chairman

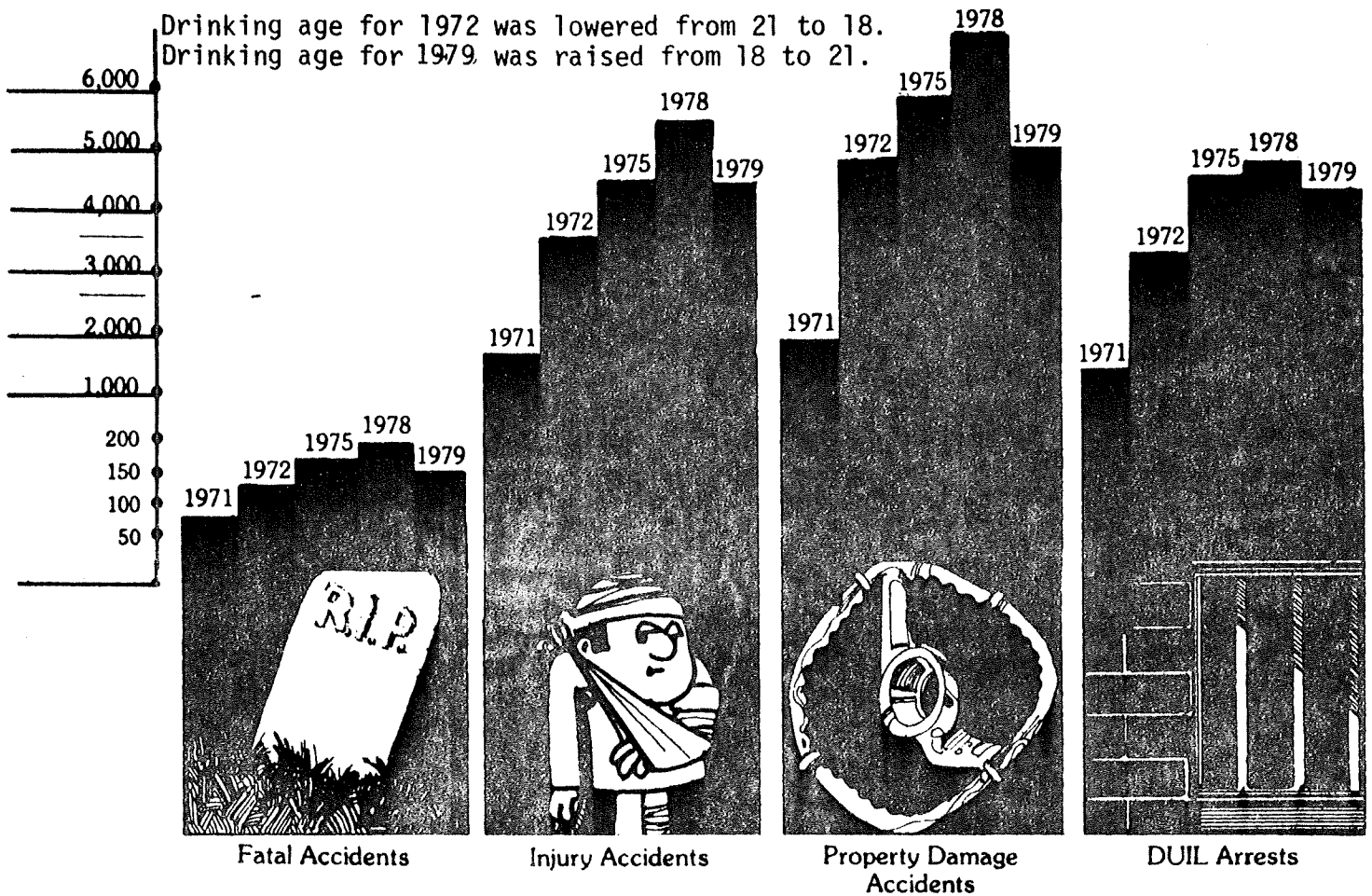
<sup>8/</sup> The States were: Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, and Tennessee.

<sup>9/</sup> Lillis, R., et al., "Targeting Alcohol Safety Prevention Programs through Analysis of Crash Casualty Data," paper presented at the National Council on Alcoholism forum, New Orleans, Louisiana, April 15, 1981.

<sup>10/</sup> Lillis, R., Williams, T., and Williford W., "Reported Alcohol Crashes Involving 18-21 Year Old Pennsylvania Drivers in Ten New York Border Counties," New York State Division of Alcoholism and Alcohol Abuse, Bureau of Alcohol and Highway Safety (Research Report Series Number 10), 1981.

# 18-20-YEAR-OLD DRINKING DRIVERS

Source: Michigan State Police



## DRINKING DRIVERS INVOLVED IN ACCIDENTS 1971-1979

	1971	1972	Change from 1971	1975	Change from 1971	1978	Change from 1971	1979	Change from 1978
<b>Ages 18-20</b>									
All Accidents	3,790	8,273	+ 118%	10,520	+ 178%	12,567	+ 231%	9,627	- 23%
Fatal Accidents	87	134	+ 54%	164	+ 89%	182	+ 108%	161	- 12%
Injury Accidents	1,787	3,651	+ 104%	4,440	+ 148%	5,390	+ 202%	4,431	- 18%
Property Damage Accidents	1,916	4,488	+ 134%	5,916	+ 208%	6,995	+ 265%	5,035	- 25%
<b>All Other Ages</b>									
All Accidents	41,047	46,685	+ 14%	44,271	+ 8%	49,462	+ 21%	51,207	+ 4%
Fatal Accidents	591	624	+ 6%	657	+ 11%	776	+ 31%	770	- 1%
Injury Accidents	17,810	19,822	+ 11%	18,515	+ 4%	21,233	+ 19%	22,691	+ 7%
Property Damage Accidents	22,646	26,239	+ 16%	25,099	+ 11%	27,453	+ 21%	27,746	+ 1%

## ARRESTS FOR DRIVING UNDER THE INFLUENCE OF LIQUOR (DUI) 1971-1979

	1971	1972	Change from 1971	1975	Change from 1971	1978	Change from 1971	1979	Change from 1978
Drivers 18-20 Yrs. Old	1,306	3,151	+ 141%	4,641	+ 255%	4,840	+ 270%	4,332	- 11%
Drivers All Other Ages	26,058	33,095	+ 27%	34,076	+ 31%	34,788	+ 34%	37,605	+ 8



MICHIGAN DRIVERS

<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	
6,150,000	6,250,000	6,350,000	6,400,000	6,087,000	Drivers in Michigan's active driving group
553,000	524,500	527,000	512,000	600,000	Drivers in Michigan's (age 18-20) driving group
9.0%	8.4%	8.3%	8.0%	9.9%	Percent of drivers (age 18-20) driving group

Hold's steady!

JUNE 1982 REPORT

ALL DRIVERS INVOLVED IN ACCIDENTS

<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	
635,420	659,844	624,337	517,829	499,699	Total Drivers (of all ages) involved in total accidents
101,945	104,597	95,011	75,398	68,092	Drivers (age 18-20) involved in all accidents
16.0%	15.9%	15.2%	14.6%	13.6%	Percent of drivers (age 18-20) involved in all accidents

GOING DOWN

ALL DRIVERS INVOLVED IN FATAL ACCIDENTS

<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	
2,672	2,801	2,519	2,345	2,192	Total Drivers (of all ages) involved in fatal accidents
492	415	363	344	262	Drivers (age 18-20) involved in fatal accidents
18.4%	14.8%	14.4%	14.7%	11.9%	Percent of drivers (age 18-20) involved in fatal accidents

← 18 →

← 21 →

Significant!!

TABLE 2. MINIMUM LEGAL DRINKING/PURCHASE AGES AND DATE OF LAST LEGISLATIVE CHANGE FOR THE FIFTY STATES AND THE DISTRICT OF COLUMBIA

18	19	20	21	18/21
Hawaii (1972)	Alabama (1970)	Delaware (1972)	Arkansas (1925)	* Colorado (1945)
Louisiana (1948)	Alaska (1979)	Maine (1977)	California (1933)	** District of
Vermont (1971)	Arizona (1972)	Massachusetts (1979)	Illinois (1980)	Columbia (1934)
West Virginia (1980)	Connecticut (1982)	Nebraska (1980)	Indiana (1934)	* Kansas (1949)
Wisconsin (1972)	Florida (1980)	New Hampshire (1979)	Kentucky (1938)	** Mississippi (1966)
	Georgia (1980)	Rhode Island (1981)	Maryland (1982)	** North Carolina (1935)
	Idaho (1972)		Michigan (1978)	* Ohio (1935)
	Iowa (1978)		Missouri (1945)	* Oklahoma (1976)
	Minnesota (1976)		Nevada (1933)	*** South Carolina (1935)
	Montana (1979)		New Mexico (1934)	* South Dakota (1972)
	<del>New Jersey (1980)</del>		North Dakota (1936)	**** Virginia (1981)
	New York (1982)		Oregon (1933)	
	Tennessee (1979)		Pennsylvania (1935)	
	Texas (1981)		Utah (1935)	
	Wyoming (1973)		Washington (1934)	
			NEW JERSEY 1983	

- \* - 18 (3.2% Beer), 21 (Over 3.2% Beer, Wine & Distilled Spirits)  
 \*\* - 18 (Beer & Table Wine), 21 (Fortified Wine & Distilled Spirits)  
 \*\*\* - 18 (Beer & Wine), 21 (Distilled Spirits)  
 \*\*\*\* - 18 (On Premises Sale of Beer), 19 (Off Premises Sale of Beer)  
 21 (Wine & Distilled Spirits)

# AGE 21

The 26th Amendment to the U.S. Constitution was ratified on June 30, 1971. On that day 11.4 million young Americans between the ages of 18 and 21 were extended the voting franchise. The Vietnam War was going on then, and there was a widespread feeling that those who were asked to fight ought at least be allowed to vote. Many state legislatures, believing that if you were old enough to vote you were old enough to drink, lowered the age of majority to 18 or, in some cases, 19. Afterwards, not only could young people pull levers in voting booths, they could also pull pop-tops off cans of beer.

The result was that thousands of young people lost their lives on the highways because of the lower legal drinking age. Had it not been for the war, no one would have suggested lowering the voting age, much less the drinking age. It's a sad legacy of that conflict that the last young Americans to perish were those who died in cars, here in the U.S. And regrettably, the carnage continues.

Michigan, like many states, lowered the drinking age to 18 in 1972. In the six years that followed, disturbing newspaper headlines often appeared: "Concern Grows Over Low Drinking Age," "Young Drinking Driver Crashes Have Shown Dramatic Increase," "Drinking Age, Crashes Linked." It was clear to the public that society was paying a high price for 18-year-old drinking, both in terms of lives lost on the highways and alcohol abuse in the schools.

For six years Rev. Allen Rice, Director of the Michigan Council on Alcohol Problems, lobbied the legislature to raise the drinking age back to 21. But the lawmakers, having made 18-year-olds legal adults, were reluctant to deny young citizens a single adult privilege. With the legislative option foreclosed, Rev. Rice organized a petition drive to place the issue on the ballot as a proposed constitutional amendment. From church congregations and groups of professional educators his organization recruited 14,000 petition circulators and obtained 320,000 signatures by July of 1978. In November of that year Michigan voters went to the polls. The result was that 1,610,000 voted to raise the drinking age back to 21—a 57% majority.

Two years later, in 1980, students on university campuses circulated petitions to lower the drinking age back to 19. The Michigan Licensed Beverage Association, representing on-sale liquor establishments, provided funds for lobbying and advertising. The petition drive fell short of its goal, so the "19 is Fair" interests went to the Michigan Legislature. Both houses voted by a two-thirds majority to place the question on the ballot. Despite the media blitz on its behalf, the "19 is Fair" proposal lost—Age 21 was retained by a majority of 62%.

It's been four years since the Michigan Constitution was amended to prohibit sale of alcoholic beverages to those under 21. The controversy is over, and now the benefits can be tallied. The American Council on Alcohol Problems has produced a videotape documentary about what happened in Michigan, both before and after the drinking age was raised to 21. Below are some quotations from some of those interviewed for the documentary.

## DRINKING IN THE SCHOOLS

"There were some real problems in the schools, the high schools in this state where the kids would go out for noon and instead of having a Coca Cola and a Big Mac, they were going to the local liquor store and picking up six or twelve, and they were drinking in their cars, bringing it back and exposing the younger kids to it in the high schools. I think you had a lot

more civil disorder within the structure of the educational system."

Tom Green  
Capitol Hill Reporter, Lansing  
for WJBK-TV, Detroit

"It was pretty obvious when we moved to 18 what happened to problems in the schools. We witnessed an increase in drinking. . . . It really wasn't all that much of a problem during the school day, because we could control the population somewhat. Although we did have some students that would go out at noon and pick up some booze during the lunch hour and return to school after they'd been drinking. We could deal with that as a discipline problem in the school. We did have to. . . .

"The kids were getting together in cars, and it was really a problem. . . . They were 18, they could go out to bars, but their peer group couldn't. The group they were running around with, the younger students, even junior high age, would get together in cars, and there was a lot of drinking. They'd get together in any parking lot, school parking lot, church parking lot, anywhere they could get together and party. We had some real problems trying to button up our school property at night. . . . Now we've seen that diminish very dramatically.

"There were those that were saying all the time that the drinking age, changing the drinking age, wouldn't change students' drinking. They would still drink. They still did and still do, but the kinds of problems we experienced while the drinking age was 18 disappeared."

Dr. Frank Throop  
Principal, Everett High School  
Lansing, Michigan

## THE DRINKING AGE AND DRIVING

"A number of studies were conducted on the effects of the lower drinking age in the early 1970's. There were about 29 states that reduced their legal minimum drinking ages. Out of that, roughly a dozen studies came out in the mid- to late 1970's. The 15% to 30% range of estimates repeatedly came up for the effect of the drinking age on alcohol-related crash involvement for young people. . . .

"Focusing on the state of Michigan, the net effect of increasing the drinking age in December of 1978, from 18 to 21, was reduction of 2,600 young drivers that were not involved in alcohol-related crashes after the legal drinking age [was raised]. . . . When we lowered the age we saw this roughly 20% increase in crash involvement, and when the drinking age was returned to its previously higher level there was a 20% reduction."

Alexandar Wagenaar, Ph.D.  
Assistant Research Scientist  
Transportation Research Institute  
University of Michigan

"The State Police have noticed a dramatic decrease in the number of drunk driver arrests at the age from 18 to 21 than previously. We've noticed a decrease in fatal accidents, so I'm totally convinced that the higher drinking age law is proper and is a highway safety benefit."

Col. Gerald Hough  
Director, Michigan State Police

"If I were to talk to people in other states about this particular problem that we had in the state of Michigan, I would tell them to stick with 21 if they can at all possibly do it, because there's nothing to be gained unless you happen to be a profiteer. If you're in the business and you can make money on it, that's your only gain, and then you've got to be able to sleep. I'm not too sure that a lot of people that pushed for the legalization of 18-year-olds' drinking sleep too well at night when they look at some of the accidents that happened that were directly involved with 18-year-old kids with alcohol who couldn't handle it, who drank and who couldn't drive, and they're no longer here. They're statistics now."

Tom Green  
Capitol Hill Reporter, Lansing  
for WJBK-TV, Detroit

# AGE 21

## History of the Drinking Age in Michigan

To order a copy of the videotape documentary on the Drinking Age in Michigan, complete the order form and mail it to the American Council on Alcohol Problems.

American Council on Alcohol Problems  
2908 Patricia Drive  
Des Moines, IA 50322

Please send me a copy of the ACAP video documentary on the Drinking Age in Michigan.

Check video format:

- 3/4-inch "U-Matic" cassette  
 1/2-inch "Beta" cassette  
 1/2-inch "VHS" cassette

I've enclosed remittance for:

- two-week rental (\$10.00)  
 cassette purchase (\$50.00)

name

address

city

state

zip

Recommendation for Legislative Action by  
the American Council on Alcohol Problems

# AGE 21



Salina Unified School District No. 305

913-825-0281 P.O.Box 808 Salina, Ks. 67401

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2-14-83

TO: HOUSE FEDERAL AND STATE COMMITTEE

RE: HOUSE BILL 2328

THANK YOU FOR PROVIDING ME WITH THIS FORUM. I WILL RESTRICT MY TESTIMONY TO THE SPECIFIC RATIONAL DEALING WITH RAISING THE MINIMUM LEGAL AGE FOR DRINKING IN THE STATE OF KANSAS.

JOSEPH CALIFANO, JR. SAID IT ALL IN HIS 1982 REPORT TO NEW YORK GOVERNOR CAREY ON ALCOHOLISM....."THE GOAL IS PRUDENCE, NOT PROHIBITION." WITH THAT BENCH MARK STATEMENT, ALLOW ME TO SHARE VARIOUS THEORIES AND EDUCATED ASSESSMENTS OF THE DRINKING AGE LAWS.

WITH THE REPEAL OF PROHIBITION IN 1933, MOST STATES OPTED FOR A 21 YEAR AGE MINIMUM FOR PURCHASE AND CONSUMPTION OF ALCOHOL. THE STATE OF NEW YORK MADE FAMOUS "THE FORBIDDEN FRUIT HYPOTHESIS" BY SETTING THEIR MINIMUM AT 18, BY WHICH THEY WERE SAYING THAT IT IS BETTER TO SET LOWER STANDARDS THAT COULD BE MORE EASILY ADHERED TO, THAN HIGHER AGE LIMITS WHICH WOULD FORCE YOUTHFUL DRINKERS INTO ILLEGAL ESTABLISHMENTS AND TEACH THEM TO VIOLATE THE LAW.

THE MORE CURRENT THEORY EVOLVES AROUND CONTROLLING THE AVAILABILITY OF THE BEVERAGES WITH RESTRICTIONS THAT INCLUDE HIGH MINIMUM AGE LAWS.

A THIRD CAMP HOLDS THAT ADOLESCENTS BEHAVE ACCORDING TO STANDARDS SET DOWN BY FAMILY AND PEERS.

*Atch. F*

NOW, WHERE DOES THIS LEAVE US IN THE LAND OF OZ? TO DEVELOP A STAND WE SHOULD TAKE INTO ACCOUNT SEVERAL POSTULATES, VIZ., THAT PROHIBITION IS OUT OF THE QUESTION; THAT THERE ARE MANY MYTHS ALIVE TODAY, I DARESAY RIGHT HERE IN THIS ROOM, ABOUT ALCOHOL; THAT ALCOHOL IS NO MORE THE CAUSE OF ALCOHOLISM THAN MARRIAGE IS THE CAUSE OF DIVORCE, AND THAT USE AND ABUSE IS NOT DEPENDENT ON ANY MAGIC AGE.

I AM DR. VERNON OSBORN, PRESIDENT OF U.S.D. 305 BOARD OF EDUCATION AND CHAIRMAN OF THE LARGE DISTRICT FORUM, COMPOSED OF THE 30 LARGEST SCHOOL DISTRICTS IN THE STATE OF KANSAS. THE ASSESSMENT THAT FOLLOWS COMES FROM MY EXPERIENCE WHICH STARTED IN 1969 HELPING YOUTH IN CHEMICAL ADDICTION SITUATIONS. I DO NOT PRESENT THE CREDENTIALS OF A COUNSELOR, AN EDUCATOR, A SOCIOLOGIST, OR A PROVIDER OF LAW ENFORCEMENT. I OFFER MY OPINIONS AS A PARENT OF THREE YOUNG MEN, AS ONE WHO HAS STARTED YOUTH CRISIS HOMES, WHO HAS GONE THROUGH A 30 DAY FAMILY TREATMENT PROGRAM, AND WHO HAS TRIED TO PROVIDE LEADERSHIP FOR PARENTING EDUCATION IN THIS STATE.

I AM NOT GOING TO LULL YOU WITH PIE-CHARTS, GRAPHS AND OTHER STATISTICS. THESE ARE PUBLIC RECORD AND SHOULD BE VERY FAMILIAR TO ALL. THE BOTTOM LINE IS THAT WE MUST SHOW SOME MOVEMENT. WE MUST RESPOND TO THE STEADY UPWARD LOSSES WE ARE SUFFERING AS A SOCIETY AND AS A NATION TO HIGHWAY CARNAGE RESULTING FROM USE/ABUSE. WE - ESPECIALLY IN KANSAS - ARE ALLOWING A DISGRACEFUL ANNULMENT OF THE FUTURE BY FOSTERING THIS TRAGEDY. RAISING THE MINIMUM AGE WILL GIVE SOME OF OUR YOUTH WHO HAVE TEMPERANCE AND RESPECT FOR OBEDIENCE TO LAW, A CHANCE TO GRADUATE

FROM OUR SCHOOLS BEFORE MAKING THE CHOICE. RAISING THE MINIMUM AGE WILL GIVE SOME PARENTS THE RATIONALE TO ENFORCE CONTROL UNTIL AFTER THE MYSTIC POWERS OF HIGH SCHOOL SOCIETY HAVE WITHERED.

SET IN STEEL AND POUR CONCRETE AROUND THE FACT OF RAISING THE MINIMUM AGE WILL NOT DRASTICALLY REDUCE OR PREVENT DRINKING! STATISTICIANS HAVE SHOWN THAT WE CAN REDUCE THE KILL RATIO IN OUR ADOLESCENT AUTOMOBILE FREE-FOR-ALL, BUT EFFORTS AT PREVENTION...AND THE PROBLEMS ASSOCIATED WITH EXCESSIVE DRINKING SHOULD NOT BE CONFUSED WITH THE PREVENTION OF DRINKING. THERE WILL BE NO SIGNIFICANT VISABLE CHANGE WITH A HIGHER MINIMUM AGE UNLESS AND UNTIL THE ADULT POPULATION (WHATEVER THAT IS) GETS OUT OF ITS APATHETIC BED OF INDIFFERENCE AND IGNORANCE AND RE-ESTABLISHES ITS COLLECTIVE PRIORITIES. I HAVE NOT HEARD OF A SINGLE CITY IN THIS STATE THAT DOES NOT HAVE PARENTS WHO ACTIVELY PROVIDE "KEGGERS" FOR THEIR YOUTH! THE MANHATTAN MERCURY VIVIDLY REPORTED SEVERAL MONTHS AGO THAT THEIR CITY IS INDEED BREEDING ALCOHOL PROBLEMS INTO THEIR YOUTH. SALINA REVEALED A SIMILAR PROFILE IN ITS 1981 ADOLESCENT INTERVENTION PROGRAM REPORT, AND ON AND ON, AD NAUSEUM, AD INFINITIUM. WHAT KIND OF MESSAGES ARE WE AS THE ADULTS GIVING TO OUR YOUTH? LET US NOW, TODAY, ONCE AND FOREVER, RECOGNIZE THE MESSAGE THAT THESE PROBLEMS ARE NOT GOING TO BE RESOLVED BY OUR SCHOOLS. THESE ILLS OF ABUSE ARE NOT GOING TO BE CURED BY OUR CHURCHES. THESE MISGUIDED CHILDREN ARE NOT GOING TO BE CORRECTED BY OUR COURTS AND PENAL INSTITUTIONS! WE HAVE TRIED ALL OF THE ABOVE! A CURSORY OR CASUAL REVIEW OF RECENT HISTORY WILL BEAR OUT THE FACT THAT

YIELDING THE RESPONSIBILITY TO OTHER STRUCTURES HAS INDEED INCREASED PROBLEMS.

MY MESSAGE TO YOU IS TO INCREASE THE MINIMUM AGE ONLY IF YOU PROVIDE AN EDUCATIONAL BASIS THAT WILL REACH INTO THE HOMES. DO NOT PLAN PREVENTION EFFORTS THAT AIM EXCLUSIVELY AT SINGLE ISSUES, SUCH AS AGE LIMITS. PROVIDE BROAD-BASED LEADERSHIP! THERE ARE MANY EXCELLENT PROGRAMS AVAILABLE, SEVERAL FROM THE YOUTH THEMSELVES, SUCH AS "STUDENTS AGAINST DRUNK DRIVING," A PROGRAM WITH A PROVEN EFFECTIVE TRACK RECORD. THERE IS EXCELLENT LEADERSHIP IN KANSAS. INSTITUTIONS, AGENCIES, COUNCILS, COMMITTEES, AND INDIVIDUALS ARE SCATTERED ACROSS THE STATE. COALESCE THEM AND TOGETHER WE CAN LEAVE A LEGACY FOR A STRONG FUTURE. DARE TO TRAVEL THE YELLOW BRICK ROAD!

DR. VERNON E. OSBORN  
643 SOUTH OHIO  
SALINA, KANSAS 67401  
PHONE: 913-827-2272



# Shawnee Mission Public Schools Legislative Program - 1983

## IV OTHER MATTERS

### A. Purchase of Cereal-Malt Beverages

Position: We urge the legislature to raise the age at which people can purchase cereal-malt beverages from 18 to at least 19 years of age.

Rationale: Many students in our high schools reach the age of 18 before graduating from high school. We believe that the educational system would be improved if it were still maintained that these students would not be of an age where they could purchase cereal-malt beverages. To accomplish this goal, we urge that the age be raised to at least 19 years of age.

*James L. Youally*

*Atch. G*

I am in favor of House Bill No. 2145. When I informed my Physics class that I would be coming to Kansas today, one student replied, "Oh, you're going part-time." It is this attitude which has been caused by the difference in the legal drinking age between Kansas and Missouri. On behalf of the youth in Kansas and neighboring states, I urge you to pass this bill.

Eric Ferguson  
Chemistry - Physics teacher  
and church youth worker  
Neosho, Mo. 64850

A. C. H.

In my home town one of the most popular pastimes is a roadtrip to Egypt by way of the Kansas Run. In explanation, a trip to Egypt symbolizes getting drunk to the point where you are nearly ready to pass out. It was thought up by a friend of mine who had passed out while he and his friends were driving around he came too, sat up and asked, "Are we in Egypt yet?" ~~The~~ The Kansas Run is a 45 minute to an hour drive from our town to Galena Kansas where alcohol is legal to about half our seniors in school. The alcohol is consumed in Kansas or on the way back so what it basically amounts to is a 45 minute to an hour of drinking and driving (assuming they go straight home) while on the way to Egypt.

The reason they go to Kansas is because it is easy and legal... in that state. I asked a friend if she had ever went and told her why. She said no but all my friends have, and she told me to tell how because it was so easy to get; her grades have dropped, she has lost two of her best friends, and her boyfriend is an alcoholic at age 18.

One of my greatest fears is that someday I will open up my paper and see listed under obituaries one of these people, one of my friends listed under obituaries coming back from the Kansas Run.

(Questions?)

*Jim Nimmo Jr*  
 Student at Neosho  
 Senior High School  
 Nimmo

# Lawrence High School

Telephone 913 842-6222

Nineteenth and Louisiana Lawrence, Kansas, 66044

Principal

Bradford Tate

Division Principals

Max Rife

John Forbes

Charles Parks

February 11, 1983

Memorandum

TO: Members of the House Federal and State Affairs Committee

FROM: Bradford Tate, Principal *BTT*

I am writing to support the raising of the legal drinking age for Kansas. As a high school principal I have become increasingly alarmed with the growing consumption of alcoholic beverages by high school students.

Since some high school students are 18 years old and can purchase beer legally many underaged students have easy access to alcohol through their friends.

I recognize that raising the legal age will not eliminate the problem completely but it would definitely be a step in the right direction.

Your passage of legislation to raise the drinking age will be appreciated by many citizens in Lawrence, Kansas. Likewise, it should be a positive step in helping to express concern and solve the problem.



"Home of the Chesty Lion"

*Atch. J*

My name is Darrell D. Cyr. I operate Cyr's Driving school at 821 W. 2nd in Wichita, For 20 years I have been a professional driving instructor. Last Fall I was in Washington D.C. and learned there is a lot of nationwide support to make 21 the uniform legal age for purchase and consumption of alcoholic beverages in every state.

The issue is not raising the drinking age. The issue is 21 to achieve maximum reduction in highway tragedy. Your vote will determine life or death for some Kansas youth.

I hope you will refuse to please those who make big profits selling beer. They seem to have accepted age 19 if they are given Sunday sales and one strength beer. But some persons age 19 will buy for friends who are 18, 17, or 16. Some persons age 21 will buy for friends who are 20, 19, or 18. But 21 year olds do not run with 16 year olds. Age 21 is needed to help prevent another father from losing a daughter to a 16 year old drunk.

My 15 year old daughter was killed by a 16 year old drunk. Mr. Chairman, you and I are friends in Wichita and in the Republican Party. I'm counting on you and your committee to vote for 21. Anything less is tokenism.

*Darrell D. Cyr*

I am Mrs. Ruth Nelson of Manhattan, Kansas. I am here to represent  
the Woman's Christian Temperance Union of Kansas <sup>50 communities and over 1000 women concerned about</sup> and our state president,  
Mrs. Sarah Boyd Jedlicka of Ness City, Kansas. For over 100 years, our  
organization has had a goal of protection of the home and its youth. It  
is our position that by the time a youth has reached the age of 21, he can  
make a more mature judgment in regard to drinking and driving. We believe  
that by raising the legal beer drinking age to 21, highway deaths and  
injuries will be significantly decreased, and the lives of many of our  
Kansas youth will be protected from death on the highway, as well as  
many resulting crippling injuries. Senator Teasdale, in a letter to our  
state president, stated that a lot of support for this legislation is coming  
from many of the teen age people in our state. I urge you to vote favorably  
on the proposed legislation to raise the legal <sup>beer</sup> drinking age to 21.

highway  
safety

Ruth Nelson  
Kansas Woman's Christian Temperance Union

Atch. 4

February 14, 1983

House Federal & State Affairs Committee  
Hearings on HB 2145 - Raising the Drinking Age to 21

Chairman Whitaker, members of the committee, my name is Eleanor Lowe. I am representing the Executive Committee of the PTA Area Council of Shawnee Mission and speaking in support of HB 2145 and in particular that section dealing with raising the legal drinking age in Kansas for 3.2 beer from 18 to 21.

Our interest in this issue began last year because of various concerns expressed by parents. During the summer of 1982 at the National PTA convention, a resolution was adopted to encourage State PTAs to urge legislatures to adopt a drinking age of 21 in states where the age was currently lower. This resolution was subsequently adopted at the Kansas State PTA convention held in October in Dodge City. According to a national PTA publication, New Jersey became the 26th state to adopt a 21 year-old drinking age.

Parental concern seems to focus on the following areas:

1. More and more youth appear to be drinking at an earlier age and with greater frequency.
2. Growing awareness of the problems of drinking and driving. According to a recent study conducted by the Insurance Institute for Highway Safety "teenagers in cars are killing themselves and others-- at a rate more than double the death rate for any other age-group." The study goes on to say that "you can double that rate again if the teen-ager has been driving at night. And double it once more if the teen-ager has been drinking --not drunk, just drinking."

Elizabeth M

How do parents feel specifically about raising the drinking age to 21? I am aware of three separate written polls taken in Shawnee Mission schools this fall, with parents, asking them that question. These were conducted at an elementary school, a junior high school and a high school. The findings were fairly consistent with the table below showing the results.

	18	19	20	21
Elementary	38%	4%	1%	57%
Jr. High	39%	5%	5%	51%
High School	29%	18%		53%

As you can see, between 51 and 57% favor raising the age to 21.

Those parents who are in favor of raising the drinking age offer comments such as "21 is young enough to start drinking." They also feel that accessibility would be lessened for younger youth if the age were raised. Although the driving and drinking problem encompasses all ages, parents justifiably express concern in this area. Again, I will refer to the study by the Insurance Institute whose researchers believe that if all states now permitting teen-agers to drink were to raise the legal drinking age to 21, it would save 730 lives each year. They also found in studying nine states who had recently raised the age that "any single state that raises its drinking age can expect the involvement in night-time fatal crashes of the age-groups to which the change in the law applies to drop by about 28%."

The question of non-compliance is repeatedly raised. I would suggest that an analogy might be made with the speed-limit laws. There appears to be widespread non-compliance with the



55mph limit at one time or another among all of us; however, there is an overall reduction of driving speed with the highways being considerably safer than in the days of the higher speed limits. The point is that although the degree of non-compliance with drinking before age 21 may be relatively frequent, there is no question that individuals within that age group will be drinking less often.

I would like to say in closing, that I think a case could be made for having a uniform national drinking age of 21. It wouldn't seem that this issue is necessarily a state or even regional issue but that the challenges and problems and attitudes in each state are very similar. I have noted that the city of Overland Park has a position in favor of raising the drinking age to 21, primarily because of the problem of Missouri youth coming to that city to drink. Also in view of the fact that the effects of drinking beer can be just as inebriating as the effects from other alcoholic beverages, it seems inconsistent to legislate different ages for consumption.

We urge your favorable vote on HB 2145 and thank you for the opportunity to speak.



ASSOCIATED STUDENTS OF KANSAS

1706 College  
Lawrence, Kansas 66044  
(913) 841-1234

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STATEMENT BY  
MARK TALLMAN  
ASSOCIATED STUDENTS OF KANSAS  
(ASK)

BEFORE THE  
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
IN CONSTITUTION  
(H)

HOUSE BILL NO. 1145 and 1328  
regarding the legal drinking age.

February 14, 1983

*Atch. N*

Mr. Chairman, members of the Federal and State Affairs Committee, my name is Mark Tallman, I am the executive director of the Associated Students of Kansas. I have been asked to give the introductory testimony for the many conferees who are here today to speak against those bills 2345 and 2328, and to speak on behalf of the members of my association, which represents the 85,000 students at the state universities and Washburn.

This is appropriate, because while you, the legislature, must ultimately decide this issue, it is the young people of Kansas who will be most greatly affected by these bills. There are those who suggest that ASK should not deal with a social issue such as the drinking age. I can only say that this is not an issue we sought to deal with. Time spent on these measure is time diverted from the pressing questions of higher education. But when you consider the vast changes this legislation would mandate in our legal rights, in our lifestyles, and on our campuses, we cannot be silent. Nor can we ignore the alarming problems of alcohol abuse which have promoted this legislation, problems which we readily admit and seek to correct as sincerely as any group in this state. It is, after all, our lives and health at stake. There are really two issues at stake here: the health and safety of Kansas youth, and the rights, responsibilities and lifestyles of young Kansas citizens. The vouch of this state look at this legislation and ask: Is the price of health and safety Prohibition?

Looking at the first issue, that of health and safety, we readily agree with the proponents of a higher drinking age: there is a serious problem of alcohol abuse among college students, in our state's high schools, and even in our junior high schools. There is also a serious problem of drug abuse. This is undeniable. But surely the fact that drugs are already illegal, that 3.2 beer is prohibited to those under 18, and that hard liquor is only legally available to those 21 and older testifies that the drinking "age" is at best a futile effort? Whether we like it or not, beer is not only sold in grocery stores, convenience

stores and restaurants; it is available in thousands of Kansas homes, it is consumed at countless picnics, parties and social events across the state, it is promoted many times a week on television and radio. There is no way that you can, through a higher drinking age, convince young people that there is something wrong with the act of drinking beer itself. And unless you can, young people will never respect a law which tells them they must abstain from a socially accepted practice solely because of their age. Consider for a moment that under the provisions of HB 2145, a 19-year-old couple could be married, working, beginning to raise a family--and prohibited from buying beer, while their 16-year-old brothers and sisters can legally consume all the beer they want in their parent's home.

Let us turn now to the question of the "statistics." Many people who have voiced support for a higher drinking age refer to national statistics as offering irrefutable proof that raising the age reduces traffic accidents among young drivers. Many legislators have said they will base their votes on such statistics. After reviewing documents supplied to us by Rev. Taylor supporting raising the age, and documents from other sources opposing raising the age, we must conclude with the Governor's Committee on Drinking and Driving: that the evidence is not conclusive.

As you consider the various statistics, keep these things in mind. First, according to Michael M Birkley, in a paper presented to the Wisconsin Citizens Advisory Council on Alcohol and Other Drug Abuse in January, 1982, at least two states that raised their drinking age actually experienced an increase in underage drivers. Other states which raised their ages showed little or no statistically significant changes. Birkley predicted only an 11 percent chance that underage drinking drive fatalities will decrease if the age is raised, but a 22 percent change they will increase. (Birkley's report, which we are providing

you, is an excellent, scholarly summary of the case against a higher age, and I encourage every member of the legislature to read it before voting on the issue.)

It is also highly questionable to base a Kansas decision on the national data we have seen. For one thing, every national survey that we have heard reference to in the media considers the case of states which had only recently lowered their drinking ages, then raised them to a higher level. Kansas, of course, has had the status quo for over 30 years. Another point that must be noted is that when these studies refer to raising the drinking age, they generally mean raising the drinking age for all beer, wine and liquors. We would certainly expect different results in a state which allowed 18-year-olds to purchase all types and strengths of alcohol and raised the age than the results of Kansas, which allows 18-through-21-year-olds to buy only 3.2 beer.

Finally, those studies which attempt to predict the savings of a certain number of lives annually are predicated on raising the age to 21. They should not be used to support HB 2328, which would only raise the age to 19.

Many legislators have asked us how we would view increasing the age to 19 as a compromise. After a great deal of deliberation, we believe we must oppose an increase to 19 as strongly as an increase to 21. We do so because we feel that an increase of a single year would produce benefits so marginal as to be illusory, while at the same time causing serious additional problems.

What are these problems? Like it or not, many 18-year-olds would continue to drink, but they would either drink in their homes, and not be effected, they would drink in restaurants or taverns that have lax enforcement policies, or they would drink covertly, out of town and on the roads. We believe this is one reason some states have seen an increase in fatalities after raising the age. The problem is not that high school seniors who turn 18 drink; the problem is

when they come to school drunk. The fact that students under 18 also have drinking problems suggest that the problem is one of enforcement and attitude, not age. If the age is raised, high school students will still be able to get beer. If there 18-year-old friends can no longer buy beer legally, they will have the choice of obtaining it illegally, or finding 19-year-olds friends. Neither is very difficult. Finally, if there is really a serious problem with students coming back from the lunch hour drunk, it seems to use that one solution might be to close the lunch hour.

While raising the age to 19 would not significantly help the situation in high school, it would significantly increase problems in college. Student populations would be divided between those would could drink legally or those who could not, a fact that would complicate virtually every college social function by students. It would put campus officials in the position of dramatically increasing the police presence to enforce an unpopular law, ignore widespread violations of that law, or curtail the use of beer completely at campus-related activities, driving students to less controlled sources. None of these options are attractive.

The last major point we would make is philosophical. We have chosen to put less emphasis on the old argument of "Old enough to fight, old enough to drink beer," concentrating instead on the questions of safety and enforcement. But we do believe that a higher drinking age would deny citizens of Kansas, considered legal adults in almost every other way, a right, or privilege, that older Kansans will not deny themselves. After all, if lives can be saved by raising the age to 21, surely even more could be saved by raising the age for both beer and liquor to 25, 30, 40 or 50.

What is the answer? surely not the tactics of Prohibition. We believe, and

in the past have supported, efforts to increase public and youth education on alcohol abuse, to tighten laws regulating that abuse, such as driving while intoxicated, and to strengthen the enforcement of existing laws. Only by taking these three steps can meaningful progress be made in this area.

I am sure there are those in this state and in this room who do still support the tactics of Prohibition, but the great majority of Kansans, I believe, consider Prohibition a great moral crusade that failed, even if personal temperance remains a virtue and a goal. To re-enact Prohibition for a particular class of adult citizen when we could not, or would not, for all citizens, seems to us a dubious and dangerous step. It could even be called a desperate measure. We believe it would fail. We oppose raising the drinking age because we believe it would actually compound the problems posed by alcohol abuse.

Thank you for your time, and I will be happy to respond to questions.

# Campuses Face Changes in Policies as States Raise Legal Drinking Ages

20 states have modified laws since 1976, 4 in past year

By ZOË INGALLS

As many states around the country raise their minimum drinking ages, some college officials say they are losing their ability to monitor and control use of alcohol by students.

Colleges in states with a drinking age of 19 or 20 are faced with particularly difficult logistical problems because their student bodies are effectively divided in half.

In the last year, four states have raised the minimum drinking age: Connecticut, from 18 to 19; Maryland, from 18 to 21; New Jersey, from 19 to 21; and New York, from 18 to 19.

Altogether, since 1976, 20 states have raised their legal drinking age. At least 14 more are considering such action.

Many college officials contend that the new laws probably do not prevent students from drinking, but that they do restrict the colleges' ability to educate students about proper alcohol use and to continue pro-

grams aimed at changing their attitudes and behavior.

Officials say the laws also can curtail attempts to encourage students to drink in such settings as on-campus pubs, which can reduce abusive drinking and the type

of actions that can lead to property damage and injuries.

During the past decade, state drinking ages—and hence college policies—have changed dramatically.

In the early 1970's, "old enough to fight, old enough to vote" was the rallying cry as 18-year-olds sought to lower the legal voting age. The Constitution was amended in 1971. Then "Old enough to vote, old enough to drink" became the rallying cry, and young people flexed their newly won political muscle to persuade state legislatures to lower the minimum legal drinking age as well.

Twenty-nine states responded—most of them by lowering the age to 18. The result, according to dozens of studies, was a steep increase—some say as high as 25 per cent—in the proportion of traffic accidents involving young drivers.

Largely as a result of that increase, coupled with a desire to reduce the availability of alcohol to high-school students, state legislatures began to reverse themselves. New studies showed that raising the drinking age reduced traffic accidents and fatalities, as much as 31 per cent.

Efforts to raise the age have been given new impetus in the last two years by the emergence and growing influence of grassroots groups like Mothers Against Drunk Driving. Now, the push is on not just to raise the age, but to raise it to 21 in all states.

## 'Grandfathering'

Both Maryland and New Jersey are raising their minimum age to 21 in stages, a process known as "grandfathering." In Maryland, for example, anyone who was 18 as of June 30, 1982, may still drink; anyone younger will not be able to drink legally until he or she turns 21.

"If all of a sudden everyone were under age, it would have made things a lot easier," says Drury G. Bagwell, assistant vice-chancellor for student affairs at the University of Maryland. He says the university is now working on changes in its policies for next year—the year that "has the worst potential" for logistical problems, because about half of the student

body will be able to drink legally half will not.

Many colleges already have had to deal with the type of problem Drury and his colleagues at Maryland will face.

In 1979, when the drinking went from 18 to 20 in Massachusetts Harvard College made the decision to stop serving alcohol at all pub functions. "Our rationale was, did not want to risk having mis-served and didn't want to divide college by carding, so the simple solution seemed to be not to have all," says Archie C. Epps, dean of students.

After Rhode Island raised its drinking age from 18 to 20 in 1979, Brown University officials took opposite tack: Underage students may attend parties where alcohol is being served, but party sponsors are responsible for checking I.D.'s.

Brown, which has been a leader in developing alcohol-education and alcohol-abuse-prevention programs, also managing to adapt many of the programs to solve problems created by the higher drinking age. It is a matter of longstanding policy at Brown that whenever alcoholic beverages are served at a party, nonalcoholic beverages must be served as well. "That's the letter of the law," says John M. Robinson, dean of students.

But students are encouraged to take one step further and serve nonalcoholic beverages in a way that "those who don't want to drink alcohol are not inhibited," or made to feel as if they stand out, he says.

"For example, suppose most students are drinking champagne or goblets. In that case, you don't make available a few cans of Coke. Instead, you might serve sparkling apple juice in the same glasses."

That approach evolved as part of an effort to create a less pressurized atmosphere when all students are of legal age, Mr. Robinson says, it serves equally well to make underage partygoers feel comfortable.

One concern expressed repeatedly by college administrators is that change in the drinking age puts them in the role of policemen—at least the minds of many students—and results in an undesirable adversarial

CHRONICLE OF HIGHER EDUCATION

February 9, 1983

Atch. 0



lationship. "It's a bad side effect and something we fear," says Mr. Robinson of Brown. "Students here feel they can talk with administrators and faculty. We don't want a situation where students feel they have to hide from us—not invite us to parties or have a spy at the door so they can hide the keg as soon as they see us coming."

In the four states that raised their minimum drinking ages in 1982, colleges have taken a variety of steps to insure that their students comply with the new laws. For example:

► At Goucher College in Maryland, students planning to serve alcohol at parties must get permission from the office of the dean of students. That office hires two students, not connected with the party, to check identification cards at the door. All student I.D.'s at Goucher include the student's date of birth, and all are color-coded to indicate

whether the student is of legal drinking age. The college also requires party hostesses to hire professional bartenders who have been screened by the dean's office. Students also must buy all wine and beer to be served at the party from the college's food service, which regulates the amount that can be purchased.

► At the University of Maryland, outdoor mixers have been abolished. Students who want to use public spaces such as dormitory lounges for parties must get approval from the campus-activities office, which makes sure that access to the event can be controlled and that adequate provisions have been made to check I.D.'s at the door.

► In dormitories at the University of Connecticut, alcoholic beverages can only be served in ground-floor lounges, where access can be monitored. No more than 10 students are allowed in a double room at a time, to prevent them from moving parties from lounges into their rooms.

► At Skidmore College in New York, where the drinking age was changed for the first time since the repeal of Prohibition, alcohol is permitted at college events only on a cash-per-drink basis. Students' identification cards are punched with holes if they are under age. Students must get permission to have a keg of beer at parties held in dormitories.

In most cases, campus officials say that they will monitor only public gatherings and will place heavy emphasis upon the responsibility of individual students for what goes on in their rooms.

#### Teaching Drinking?

College officials agree—and students back them up—that most students have drunk alcohol before they come to college and that they will continue to drink while in college, whether they have reached the legal age or not.

But the new state laws can hamper colleges in several ways. "We lose our capacity to insist that [certain] things be done," says William David Burns, director of health services at Rutgers University.

With the drinking age at 21, even

alcohol-education programs are suspect as being tantamount to condoning illegal behavior, he says. "People have a kneejerk reaction: 'Why don't they teach them how to write rather than teaching them how to drink?'"

At the University of Massachusetts at Amherst in 1979, when the state's drinking age jumped from 18 to 20, "parties switched from controlled, on-campus sites to other, uncontrolled sites," says Carlene V. Kiccelli, coordinator of alcohol education. Students began gathering off the campus or at smaller parties in dormitory rooms, she says, and "drinking became more of the focus."

Officials at the University of Florida report a similar experience when the drinking age in the state was raised to 19 in 1960. "Drinking moved from one setting to another—there was more drinking in fraternities, for example," says Gerardo M. Gonzalez, director of the university's alcohol information center.

Some college officials say they are frustrated. "How can you deal with inappropriate use if you can't deal with use?" says Gail G. Milgram, an associate professor in Rutgers University's Center of Alcohol Studies. "The drinking will simply move elsewhere, but the law is minimizing our ability to minimize risks."

In recent years, there has been a growing concern on college campuses about the incidence of alcohol-related problems such as vandalism and violent behavior. Although the effects of a higher drinking age on such problems have not been studied extensively, most college officials interviewed by *The Chronicle* reported no significant reduction in those problems, and a few noted increases in the incidence of vandalism.

Some officials say they are particularly concerned about drunk driving by students who travel to neighboring states with lower drinking ages.

"We're five miles from D.C. [the District of Columbia, where the drinking age is 18 for beer and wine]," says Mr. Bagwell of the University of Maryland. "The new law will create a lot of drinking-and-driving problems for us."

WHY WISCONSIN'S LEGAL DRINKING AGE  
SHOULD NOT BE RAISED

Michael M. Birkley

Presentation to the State of Wisconsin Citizens  
Advisory Council on Alcohol and Other Drug Abuse  
Milwaukee, Wisconsin, January 11, 1982

Why Wisconsin's Legal Drinking Age  
Should Not be Raised

by

Michael M. Birkley

SUMMARY

Evidence from several hundred scientific studies of adolescent drinking and the effects of differences and changes in the legal drinking age indicates that raising the age is likely to result in more, not less alcohol abuse among the underage population. *Regardless of the legal drinking age, where drinking is a normative aspect of adult social behavior, the normative age of onset for social drinking outside the home is age sixteen.* More than fifty percent of the nation's high school sophomores, seventy percent of the juniors and eighty percent of the seniors do drink in social settings outside of the home. Researchers have found no difference in the percent who drink or the amounts consumed at any given age due to differences in the states' legal drinking ages.

*Where alcohol is readily available to adults, it is not difficult for underage drinkers to obtain illegally from legal or illegal sources.* Raising the age does make it more difficult for underage drinkers to "get it when they want it," thus reducing the frequency of their drinking occasions. Evidence indicates that underage drinkers drink more and drive more per drinking occasion than legal drinkers of the same age in lower drinking age states.

Where drinking in adult-supervised or licensed settings is prohibited adolescents drink in unsupervised settings; in cars, parks and remote locations involving more after-drinking driving. Thus, the results of raising the age (imposing age-based restrictions on sale, purchase, use and possession) are likely to be: fewer drinking occasions due to reduced availability; more drinking per occasion due to lack of supervision and reduced drinking opportunities; and increased highway crashes due to additional after-drinking mileage and increased consumption. *Chances given for change in highway fatalities among underage drinkers subsequent to raising the age are: no change, 67%; reduction, 11%; and, increase, 22%.*

Informal social standards and adult behaviors are the most influential factors in controlling adolescent drinking behaviors. Laws cannot control individual social behaviors which informal social attitudes tolerate and encourage. Raising the age is futile at best and fatal at worst. Changing social attitudes is the key to reduction of youthful and adult alcohol abuse.

WHY WISCONSIN'S LEGAL DRINKING AGE SHOULD NOT BE RAISED

by

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Presented to the Wisconsin State Citizens  
Council on Alcohol and Other Drug Abuse,  
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Thank you Mr. Chairman and members of the Council for inviting me to participate in today's discussion of the legal drinking age. Adolescent alcohol abuse is a major health and social problem here in Wisconsin as it is throughout the United States and other industrialized nations of the world. It is also one of the most frequently studied and heavily researched areas of human behavior.

In the past decade, hundreds of scientific investigators for the world's most prestigious institutions of higher learning, social, medical, and behavioral research, the National Institutes for Health, the World Health Organization and many others have conducted extensive studies of adolescent drinking patterns and behaviors in the fifty United States, Canada, Europe, Africa, Australia, Japan and the Soviet Union. The findings and conclusions presented in these many different studies are remarkably consistent; and, consistently at odds with the popular notion that raising the legal drinking age can, or will effect any reduction in youthful alcohol abuse. Indeed, the evidence strongly indicates that raising the legal drinking age is likely to result in more, rather than less, alcohol abuse among the underage population, as it has in at least two of the fourteen states which have recently raised their legal drinking ages.<sup>1</sup>

Just as officials in those states have been perplexed by the negative consequences of their actions, the public generally finds it difficult to

understand how restricting the sale, purchase, use and possession of alcohol could result in more alcohol abuse among those to whom the restrictions apply. Given an understanding of the causes, effects, nature and extent of adolescent drinking and youthful alcohol abuse, and an understanding of the functions and limitations of formal social policies (laws) in controlling these widespread social behaviors, the answers seem almost embarrassingly obvious.

Drinking is essentially a learned, adult social behavior. Young people learn about drinking as they learn about table manners and other adult behaviors; by observation, imitation and experimentation. Interviews with first and second graders reveal that they know a good deal about drinking and its effects on others, and they have opinions about why, where, when, how and how much people should drink. By age thirteen, most young people have had their first drink, usually at home with their parents and families, on holidays and special occasions.<sup>2</sup>

Sociologists have found that where drinking is a normative aspect of adult social behavior, the onset of social drinking outside the home is a normative aspect of the transition from childhood to adulthood. In their historic study of this transition-marking behavior, Jessor and Jessor found that, by measuring normal developmental shifts in attitudes toward independence, achievement, religiosity, authority, peers and parents, one can predict when an adolescent is ready to make the transition; to begin experimenting with adult drinking behaviors.<sup>3</sup>

The Jessors found, as many others have, that whatever the legal drinking age may be, the effective drinking age; the age at which most young people begin drinking in social settings outside the home, is sixteen.<sup>4</sup>

Among American high school students less than fifteen percent of the freshmen,

but more than fifty percent of the sophomores (52%), seventy percent of the juniors (73%) and eighty percent of the seniors (80%) drink in social settings outside the home.<sup>5</sup> The percent who drink and level of drinking activity among adolescents varies from state-to-state and from community-to-community within the same state.<sup>6</sup> Researchers have found that differences in adolescent drinking patterns do reflect and parallel those of adults in the same communities. Citing numerous studies on the subject, the Research Triangle Institute recently reported that adolescent drinking is "directly related to parents' and peers' attitudes toward drinking and drinking practices" and "parental attitudes toward drinking are the best predictors of adolescent drinking."<sup>7</sup> Nationwide surveys of social attitudes and drinking practices conducted since the repeal of prohibition reveal that adolescent and adult drinking have been increasing at a relatively steady rate and statistically parallel since 1933.<sup>8</sup>

In the early 1970's, concurrent with reduction of the legal age in twenty eight states, there was a significant increase in the number of highway crashes, crimes and disturbances involving teenage drinkers.<sup>9</sup> Analysis of these disturbing increases reveal that they were not the result of changing drinking patterns among teenagers, but the result instead of a teenage population explosion which began, in 1970-71, as drinking ages were lowered and subsided seven years later, as drinking ages were being raised.<sup>10</sup> The increases and decreases in teenage drinking occurrences, attributed by some to lowering and raising the legal drinking age, were generally within the range attributable solely to changes in the numbers of teenagers.<sup>11</sup> Analysis of several hundred studies done in the past twenty years reveals no significant differences in adolescent drinking within or among the fifty states due to differences in the legal drinking age.<sup>12</sup>

As researchers for the National Institutes and World Health Organization have discovered, where alcohol is readily and widely available to adults, it is not difficult for most underage drinkers to obtain; and, where young people are denied legal access, they obtain it illegally through cooperative third parties, parents, older-looking or adult friends and relatives and unlicensed dealers, or they purchase it directly, with or without false identification, from unwitting, careless or cooperative legal sellers.<sup>13</sup> Although young people in states which have recently raised the age report somewhat more difficulty in obtaining alcohol,<sup>14</sup> there appears to be no difference in states where higher and lower drinking ages remained unchanged in the past decade.

According to the National Institutes on Alcohol Abuse and Alcoholism and Drug Abuse, there is more adolescent drinking in states where the legal drinking age remained at twenty-one than states where drinking remained legal at 18 throughout the past decade.<sup>15</sup> Wisconsin studies show no appreciable difference in ease of obtaining alcohol among underage high school students after the drinking age for wine and liquor was lowered from 21 to 18 in 1972.

Despite exuberant reports of success from those who fought and voted for the higher legal drinking age, in our study of alcoholic beverage revenues in four midwestern states, we found no statistically significant change in alcoholic beverage sales over the past ten years in any state. That is, there was no corresponding increase in sales when the drinking age went down, and no corresponding decrease in states which subsequently raised the age.<sup>16</sup>

As researchers for the Triangle Research Institute report in their study for the National Institutes of Health, "one important variable in



adolescent drinking is the setting in which drinking occurs."<sup>17</sup> Other researchers have found throughout the world that, where young people are denied the opportunity to drink in supervised, licensed establishments they do their drinking in unsupervised, more remote and more hazardous settings; at friends homes, in parking lots, riding around in cars and in out-of-the-way parks, beaches and rural areas where they are less likely to be caught. The locations in which illegal underage drinking occurs generally involve more after-drinking driving and greater risk of highway crashes than would drinking in licensed settings.<sup>18</sup> As young people approach the legal age in years or appearance, they begin to drink in supervised, licensed establishments, "bar drinking" increases and "car drinking" decreases.<sup>19</sup>

As Straus and Bacon discovered in the Yale University study of drinking in college; and Globetti confirmed in his study of adolescent drinking in two Mississippi communities: where drinking is more restricted or restrictions are more rigidly enforced, there is less drinking but more abuse, more drunkenness, more alcohol-related highway crashes, crimes, disturbances and personal dysfunctions among the target population than where drinking is less restricted or restrictions are less rigidly enforced.<sup>20</sup> These and similar findings by numerous other researchers have led to the prediction that, the closer the legal drinking age is to the effective drinking age, (the normative age of onset for social drinking outside of the home), the more likely it is that drinking will occur in supervised settings and the lower the risk of excessive consumption and alcohol-related crashes, crimes and disturbances will be. Conversely, the higher the legal drinking age is relative to the effective drinking age, the greater the risks will be among underage drinkers.<sup>21</sup>

UP } The results from a number of states which have raised their legal drinking age appear to be consistent with these scholarly observations. Analysis of alcohol-related highway incidents in the nine states for which

sufficient experience and consistent data are available reveals that, in six of those states, raising the age had no statistically significant effect. In only one state, the State of Michigan, researchers report a reduction in alcohol-related crashes attributable to the higher drinking age. But, in two of those states, alcohol-related highway incidents dramatically increased with the increased drinking age.<sup>22</sup>

Immediately after raising the age to 19, highway deaths involving 18-year-old drinking drivers in the State of Minnesota rose to 71 per 100,000 drivers; the highest death rate for any driver age group in that state's history, four times the previous death rate for the same age group. Alcohol-related highway death rates for all underage drivers have remained consistently higher relative to drivers not affected by the drinking age change in Minnesota.<sup>23</sup> In Massachusetts, the Commissioner of Probation reported a 27 percent increase in alcohol-related highway fatalities involving underage drivers, compared with an 18 percent decrease among older drivers, (a relative increase of forty-five (45%) percent among underage drivers) after that state raised the drinking age from 18 to 20.<sup>24</sup>

On the basis of these experiences, chances appear to be only three out of nine, or 33 percent, that raising the age will make any difference at all in alcohol-related highway crashes; and, two-to-one that the difference, if any, will be more, not fewer deaths involving underage drinking drivers. That is, raising the age raises an 11 percent chance that underage drinking driver fatalities will decrease, but a 22 percent chance of increasing alcohol-related fatalities among underage drivers.

As Disraeli said, "There are lies, damned lies, and statistics." Certainly, statistical data can be and frequently are misused, and presented out of context or twisted to suit the situation. Most people use

statistics like a drunk uses a street light, not for illumination, but for support. In the continuing debate over the legal drinking age we have all been exposed to headlines, newspaper articles and wire service releases which tell us that, according to a recent scientific study, raising the drinking age reduced highway crashes and other indicators of alcohol abuse among those affected, followed by another which says just the opposite. Recently, for example, newspapers throughout the nation carried an Associated Press item which selectively quoted from a study by Dr. Alexander Wagenaar of the world-renowned Highway Safety Research Institute at the University of Michigan. The headline read: "Raising the age reduces fatalities." The story which followed quoted Dr. Wagenaar's finding that raising the age had reduced highway fatalities in the State of Michigan. The story failed to mention that Dr. Wagenaar and his associates had also studied data for a number of states in which raising the age had not had any impact on highway crashes, or that he had warned against generalizing the Michigan experience to other jurisdictions, saying, "Before a blanket recommendation is made that all states should be encouraged to raise the legal drinking age, one must consider [] other arguments for a lower drinking age;"<sup>25</sup> Nor have news accounts revealed that Dr. Wagenaar and his colleagues at the Highway Safety Research Institute have repeatedly found, in Dr. Richard Douglass' words, "Every state's experience is unique"<sup>26</sup> and that the reduction in underage drinking-driving fatalities in Michigan cannot be attributed solely to the higher legal age.<sup>27</sup>

Last summer, the press reported that the Insurance Institute for Highway Safety, the same folks who mistakenly concluded in an earlier study that driver's education increased the risk of highway crashes, had now found that "any state which raises the legal drinking age can expect a 28 percent reduction in fatal crashes among those affected by the law."<sup>28</sup>

While that may be music to the ears of those who support raising the age, to the people of Massachusetts and Minnesota, who had raised the age expecting a change for the better only to experience tragic increases in underage highway fatalities, the Insurance Institute's prediction is clearly at odds with reality. They have found, as have people in Maine, Montana, Georgia and Nebraska, that raising the legal drinking age does not, in itself, effect any change for the better . . . that it does, indeed, increase the risks and reality of increased alcohol abuse among those whom it is intended to protect.

In this state it is illegal for an adult to sell or provide alcohol to a minor. But every year, there are more than seven million underage drinking occurrences. Behind every one of those occurrences there is an adult who unknowingly, carelessly or deliberately provided the alcohol, yet there are few arrests and fewer convictions of underage drinkers or their adult accomplices.<sup>29</sup>

Citizens don't report violations, witnesses refuse to testify, police don't arrest, prosecutors don't prosecute, juries don't convict and judges defer sentence on all but a handful of the millions of violators in this state annually. The existing law doesn't work because it isn't enforced; and, it isn't enforced because the general public is unwilling to risk the social consequences of exercising their duty to report and testify against underage drinkers "who don't get drunk or cause trouble" or the adults who provide them with alcoholic beverages, even when it results in death, injury or other negative consequences.<sup>30</sup>

Given the failure of the general public to participate in, cooperate with or demand effective enforcement of the existing drinking age laws,  
there is little likelihood that raising the age one, two or even three years

will be any more enforceable than the present drinking age. Indeed, responses to public opinion polls indicate that the higher the legal drinking age is, the less willing the general public is to assist in its enforcement.

The futility of attempting to control the use of alcohol among young people by law alone is most clearly demonstrated by the fact that, although the overwhelming majority of the citizens oppose the use of marijuana; despite the fact that it is illegal everywhere and that there is not one single legitimate outlet for smoking marijuana anywhere in the United States, it is available throughout the land, it is the most frequently used drug next to alcohol and tobacco, and the drug most frequently used on a daily basis by the nation's high school seniors.<sup>31</sup> Certainly, if laws cannot successfully control our children's access to and use of marijuana, there is no likelihood at all that laws can effectively control their access to and use of alcohol, which is available in 18,500 different licensed establishments, more than two million households and virtually every picnic, party, graduation, church social, fundraiser and social event at which more than two adults are present in this state.

Those who advocate raising the legal drinking age tell us that, while it is not the solution to the adolescent drinking problems and while it may not do much good, it certainly can't do any harm and is at least a step in the right direction. They are wrong on all counts.

Not one, two or two dozen, but more than two hundred experts in the field have found evidence that raising the age is not even a partial solution to the problem; it is likely to do more harm than good; and, it is a step in exactly the wrong direction.

Because it is futile at best and fatal at worst, I ask you to reject this proposal and to focus instead on mechanisms for changing the social

attitudes which common sense and scholarly research have clearly identified  
as the single, most influential factor in controlling the behaviors of our  
children.

Thank you.

FOOTNOTES

- (1) Minnesota and Massachusetts both experienced significant increases following the raised drinking age. See below.
- (2) National Institute on Alcohol Abuse and Alcoholism, 1974; Johnston, etal, 1979; Blane, 1977.
- (3) Jessor and Jessor, 1973.
- (4) Bruun, 1963; Blackford, 1977; Davies, 1972; Gallup, G. 1977; Johnston, 1979; Kandel, 1980; Mandell, 1962; Marden, 1977; Mulford, 1960; NIAAA, 1974.
- (5) Johnston, 1979; Brehm 1975; Rachal, 1980; Wisconsin School News.
- (6) Abelson, 1977; Birkley, 1978; Blackford, 1977; Blane, 1977; Mandell, 1962.
- (7) Rachal, 1980, p. 137.
- (8) NIAAA, 1974; Blane, 1977; Rachal, 1980.
- (9) Wagenaar, 1981 (Nov.)
- (10) Birkley, 1978, p. 5. See also: Characteristics of the Population, U.S. Department of Commerce, Bureau of the Census, 1971.
- (11) Although in some states analyses of highway crashes and alcohol-related crimes and disturbances found per capita increases among those affected by the lower drinking age, in most there was either a statistically declining or stable rate per capita. See: Douglass, 1977, Cuchiaro, 1974, Naor, 1975, Birkley and Quirke, 1979.
- (12) NIAAA, 1974; Gallup, 1972; Brehm, 1975; Harris, 1975; Rachal, 1980. Balne, 1977.
- (13) NIAAA, 1974; Bruun, 1975; Bonnie, 1980; Globetti, 1964; Matlins, 1975; Popham, 1973; Birkley, 1979.
- (14) Maisto, 1980.
- (15) Non-change states by drinking ages and () rank in apparent consumption among adults and adolescents fifteen and older are:  
  
Age 21: Oregon (24), Nevada (1), California (7), Washington (21), New Mexico (22), North Dakota (23).  
Age 18: New York (20), South Carolina (29), Louisiana (33).  
(Source: Reports of Single State Agencies to NIAAA, 1976)
- (16) See Birkley, 1978, p. 19.
- (17) Birkley, 1981.
- (18) Rachal, 1980, p. 137.

- (19) Wisconsin School News, 1979; NIAAA, 1974; Massachusetts, 1978; Bacon, 1979; Bruun, 1963; Blackford, 1977; Bruun, 1975; Maisto, 1980; Matlins, 1975; Room, 1971; Zylman, 1974, 1976.
- (20) Globetti, 1964; Straus and Bacon, Drinking In College, New Haven: Yale University, 1964.
- (21) Zylman, 1974; Naor, 1974; Chafetz, 1979.
- (22) Douglass, 1979-80; Massachusetts, 1980; Wagenaar, 1981 (Nov.); Williams 1981; See Minnesota data, attached.
- (23) See data attached.
- (24) Massachusetts, 1980.
- (25) Wagenaar, (JPHP) 1981, p. 16.
- (26) Douglass, 1977.
- (27) Douglass, 1979-80. Also Wagenaar, (JPHP) 1981, p. 14.
- (28) Williams, 1981. See also Birkley, M.M., Analysis and Comment, Unpublished, Attached.
- (29) In Wisconsin, convictions of adult providers numbered less than 20 per year prior to 1980. Juvenile arrests for violations totaled less than 1,500 annually.
- (30) Birkley, M.M., 1978, pp. 40, 41, 84, 85.
- (31) Johnston, et al, 1979.



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TESTIMONY BY SCOTT SWENSON  
HOUSE FEDERAL AND STATE AFFAIRS COMM.

February 14, 1983

Member Institutions:

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*A.L.H.P.*

Ladies and Gentlemen of the committee, it is a shame that in a time when we should be looking at ways to better improve higher education and other school systems in this state, that we instead are looking at ways to restrict the rights of a segment of the population. Not only are we considering violating rights under the guise of doing something good for society, but we are also harming this states economy, and the chances for young adults to get a good education.

The Associated Students of Kansas represents over 83,000 students in Kansas. As Campus Director at the University of Kansas I want to make it painfully clear to this committee that we do not advocate or encourage the consumption of alcohol. By the same token we strongly oppose the prohibition of it. We firmly believe in education, not prohibition. In fact the entire purpose of our association is to encourage higher education in Kansas. Today I would like to tell you exactly how you will be hindering that educational process should you support HB 2145 or any bill that would raise the drinking age in Kansas.

You see, by supporting this bill you are not helping society because we already know that prohibition does not work. However, we do know that you will be significantly lowering the already very few jobs that an 18 to 20 year old can find. Taverns, restaurants, convenience stores, grocery stores and any other place that sells alcohol will now be unable to employ young adults. The impact that such a proposal will have is amazing.



It is already extremely difficult to find a job at that age, especially with 20,000 other college students competing for the same job. It is crucial to most of those students to work while going to school because they are often supplementing loans grants or money from their parents to go to school. In many cases these young adults these young adults would be forced to quit school without a job. This proposal could put hundreds, even thousands of young adults out of work.

To demonstrate this let me tell you that in a survey conducted by A.S.K. in ten Lawrence taverns alone, over 200 students were employed. These 200 students were working so that they could become better educated, find a better job upon graduation and become responsible tax paying citizens of this state. This legislation could put them out of work and subsequently out of school.

If students are unable to complete or even start college because they can't find a job, the Regents system will lose those tuition dollars. The universities will lose moneys for housing and books, thus driving up prices because of the fixed costs for these services. Not only will this effect the universities and the taverns but also other university related bussinesse as well. Clothing, grocery and other service related stores will not be receiving these student dollars and may find themselves forced to cut back as a result.

Those 200 students earned over \$ 300,000 in salaries last year. That is a substantial chunk of any cities economy, especially a city the size of Lawrence. I hope you can see the ripple affect that I have tried to demonsrate, and what

a great loss this would be to many communities.

A topic that is near and dear to your hearts, the sales tax that would be lost from these ten establishments alone was over \$ 65,000. I realize that is probably not a substantial amount when considering the multi-million dollar state budget, but realizing that this is just Lawrence and only ten taverns in Lawrence, you can see that it will add up fast.

We must also remember the income tax, property tax, licensing fees and other sources of revenue that these establishments pay. I find it odd that when the legislature is squeezing the budget for every possible dollar so that we can avoid further cut backs, that this committee is actually considering a bill that will reduce state revenues. Is that fiscal responsibility, I think not.

I am in no way trying to put a price tag on human life, that isn't possible. But it is possible as responsible legislators to realize that this bill will not do the good that it is purported to do. "Good" is actually a very subjective statement, because there are two types of "good" when it comes to legislation. The first type is legislation that actually does something of benefit to the state. The other type of "good" legislation is that which is perceived by the public to be good. That ladies and gentlemen is what you have in HB 2145.

Most voters would believe that this legislation actually does save lives; because in theory it should, in practice it doesn't. They will never see the student unemployment due to this legislation, they will never see the adverse affects. This legislation will be perceived as good. Is that what we

are here for, to keep up appearances, to appear to be doing good.

I am hoping that the fact that this just seems good doesn't set well with you. I hope you will see that the economic ramifications are unavoidable and that alcohol related deaths can be slowed with education. Don't punish one segment of this society for a problem that we all must deal with.

I would at this time like to make one personal observation to the economic disaster that will occur. I am not sure how many of you realize this, but many campus organizations depend heavily on donations from these bussiness men and women. Any time a club or organization needs a sponsor the bars are always the first hit, and they respond every time. I would like to thank and commend these people for their contribution to the community. Let me assure the members of this committee that are not to be found any more generous or concerned people in the University community.

In conclusion, I would like to say that I realize your decision is not an easy one. As a student I appreciate that and would like to thatnk you for your time and dedication in service to this great state.

Thank you, good afternoon.

STATEMENT BY  
ANGLE WOOD  
BEFORE THE  
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
IN OPPOSITION  
TO  
HB 2145 and HB 2328  
Raising the legal drinking age

February 14, 1983

*Atch. Q*

Mr. Chairman, members of the Federal and State Affairs Committee, I thank you for the opportunity to speak here today. My name is Angie Wood and I am a student at Pittsburg State University. I would like to state my opposition to any increase in the drinking age, but first let me share some personal background with you.

On August 23, 1982, the first day of school, I was persuaded by some of my friends to go to a popular tavern across from campus as an impromptu "Back to School" celebration. Two of my roommates and I decided to leave at approximately 11:00 p.m. Discussing whether or not we wanted to change our minds while standing on the sidewalk in front of the building, I heard screams from behind me, turned around to discover their source and reason, when I was immediately hit by a large, white car.

A drunken individual had driven through a crowd of approximately 25 people. My friend were fortunate enough to be thrown to each side of me. I was carried on the front grill of the car for (according to police reports) 67 feet and then thrown another 30 feet. I was not killed upon hitting the street only because of the incredible occurrence of landing on one of the many people running to get out of the car's way.

Six people was transported by ambulance to the hospital, three of us in serious condition. One of the other victims was injured after being thrown into the building by the car. The other was hit, forced underneath the car where he was caught and then dragged for approximately 100 feet, before tearing loose and left in the street.

The Summer weather increased the severity of our injuries as we were all wearing shorts and sandals. My feet became bare upon impact and lost a great deal of flesh after being dragged for such a length. The other victim who was caught under the car lost a very large percentage of his skin along with broken bones, chipped teeth and numerous other wounds. We both share emotional scars from the trauma, in addition to the physical blemishes and problems that remain.

The evening's events were serious enough that my parents did not expect me to be alive to when they arrived at the hospital emergency room 30 minutes later. And I did not expect to be alive to see them.

Fortunately, I survived. Unfortunately, I am not alone in being harmed by a drunk person behind the wheel of a automobile. It is just as unfortunate that raising the legal drinking age is likely to result in more, rather than less, alcohol abuse among those underage. As young people approach the legal drinking age, they begin drinking more in a controlled atmosphere and less in a car. Also, when the drinking age is raised, many of the underage population begin drinking "hard" liquor--because it is just as obtainable as 3.2 beer at this point.

If we are truly concerned about carnage on Kansas highways, we must bring pressure on our law enforcement agencies to vigorously enforce our present laws--it is already illegal to drive while intoxicated.

I join those troubled by the safety of our highways, but we cannot attempt to legislate away such a large and complex problem with such a simple and misguided solution. We must realize that the continuing subject of alcohol abuse should be approached in a manner that will attempt to solve the problem, not merely rearrange it.

Thank you for your time and consideration. I will be happy to answer any questions.

STATEMENT BY  
BILL ROGENMOSER,  
STUDENT BODY PRESIDENT AT KANSAS STATE UNIVERSITY  
TO THE  
HOUSE FEDERAL & STATE AFFAIRS COMMITTEE  
ON  
RAISING THE LEGAL DRINKING AGE

FEBRUARY 14, 1983

*Atch. R*

Mr. Chairman and members of the House Federal & State Affairs Committee, my name is Bill Rogenmoser, and I am the student body president at Kansas State University. I am also the chairman of the Students' Advisory Committee to the Kansas Board of Regents. I am opposed to House Bills 2145 and 2328, which would raise the legal age for buying and consuming cereal malt beverages.

At the same time, I am very concerned about the health and future of young adults in Kansas. I am a senior in secondary education and am presently student teaching at Manhattan High School. I have interviewed with Topeka's Unified School District 501, and I plan on teaching high school science next fall in Kansas.

There is a problem with young people abusing cereal malt beverages and alcohol, but raising the minimum drinking age is not the answer.

In raising the drinking age we're in danger of setting a double standard. People are given the right to vote in local, state and national elections at 18 years-of-age. They must assume the responsibility of voting in an informed and conscientious manner. At 18, people are given the right to enter into marriage and other binding contracts. They must assume the responsibility of fulfilling the commitments of those contracts.

When 16-year old people are provided the privilege of driving a car society assumes that they will do so responsibly. In addition, 18-year-old men are obligated to register for potential military service.

These situations are not usually considered to be of life-or-death significance, but their importance cannot be over-emphasized. Young adults are very adept at perceiving hypocrisy and then reacting to such a double standard.

Furthermore, I contend that when one imposes a seemingly arbitrary regulation on an individual it is human nature for that person to hesitate to accept it. However, when the advantages and disadvantages of a choice are exposed to a person, that person is more apt to incorporate the



beneficial aspects of that choice into his or her life.

Changing the way goods or services are delivered does not change the way they are perceived and the way they are consumed. What must be changed is the consumers' most basic understanding of the products' pros and cons. I now quote the Wisconsin report: "Raising the legal drinking age is futile at best and fatal at worst. Changing social attitudes is the key to reduction of youthful and adult alcohol abuse.".

I believe that stricter DWI laws, alcohol abuse prevention and awareness programs are changing young people's awareness of their responsibility in regards to alcohol and cereal malt beverages consumption. The fact that House Bills 2145 and 2328 have been introduced is proof that the state's alcohol awareness is heightened. I believe that raising the legal drinking age in Kansas is a short-term solution to a long-term problem.

Mr. Chairman and members of the committee, I appreciate the opportunity to stand before you and present my views. Thank you for your time and attention.

LOWELL CRAWFORD, HQ, S 1st BN 2 INF, 1st Division  
Fort Riley, Kansas 96442

I am here on my own time. I have been at Fort Benning, Georgia; Korea for one year and am now at Fort Riley. I am 18 years of age and will be 19 in May.

I feel that I am of age to defend my country, I should be able to buy 3.2% beer. I feel that the United States Army gives me the responsibility to defend our country. I should be treated as an adult in the civilian counterparts. The Army only picks the best. I have been trained by the Army to conduct myself as a man and be responsible for my own actions.

Therefore, on behalf of the young soldiers at Fort Riley, I feel this law should not be passed.

I am a man in the Army. My brothers were men in Vietnam. Why can't I be a man in Kansas?

*Atch. 5*

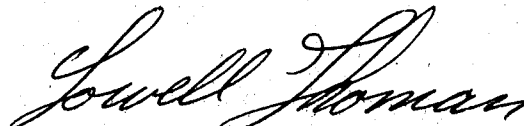
House Committee On Federal And State Affairs,

Mr. Chairman and Committee Members:

Americans have long cherished the individual rights which our Constitution provides. Since Patrick Henry sounded the cry, "Give me Liberty or give me death!" Americans have fought and died to preserve these freedoms.

This proud heritage demands that we oppose any effort to deny the rights of 144,000 eighteen year old Kansas citizens. Eighteen year olds were granted the right to vote because the people recognized the fact that eighteen year olds can make rational and intelligent decisions. Eighteen year olds currently have the right and responsibility to vote, serve in the military, and to serve on juries. To assume that these same individuals can not make a responsible decision regarding the consumption of 3.2 beer is both contradictory and discriminatory. Passage of either House Bill 2145 or 2328 would express your lack of faith in our eighteen year old citizens and the Constitution which protects them.

In closing, we are not advocating the consumption of alcohol, but we are advocating preservation of the individual rights of our citizens.



Lowell Thoman  
R.F.D. # 1  
Jamestown, Kansas 66948

Atch. T

House Committee On Federal And State Affairs,

Mr. Chairman and Committee Members:

The Rock Quarry Disco is the largest distributor of cereal malt beverages in the North Central Kansas area. I am Jon Thurston, owner and manager of the Rock Quarry Disco. It is located three-quarters of a mile south of the Cloud County Community College campus and Concordia city limits. The Rock Quarry Disco provides a supervised and controlled form of social entertainment for the students of the college and people from the surrounding area. The Rock Quarry provides employment for sixteen individuals, represents an investment of over \$250,000.00, and pays in excess of \$23,000.00 per year in property taxes. These taxes represent a little less than ½ mil in a total Cloud County mil levy of 34.94 mils. The Rock Quarry Disco has been in existence for less than three years and this year the Board Of Trustees of the Cloud County Community College have decided to allow the Homecoming dances to be held at the Disco. The local law enforcement reports show a minimal amount of complaints (four) for this business, in the past year, according to Dennis Rohr, Concordia Chief Of Police, who can be contacted at 913-243-3131.

Every year over 42,000 enter the Rock Quarry Disco (about 800 per week), these patrons are primarily first year College students at Cloud County Community College. Identification and proof of age is required for entry and strictly enforced.

In conclusion, I am asking that you consider the potential loss of:

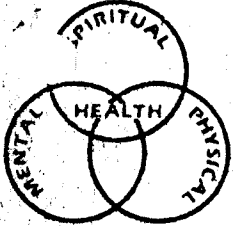
*Atch. 4*

- 1) MY INVESTMENT
- 2) COUNTY PROPERTY TAXES
- 3) STATE SALES TAXES
- 4) LOSS OF JOBS IN THE COMMUNITY
- 5) LOSS OF SUPERVISED ENTERTAINMENT

I ask you, " where will the patrons of the Rock Quarry Disco go for recreation, if by the passage of this bill I have to close my doors?" I seriously doubt that there activities then would result in less than four complaints per year being made to the local law enforcement agencies!

Jon Thurston  
411 Republican Street  
Concordia, Kansas 66901

*Atch. 4*



HELPING YOUTH IN THE  
PREVENTION AND TREATMENT  
OF DRUG ABUSE

# MID-AMERICA FOUNDATION

111 West 10th • (913) 628-1356 • (913) 628-3410 • Hays, Kansas 67601

February 14, 1983

David E. Kingsley, Director  
Mid-America Foundation

Statement regarding proposed legislation to change the  
legal drinking age

Current proposed legislation which is designed to raise the legal drinking age from 18 to 19 will not solve or even improve alcohol abuse problems. This type of legislation assumes that hazards related to alcohol abuse and alcoholism are most typically a result of the drinking behavior of 18 to 19 year old people.

This assumption is incorrect. Drinking problems are related more to individual psychological and biochemical characteristics and socio-cultural attitudes than to any particular age.

Hazards to society which are alcohol related are in most cases caused by an individual who is in some stage of alcoholism. It is quite obvious that alcoholism is a progressive disease and as an individual advances through the various stages, the damage related to that disease becomes more severe.

It is the late stage alcoholics who are most likely to cause fatalities on the highways, to cause psychological harm to family members, to cost American industry untold billions, and to cause an ever increasing burden on the health care system.

A small percentage of late stage alcoholics will be found in the 18 and 19 years of age group. Without a doubt, teenage drinking has dramatically increased. But it is unlikely that an increase in the legal drinking age would impact on that problem.

If legislation to restrict drinking by a group of adults because of age is passed, the cause of alcoholism will remain untouched. Religious, cultural, and community attitudes are the most important causes of alcoholism but these will not be phased by the proposed legislation.

In fact, the passage of such legislation might induce a sense of complacency. The public may very well view this as a panacea to the

AKC.V

problem of teenage drinking, drunk driving, and the ever increasing rate of alcoholism in Kansas. In this sense, the legislation would cause more harm than good. At the very least, this legislation will not affect the current level of alcohol abuse and alcoholism.

PROBLEMS FORSEEN WITH HOUSE BILLS #2145 & 2328

- I. Background.
- II. Taking away controlled environment.
- III. Problems with 18 to 21 year olds drinking elsewhere.
- IV. Forcing more 18 to 21 year olds to purchase hard liquor instead of 3.2% cereal malt beverage.

J. M. Warner

*J.M.W.*



FEBRUARY 19, 1983

PAUL F. DEBAUGE, FOR THE KANSAS BEER WHOLESALER'S ASSOCIATION  
STATEMENT BEFORE THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
OPPOSING HB 2145 AND HB 2328

THE BEER WHOLESALERS OF KANSAS RECOGNIZE THE NEED TO MODERNIZE OUR 3.2 BEER STATUES AND APPRECIATE THE OPPORTUNITY TO GIVE TESTIMONY ON THESE TWO BILLS TODAY.

I WOULD LIKE TO CONFINE MY REMARKS TO THREE AREAS: CHANGES IN THE LEGAL DRINKING AGE, SINGLE STRENGTH BEER, AND THE EXTENSION OF SUNDAY SALES PROVISIONS.

FIRST, OUR INDUSTRY SUPPORTS THE RETENTION OF CONSUMPTION OF BEER BY 18 YEAR OLDS. THE 1937 STATUTE ESTABLISHING THIS AGE WAS PRECEDED BY BOTH A NATIONAL AND STATE PERIOD OF PROHIBITION. THIS EXPERIMENT DID NOT WORK, AND THE KANSAS LEGISLATURE RECOGNIZED 18 AS A RESPONSIBLE AGE TO PERMIT ADULTS TO LEGALLY BECOME INTRODUCED TO ALCOHOL. SINCE THAT TIME 18 HAS BECOME ALMOST THE STANDARD AGE FOR THE ASSUMPTION OF MOST LEGAL RIGHTS AND RESPONSIBILITIES. I THINK WE MUST ACKNOWLEDGE THAT 18 IS AN ARBITRARY FIGURE, HOWEVER IT IS NO LESS SO THAN TO ASSUME THAT 21, OR EVEN 35, WOULD GUARANTEE ONLY THE MODERATE AND REASONABLE USE OF ALCOHOL.

THE AVAILABILITY OF 3.2 BEER ONLY FOR THOSE 18 TO 21 HAS WORKED WELL FOR THESE 45 YEARS AS A MODERATE APPROACH TO ACQUAINT YOUNG ADULTS WITH ALCOHOL CONSUMPTION. THERE IS MUCH TO BE SAID FOR THE PRESENT 3 YEAR PERIOD OF LEGAL 3.2 BEER CONSUMPTION ONLY, INSTEAD OF AN INSTANTANEOUS CHANGE FROM ABSTENTION TO THE AVAILABILITY OF THE FULL RANGE OF STRENGTHS IN KANSAS ALCOHOL PRODUCTS. BEING INTRODUCED TO ALCOHOL USE IN 3.2 BEER, MANY KANSANS SIMPLY DO NOT CHANGE OVER TO

*Atch. X*

STRONGER BEER OR LIQUOR AFTER THEY BECOME 21. MOST STATES DO NOT HAVE 3.2 BEER AVAILABLE AT ALL; IN KANSAS IT IS THE PREDOMINANT STRENGTH BEER SOLD. WHEN 3.2 BEER IS SUCH AN ACCEPTED PART OF THE LIFE STYLE OF YOUNG PEOPLE TODAY, A NEW PROHIBITION FOR YOUNG ADULTS COULD PROVE TO BE BOTH UNENFORCEABLE AND COUNTERPRODUCTIVE. THERE ARE CONSIDERABLE SHORTFALLS IN BOTH THE ENFORCEMENT OF PRESENT LAWS AND IN EFFECTIVE EDUCATION OF THE IMPORTANCE OF A MODERATE AND REASONABLE USE OF ALCOHOL. THESE SHOULD BE ADDRESSED BY SOCIETY AND THE INDUSTRY. IF PROHIBITION DID NOT WORK AND WAS NOT ENFORCEABLE IN KANSAS IN THE PAST...WHAT BASIS DO WE HAVE TO BELIEVE IT WOULD ACHIEVE THE REASONABLE USE OF 3.2 BEER NOW?

AS TO A SINGLE STRENGTH BEER, SINCE THERE ARE LEGAL AGE DISTINCTIONS IN CONSUMPTION - PRESENTLY 18 AND 21 - WE BELIEVE 3.2 BEER SERVES A PURPOSE. THE COMPLEXITY OF HB 2328 (THERE ARE 48 PAGES OF IT) ARE DUE ENTIRELY TO THE CONSTRUCTION PROBLEMS OF CONSOLIDATING TO A SINGLE STRENGTH BEER. K.B.W.A., AFTER A GREAT DEAL OF STUDY, STILL HAS CONSIDERABLE CONCERNS ABOUT THE REGULATORY, STATUTORY, AND EVEN KANSAS CONSTITUTIONAL QUESTIONS THAT IT COULD POSE.

THIRD, AND LAST, THE PROVISION IN HB 2328 EXTENDING SUNDAY SALES TO OFF-PREMISE 3.2 BEER IS LIKE A BREATH OF FRESH AIR. PRESENTLY, OF COURSE, ALL FORMS OF ALCOHOL CAN BE PURCHASED IN HUNDREDS OF PRIVATE CLUBS ON SUNDAY. PRESENT SUNDAY SALES PROVISIONS CENTER AROUND SINGLE PURPOSE CONSUMPTION RATHER THAN THE USE OF 3.2 BEER IN CONJUNCTION WITH OTHER ACTIVITIES. THE PERMITTED SALE OF 3.2 BEER IN OFF-PREMISE SALES WOULD ALLOW THOSE BUSINESSES THAT ARE NOW OPEN ANYWAY TO BETTER UTILIZE THEIR INVESTMENT AND COVER PRESENT OPERATING COSTS AS WELL AS RECOGNIZE THE PUBLICS DESIRE TO BE ABLE TO PURCHASE 3.2 BEER FOR WEEKEND RECREATIONAL AND LEISURE TIME

ACTIVITIES. ADDITIONALLY THE EFFECT OF THE PRESENT LAW, IN OUR OPINION, HAS SOME COUNTERPRODUCTIVE ELEMENTS IN THAT KANSANS "OF MEANS" DRINK IN THEIR CLUBS, WHILE "JOHNNY LUNCHECKET" ONCE AGAIN CAN'T ENJOY 3.2 BEER WHILE MOWING HIS YARD, FISHING WITH HIS NEIGHBOR OR BARBECUEING WITH HIS FAMILY.

THIS PROPOSAL WOULD ADDRESS AN OUT-DATED STATUTE WHICH IS A CARRYOVER FROM PROHIBITION AND THE OLD "BLUE LAWS" DAYS. FOURTY SOME STATES, INCLUDING ALL FOUR OF OUR BORDERING NEIGHBORS HAVE MODERNIZED THEIR STATUTES BY ELIMINATING THIS PROVISION, WITH VIRTUALLY NO ONE STILL SUPPORTING ITS RETENTION EXCEPT THE NEO-PROHIBITION LOBBY.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

Lisa Young

I. Freshman at Kansas State University - 18 years of age

- A. Employee at Kite's, a tavern in Manhattan, KS that serves 3.2% beer
- B. Earning money for next year's tuition
- C. More students are needing jobs because of cutbacks in Scholarships and Financial Aid
- D. If this law is ratified, many students will be out of a job

II. Some of the rights of an 18 year old

- A. To cast a role in the election of government officials
- B. Marriage
- C. To petition to or for a cause
- D. To make contractual agreements
- F. To be tried in a court of law as an adult
- F. To be drafted into the military service
- G. To drink 3.2% beverages

III. "Law Violaters" need to be punished not "law abiders"

- A. Right to drink 3.2% beer for 18-19-20 year olds is a good law. These persons are "abiding by the law".
- B. Strict laws and penalties need to be established for those persons under the age of 18 getting and consuming 3.2% beer. These are "law violaters".
- C. Strict laws and penalties need to be established for those persons 18 years of age buying 3.2% beer and giving it to those under 18. These are "law violaters".
- D. Strict laws and penalties need to be established for those retailers selling 3.2% beer to those under 18 years of age. These are "law violaters".

*Atch. Y*

STEVE JOHNSON  
Kansas City, Missouri

My name is Steve Johnson, I am 22 years old and I live in Kansas City, Missouri. In my freshman year of college, 1978, at the age of 18, I attended the University of Missouri, Columbia. I then attended Central Missouri State University in Warrensburg, Missouri for two years. While at Central Missouri, I was President of my fraternity and a member of the cheerleading squad. I am currently working for a firm representing electrical supply manufacturers.

While in Columbia and Warrensburg underage students had no problem obtaining beer or liquor from either liquor stores or establishments with off-sale permits by using false identification or by having a friend of legal age purchase for them.

In the situations that I have observed both in Columbia and at Warrensburg, 18, 19 and 20 year old students feel that they are adults and are creative enough to obtain beer and liquor.

I feel that Kansas with its two tier system, 3.2% beer for 18 to 20 year olds and 21 for wine and liquor is preferable to the Missouri law of 21.

The practical fact is that 18, 19 and 20 year olds will obtain and drink beer either legally or illegally, and that if there are problems with drinking and driving, alcoholism or any other problems related with consumption, the place that these problems should be addressed is at the high school level through educating the students.

Atch. 2

I think that by retaining the 18 year age limit for 3.2% beer you will be giving responsible young adults a choice, and a chance to conduct their activities within the law.



# Kansas Food Dealers' Association, Inc.

2809 WEST 47th STREET SHAWNEE MISSION, KANSAS 66205

PHONE: (913) 384-3838

HB 2328 HOUSE FEDERAL & STATE AFFAIRS COMMITTEE 2/14/83

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Only a portion of HB 2328 pertains to the members of the Kansas Food Dealers Association, and the major item of concern for our grocers appears to be taken care of in this measure.

As we indicated in our testimony on HB 2145, we find it difficult to agree with the definition of "dispense" in terms of simply accepting payment for cereal malt beverage for off-premise consumption.

We would like to see the entire section differentiate between off premise and on-premise consumption, but as an alternative, we can go along with at least not changing the age from 18 to 19 or eventually 21 as it applies to our checkers.

As we have testified in the past, we do not believe Sunday sale of beer for off premise consumption would necessarily increase consumption since it could be purchased in advance. It would make it easier to not have to post signs in that section of the store as we now do on Sunday stating that no beer can be sold on Sunday.

Phasing in of the legal age does seem more logical than a one-time jump from age 18 to 21, but our Association has not taken a formal position on this matter.

Thank you for allowing us to appear before you today, and if you have any questions, I will be happy to answer them.

Frances Kastner, Director  
Governmental Affairs, KFDA

3310 SW 7th, # 2  
Topeka, Kansas 66606

(913) 232-3310

*Atch. AA*

*Attorneys at Law*

**Ratner, Mattox, Ratner, Barnes & Kinch, P. A.**

444 NORTH MARKET • POST OFFICE BOX 308  
WICHITA, KANSAS 67201-0308  
316/262-6423

PAYNE H. RATNER (1896-1374)  
PAYNE H. RATNER, JR.  
CLIFF W. RATNER  
RICHARD R. BARNES  
F. L. KINCH  
—  
BRUCE A. SWENSON  
ASSOCIATE  
—  
LOUISE MATTOX  
OF COUNSEL  
—  
OF THE KANSAS BAR

February 14, 1983

KANSAS CITY, KANSAS OFFICE  
200 HURON BUILDING  
913/321-2619  
WILLIAM L. ROBERTS, OF THE KANSAS BAR  
ASSOCIATE

DENVER, COLORADO OFFICE  
3090 W. 72ND AVE, WESTMINSTER, COLO.  
303/427-1414  
RICHARD B. BAUER, OF THE COLORADO BAR  
SAMUEL E. FLEMING JR., OF THE COLORADO BAR  
ASSOCIATES

TOPEKA, KANSAS OFFICE  
310 COLUMBIAN TITLE BUILDING  
820 QUINCY STREET 66612  
913/232-5320  
TOM GREEN, OF THE KANSAS BAR  
ASSOCIATE

TO: Neil Whitaker, Chairman House Federal and  
State Affairs Committee

FROM: T. L. Green

RE: HB 2328

Dear Neil and Members of the Federal and State  
Affairs Committee:

HB 2328 attempts to make several significant changes in the Kansas Liquor Laws including increasing the drinking age to 19, allowing sale of beer on Sunday, creates basically one strength of beer or cereal malt beverage and permits the sale of cereal malt beverage in retail liquor stores. The Kansas Retail Liquor Dealers Association opposes HB 2328 for several reasons. Generally the impact of HB 2328 is cumulative when considered together with other legislation which has been introduced or which is being recommended by certain committees to be introduced. The effect is to seriously impair the ability of many retail liquor dealers to remain in business in any competitive fashion.

In 1982 the Department of Revenue conducted what they called The Liquor Retailer's Minimum Percentage Markup and Caselot Discount Study. As a result of that study the Department of Revenue concluded that the average net profit for a Kansas Retailer is \$8,193.99, which is only 4.9% of gross sales by the average retailer. Though this does not appear to be a very reasonable return many of the retailers in the state and the Association have taken the position that the status quo in the retail liquor industry should be maintained. The only other alternative which should be considered

*Attch. BB*



is what steps can be taken to maintain the current retail liquor system and provide a better return to the current retail liquor dealers.

HB 2328 significantly impacts the ability of the Kansas Retail Liquor Dealer to maintain any return on their investment, let alone a reasonable return. By creating basically one strength of beer and allowing that beer to be sold at all retail outlets including grocery stores, filling stations and other currently existing retail outlets for 3.2 beer, HB 2328 would eliminate the demand for sale of beer at the retail liquor store. If an individual can obtain no different beer from a liquor store than he can by going to the grocery store, it is doubtful that a special trip to the liquor store will be made.

The impact on this change on the Retail Liquor Dealer becomes apparent when considering the fact that 36% of the average retailer's gross profit is represented by beer sales (1982 Department of Revenue Price Study). Though the Kansas Retailer Liquor Dealers Association does not believe they will lose all their business in beer sales, the changes proposed by HB 2328 will impact those sales most significantly. The effect of HB 2328 will be to impair the ability of many retailers to continue any kind of profitable operation.

The Kansas Retail Liquor Dealers Association has been quite concerned with the recommendations made by Legislative Post Audit concerning changes which ought to be made in the Retail Liquor Industry. Indeed the plethora of legislation being introduced attempting to change the retail liquor marketing system is quite disconcerting to the Association and its members. It is the large volume of proposed legislation which has made it difficult for the Association to assess and adopt positions on many issues because of the overall impact that each new bill appears to have on the operation of our businesses.

Within the next two weeks our Association will provide you and your committee with a detailed position on the various issues which have been raised by all the bills which have currently been introduced affecting our industry. Before taking any action on HB 2328 the Kansas Retail Liquor

Dealers Association would strongly urge you to consider the impact of this bill along with the impact that the other proposed legislation which has been introduced will have on the orderly marketing of liquor at retail.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'T. L. Green', written in dark ink.

T. L. Green

TLG/mbb

TESTIMONY OF BOB W. STOREY  
FOR KANSAS BEER RETAILERS ASSOCIATION  
IN OPPOSITION TO HOUSE BILLS 2145 AND 2328

MEMBERS OF THE COMMITTEE:

I want to discuss with you briefly today some of the arguments against the provisions of House Bills 2145 and 2328.

First, I want to state that I am speaking not only in my capacity as a legislative representative of the Kansas Beer Retailers Association. More than that, I wish to inform the committee of my experience in Shawnee County as it relates to the 18-, 19-, and 20-year-old drinking drivers. I was Judge of the Alcohol Safety Action Program in Topeka for approximately one year, and I am well aware of the problems which are involved with the drinking driver. More specifically, I am acquainted with the various age groups as those ages relate to the total DWI arrests and convictions in Topeka, which comprise the greatest part of those in Shawnee County.

Before I get into statistics, I do want to commend this committee and the members of the legislature on recognizing that there definitely is a drinking and driving problem in the state of Kansas. However, the specific legislation which is before you, in my opinion, is not going to have any effect on the drinking and driving problem, at least in the county with which I am familiar, and that is Shawnee County. As long as there is alcohol available to our citizens, both of the state and the United States, and as long as automobiles are for sale to those

*Atch. cc*

who can afford them, we are going to have to recognize in this state and in this country that there is going to be a driving and drinking problem. The only way in which that problem may be reduced or solved will be through education and treatment, and not trying to outlaw the sale of a commodity which is readily accessible to any person, whether it be on the open market or in the black market.

I have checked the statistics for 1982 against the year I served as ASAP judge. They are so closely related as far as percentages are concerned that I want to bring you to date on the latest statistics which we have as they pertain to Topeka and Shawnee County. In 1982 there were 838 arrests for driving while intoxicated, which would be the alcohol content in one's body which would be in excess of .10. Out of those 838 there were 74 which could be contributed directly to 18-, 19-, and 20-year-olds. If you computed this, it would be less than 9% of all those persons arrested for DWI convictions in this county. This means that if House Bill 2145 were adopted and the legal age limit for the consumption of beer were increased to 21 years of age, then theoretically out of 838 arrests 74 would not be present in 1983 because the legal age limit had been raised three years. I submit to you that the number of DWI arrests would not be reduced, simply because if you take beer away from 18-, 19-, and 20-year-olds, all you are doing is making them go underground and buy the commodity on black market, or sit in their cars and drink instead of sitting in a tavern. That, of course, would be much more amenable to having the drinking while driving

convictions increase, since obviously they are drinking in a moving vehicle.

I believe this committee has to realize that the real problem (and again I am speaking of Shawnee County, which I think is probably a representative county of at least the urban areas of the state) with the teenage driver today is not that the laws are so inadequate, it's that the enforcement aspect of the laws needs to be closely studied. I can state without equivocation (because I am the father of teenage children, as well as having been involved in my legal practice with many juvenile crimes in the county of Shawnee) that most of the taverns in Topeka serve 16- and 17-year-olds today as a matter of course. This is not always indicative that the tavern owners are in fact trying to violate the law. The biggest problem is that with the way teenagers look today it is almost impossible to enforce the law. It is hard to tell how old the teenagers of today really are. In addition, it is so easy to buy fake identification, including the colored driver's licenses with the pictures on them sealed in plastic, that almost anybody for the right price can buy on the black market either an identification card or a driver's license and have it in his or her possession within a day or two.

I am sure you will hear lots of arguments on this point later; but it is almost inconceivable to me to tell any 18-, 19-, or 20-year-old individual that he or she could not consume beer. At the same time you are telling them they may be drafted and fight a war, may buy a house and sign any other contract that adults may sign, may vote for a candidate of their choice such as

the members of the committee sitting here, may legally enter into a marriage contract and have children and be legally bound by the courts of the state to support those children, and obtain employment anywhere in the state of Kansas as any adult would do with the same responsibilities as any adult. While doing this you are going to say that although we trust you to do all of these things, we do not trust you with a bottle of beer until you are 21 years old. Members of the committee, I would not think that you would want to face these young adults and answer that question.

If I may, I wish for a moment to respond to House Bill 2328, which as I see it raises the beer drinking age to 19 years, at least for the initial one-year period. If we look back at the statistics I gave you, in 1982 there were 19 convictions of 18-year-olds in the city of Topeka for driving while under the influence of alcohol. That would be 2% of the total of the 838 who were arrested in Topeka in 1982. If House Bill 2328 were passed, and theoretically if it worked, then we would be getting rid of 19 convictions for DWI in the year 1983. I believe you can readily see that this bill is in the same position as House Bill 2145; and if it were passed it would absolutely have hardly any effect on the drinking and driving problems which exist in this county and other counties throughout the state of Kansas. I cannot possibly see from my experience as a Judge and in the legal profession how raising the beer drinking age one year could be enforced. Our law enforcement officials in this county and other counties of the state have enough problems trying to

enforce the law as it exists today. Telling them you are going to raise the beer-drinking age one more year with people having to prove they are 19 instead of 18 would result in complete chaos as it would relate to trying to enforce the laws. I would suggest to you that our police and sheriff departments would have to be increased greatly to try to handle this problem. In addition, as stated above, with fake IDs it would be so simple to alter a driver's license or identification card from 18 to 19. This would subject the owners of premises serving minors to possible criminal violations wherein they have absolutely no control over fake identifications used by the young adults.

I am sure that each and every one of this committee realizes that the great bulk of the driving while drinking arrests and convictions lie within that age group from 21 to 35 years of age. In Shawnee County last year these encompassed 52% of the total arrests or convictions for driving while under the influence. By the passage of House Bill 2145 or House Bill 2328 those statistics would not be changed and no benefit would come to the bulk of our problem, which would be those adults within that age group, and I am sure that this legislature is not contemplating trying to get rid of alcoholic beverages or beer for that age group between 21 and 35.

I also have been informed by the Mental Health Association, of which the ASAP program in Topeka is a member, that the repeat DWI arrests for that age group between 18, 19, and 20 years of age is 5% less than that group which consists of 21 and older. This simply means that an 18-, 19-, or 20-year-old

who is convicted of a drinking while driving violation has a much less chance to repeat because of the educational program which is available to them, than an older adult whose habits change quite drastically once they reach an older age.

There are other problems which I see contained in House Bill 2328, but there are going to be others here, I am sure, to present some of those problems. Therefore, I will confine my testimony to the changing of the age group, with the one exception of noting that if off-premises Sunday beer sales are legalized in the state of Kansas, then one would have to give some thought to what this does to the drinking driver, since it would indicate that a tavern may stay open on Sundays and someone may go in and have a soft drink, but then they would have to carry the beer out if they were going to drink the same. This immediately would make one wonder if that beer was going to be consumed in a moving vehicle. However, for the moment I will leave that issue to others.

Members of the committee, if I can be of any further assistance to you in answering questions or providing you with any information, I will gladly do so within the limit of my capabilities.

Thank you for your consideration.

Respectfully submitted,

BOB W. STOREY



Resolution adopted by the Delegate Assembly of the Kansas Association of School Boards, November 28, 1982. (All KASB Resolutions expire in one year after adoption by the Delegate Assembly.)

RAISING THE LEGAL AGE FOR PURCHASING CEREAL MALT BEVERAGES

WHEREAS, studies by the National Institute on Alcohol Abuse and Alcoholism show that alcohol is involved in 27 percent to 43 percent of the violations by youth (13-19 years) involving offenses of vandalism, sexual assault, disorderly conduct, disturbances of the peace, and other crimes and misdemeanors; and

WHEREAS, traffic accidents are the number one cause of death among teenagers, and most of those accidents involve a drinking driver; and

WHEREAS, teenagers are usually inexperienced at both drinking and driving; and according to a U.S. Department of Health and Human Services study, even a moderate amount of alcohol, e.g., one beer per hour, can significantly impair a young person's judgment and driving;

THEREFORE BE IT RESOLVED that the Delegate Assembly of the Kansas Association of School Boards go on record of supporting and working for legislation that will raise the age to 19 or above for the purchase of cereal malt beverages; and

BE IT FURTHER RESOLVED that the Association work with existing, appropriate agencies within the state of Kansas to disseminate information on effective programs on drinking and driving.

*Atch. 00*

# Kansas State Department of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612

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## TEENAGERS/DRINKING AND DRIVING

A problem inherent to establishing some criteria for an effective age for alcohol consumption is a long-time problem that has affected both lawmakers educators, and, as a result, considerable amount of statistical evidence has been established. However, recent study by the National Safety Council reflects a growing concern by the public to reduce alcohol-related injuries and fatalities. Tougher laws are not likely to reduce the number of alcohol-related deaths or injuries. Efforts to increase the severity of punishment and penalty, based on the intuitive belief that severe penalties will deter significant numbers of DWI offenders and, in turn, reduce the number of deaths and injuries caused by such drivers is not supported by scientific evidence.

The National Safety Council recommends the following broad-based plan:

1. That there be an increase in the number of DWI offenders by improved enforcement. Currently there is a 1 in 2,000 chance of being caught driving while impaired.
2. Assure suspension/revocation of licenses and insure that all arrests go into the driving record.
3. Change procedures by which offenders are processed.
4. Disallow present alcohol treatment programs as an alternative to suspension/revocation.
5. Adopt legal minimum drinking age to 21.

Today, we are here to address the latter of those recommendations.

*Atch. EE*

As you have no doubt heard, there are a number of states who have adopted some form of modified drinking age--be it 19, 20, or 21. There are 20 states who address some form of legislation requiring 21 year of age alcohol consumption. Recently, the Institute for Highway Safety established a 14-state evaluation. Those states include Iowa, Michigan, Illinois, Maine, Massachusetts, Montana, New Hampshire, Tennessee. They recognize that following an increase in the age of alcohol consumption to 21, there was a drop of some 28% in the number of injury accidents where alcohol was a factor. It is a fact, according to the Highway Institute of Driver Safety that 18 year olds have the highest death rate per licensed driver; 19 year olds are second. This affects passengers in the cars at a 3.1 rate so as to suggest that teenage passengers are involved in 33% of all passenger deaths in 1982. Another fact that is equally impressive is that motor vehicle crashes are the number one killer of teenagers 16-19 and yet they account for only 8% of the population and 9% of the licensed drivers.

Further information shows us that teenagers drink and drive less often than other age groups. When they do drink and they do drive, they even have a lower blood alcohol level than do adults over age 21. This is based on the United States Canadian study. Yet in crashes evaluated where teenagers were involved, there is an over-involvement at a 3.1 ratio so as to suggest that teenagers, while they drink less than adults at age 21, they are 3 times more likely to be involved in accidents as a result of drinking and driving. This, of course, is basically due to an experience in both drinking and the experience in driving.

The University of Michigan Highway Safety study for the state of Michigan has been noted for the most dramatic statistics relative to the reduction in accidents due to a modification of legal drinking age. In 1978, they repealed their 18 year old drinking law and as a result showed that immediate reduction in one year (1979) of 31%. The correlation, therefore, is that the higher drinking age the less alcohol is obtained and the less consumed. They drive less under the influence,

therefore, less involvement in alcohol-related accidents. This study has been hailed in cooperation with the National Committee on uniform traffic laws and the Insurance Institute for Highway Safety as a primary requisite for modifying alcohol consumption laws.

If we turn to Kansas statistics, we find that the last two years or, in essence, the last 18 months, show us the most notable records relative to the 18 year old.

Information is available in various categories, but if we take the 18-24 year olds in 1981, we notice that age group was involved in 39% of all alcohol-related injury accidents and 42% of all fatalities. In the first six months of 1982, those figures jumped to 40% for involvement while there was a slight decrease in fatalities to 39%. Of course one could suggest that you should take out then the 18, 19 year old to review that age group and in 1981 see that they represented 15% of the total involvement in accidents related to alcohol and 13% of the fatal accidents. Further examination of the age group shows that they represent only 7% of the licensed drivers in Kansas.

I think it is fair to say that inexperience in both the driving task and in the consumption of alcohol leads to what one irrevocable fact - that teenagers are over-represented in injury and fatalities. It is fair to suggest that you and I are in fact our brother's keeper as we pay for those injury accidents through increased insurance premiums and/or support of those who are left behind. Traffic safety educators throughout the country are committed to the premise that a concentrated effort needs to be addressed to remove what in fact is one of the most difficult problems facing traffic safety educators today - that is, the young drinking driver.

Thank you very much for your time and attention.

GMC/EABB/3

K · A · N · S · A · S  
**WINE & SPIRITS**  
WHOLESALE ASSOCIATION, INC.

STATEMENT TO  
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
FEBRUARY 14, 1983

I rise before the Committee today in opposition to H.B. 2328.

It is not so much as to what the Bill contains that concerns my Association, as to what the Bill does not contain. There are many unanswered questions relating to implementation of the transition to a single strength "cereal malt beverage." Questions with regard to the Constitutional implications of changing our system; questions with regard to the potential impairment of existing contractual relationships that may be effected by this change.

Let me be careful to acknowledge that my Association has no position regarding the change of the age of consumption for cereal malt beverage, or for allowing Sunday sales of that product, of on H.B. 2145. Those are issues of legislative policy that do not directly affect the Alcoholic Beverage Distribution Industry. We are concerned that there has not been enough opportunity to evaluate the ramifications of the institution of a single strength "cereal malt beverage" at 4.5% alcohol by weight. There may be spirits and wine products which also will qualify for this designation. I am informed that certain "can cocktail" products are being test marketed in California with less than 4.5% by weight content. And, that they are receiving acceptance by the consumer. As consumption in moderation is stressed, as laws relating to intoxication are passed, one cannot ignore that products will be developed to respond to these policy determinations and consumers' desires. Thus, 4.5% will not be just cereal malt beverage, as we know it, in the future.

As an attorney, I am concerned that new Sec. 37 does not provide adequate safeguards against the interference with existing contractual relationships. And, as an Association, the financial impact on the industry and ultimately the consumer, by increased prices because of increased distribution costs, is unknown. Certain practices which "cereal malt beverage" distributors have are not the same as existing practices for the "beer distributor" (the classification to be abolished). I am aware that there may be certain tax implications, and obviously would want to guard against any attempt to make up for the losses occasioned by this structural change by the imposition of increases of taxes upon other segments of our industry.

In summary, this is a major change in the three-tier system of distribution of alcoholic beverages in Kansas, and one that should be carefully analyzed before enactment.

Thank you.

R. E. "Tuck" Duncan  
General Counsel - K.W.S.W.A.

Neal Whitaker  
Chairman of the Federal and State Affairs Committee.  
Rm 110-5  
State Capital

Dear Chairman:

As a 1982 graduate from the University of Kansas and presently a resident in Kansas, I am interested in the issue of raising the legal drinking age to 21.

I consider myself fortunate to be able to write this letter in support of raising the legal drinking age. At the age of 20 I was involved in a car accident while drunk. I fortunately only suffered a small fracture of my pelvis.

My support comes mainly from the fact that I realized that I was not mature enough to discern the full consequences of my drinking. I realize that a lot of older people are not either. Even at the age of 21 or my junior year is when I began to seriously look at my future and that I almost didn't have one.

Thus I support raising the drinking age to 21 as well as stricter laws concerning drunk driving. I would appreciate your sharing this letter with the rest of the committee.

Sincerely

Robert J. Bett  
2408 Alabama St, Apt C-7  
Lawrence, KS 66044

Atch. GG

ASSOCIATED STUDENTS OF KANSAS

KU Delegation & Research Team

105B Kansas Union  
Lawrence, KS 66045  
(913) 864-3710

*Please share this,  
and my letter with  
your committee.  
Thanks,*

## High liquor age not answer to highway death problems

A bill to raise the drinking age from 18 years to 21 years for all alcoholic beverages is once again going to be brought before the Kansas Legislature.

In past years the bill has failed, but this year it has a very strong chance of passing.

The proponents of the bill justify raising the drinking age by saying that it will greatly reduce alcohol related teen highway deaths. These prohibitionists offer no other solution to the problem than raising the drinking age. They believe that this will be the cure all to reducing the number of teen traffic deaths due to alcohol consumption.

Raising the drinking age is an oversimplified solution to a very complex problem.

Kansas has unique laws concerning the legal age to drive and the legal age to drink. Unlike



JOHN BOWER

most states, Kansas grants driving permits to 14 year-olds, and at age 16 a person can get a driver's license.

There has been a lot of publicity surrounding the issue of raising the drinking age and naturally, so. However, the proponents of the increase in the drinking age have clouded the issue somewhat. They often point to studies done in other states in which the drinking-age laws have been changed.

Gov. Carlin proposed that a commission be set up to study the problem of drinking and driving in Kansas rather than taking action on the basis of inconclusive studies that have been previously attempted.

In comparison studies, the percentage of traffic related deaths for those between 18 and 20 is no higher in states that allow 18-year-olds to drink 3.2 beer than in states where legal drinking begins at 21. There has never been a study done in a state, like Kansas, in which 18 year olds can buy 3.2 beer and 21-year-olds can buy hard liquor.

Rather than raising the drinking age, there are other ways to remedy the drinking and driving problem. One alternative is stricter law enforcement and punishment for those who drink and drive. The amount of money that it will take to enforce the new drinking law could be spent now to enforce the present one.

Another way driving while drinking may be reduced is through alcohol awareness programs. The state should help fund more organizations that try to educate people concerning alcohol and alcohol consumption, such as BACCHUS (Boost Alcohol Consciousness Concerning the Health of University Students). Alcohol programs during driver education classes in high school may also help individuals understand the dangers of driving while intoxicated.

The point is that there are no simple, clear-cut solutions to this problem. Before going to such an extreme as raising the drinking age, there should be studies done in Kansas to determine whether the consumption of 3.2 beer is causing teen deaths on the highways.

There have been other proposals by legislators to increase the legal drinking age to 19 rather than 21 so that high school students could not legally drink. This, however, will not curb a high school student from drinking. It will just force the student to get someone a year older to buy the liquor for them. The other alternative would be for them to break the law and buy the liquor themselves. If this happens, and the person is arrested, will he or she be tried as an adult or a minor?

Increasing the legal drinking age is not going to deter those who want to drink. In fact, it may encourage an individual to want it more. According to a sociological study in 1959 on initiation rites, the harder it is to get something, the more a person will want it. Additionally, if the person is drinking just as a statement of rebellion, raising the age will only encourage the person even more.

Whether or not the bill to raise the drinking age from 18 to 21 passes depends entirely upon those whom it will directly affect, people between the ages of 18 and 20. If you don't think that this bill should pass, then contact your state representative and tell him or her how you feel.

The bill has more of a chance of passing than it has had in years. Unless you make your voice heard, this may be the year that it does pass.

Member Institutions:

EMPORIA STATE • FORT HAYS • KANSAS STATE • PITTSBURG • WASHBURN • WICHITA STATE  
• KANSAS •

*Alch. HH*