

Approved 2/4/85
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./~~p.m.~~ on January 23, 1985 in room 254-E of the Capitol.

All members were present except: Senator Vidricksen was excused.

Committee staff present:

Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
Emalene Correll, Legislative Research
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

Neal Whitaker, Kansas Beer Wholesalers Association, Topeka, Kansas
Frances Kastner, Kansas Food Dealers' Association, Inc.
Mark Tallman, Associated Students of Kansas, Topeka, Kansas
John Allen, Associated Students of Kansas, Hays, Kansas
Richard Taylor, The Rev., Kansans for Life at Its' Best, Topeka, Kansas
Tuck Duncan, Kansas Wine and Spirits Wholesalers, Topeka, Kansas
Payne Ratner (Darb), Jr., Kansas Retail Liquor Dealers Assn., Inc.,
Wichita, Kansas
Mike Birkley, Tavern League of Wisconsin
Chris Edmonds, Tavern League of Kansas, Topeka, Kansas
John Webb, Progressive Liquor Dealers of Kansas, Lawrence, Kansas

The Chairman stated that hearings would be held today on the matter of SB46 concerning drinking age and other regulation of alcoholic beverages. He said that following testimony that a sub-committee composed of Senator Vidricksen, Chairman; Senator Hoferer and Senator Anderson; would hold hearings and study on the matter and would report back at a later date to this Committee on Federal and State Affairs.

Neal Whitaker, Kansas Beer Wholesalers Association, was the first conferee to appear. He said that it became apparent to the industry he represents that because of a Congressional mandate concerning the raising of the drinking age to 21, that the State of Kansas must face changing its laws. His remarks are Attachment #1 of these Minutes.

The next conferee was Frances Kastner, of the Kansas Food Dealers' Association, Inc., who spoke in support of the bill to permit sale of all strengths of cereal malt beverage or beer in grocery stores. Her remarks are Attachment #2 of these Minutes.

Mark Tallman, Associated Students of Kansas, presented testimony concerning the bill. He said there were 3 elements which should be considered at length, as well as others. The 3 elements were: 1. Phase-in period; 2. Protection of the employment opportunities; and 3. Strong commitment by the state toward alcohol education and prevention of mis-use. Copies of his remarks are Attachment #3 of these Minutes.

John Lewis Allen, Jr., appeared for the Associated Students of Kansas. He is Campus Director of the organization at Ft. Hays College, Hays, Kansas. His remarks are Attachment #4 of these Minutes.

The Rev. Richard Taylor, Kansans for Life at its Best, was the next conferee. His comments are a part of these Minutes as Attachment #5. He said they are concerned about Sunday sales and election day sales and changing the hours. Other concerns are in the attached paper.

Tuck Duncan, Kansas Wine and Spirits Wholesalers, appeared. He distributed copies of "Let's Talk about Drinking", Attachment #6, and a memorandum about legislative initiatives that have been proposed for consideration in conjunction with the question of whether or not Kansas should enact a 21 year old drinking age for consumption of cereal malt beverages.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on January 23, 1985

Mr. Duncan's Memorandum is Attachment #7. His organization takes no position of the raising the drinking age; his organization does not sell cereal malt beverages. However, there are other proposals in conjunction with the prospect of raising the age which, they feel, will affect other segments of the alcoholic beverage, retail and private club industries. These proposals include (1) redefining all beer as cereal malt beverages, (2) changing the scope of licenses for wholesalers, (3) taxation, (4) days of sales and hours of operation, and (5) enforcement activities.

Payne Ratner, Jr., Kansas Retail Liquor Dealers Assn., Inc., spoke next to the Committee. He suggested: "Keep the bologna in the grocery stores and keep the booze in the liquor stores." He handed out a press release from the Attorney General of South Dakota, Attachment #8, concerning the State of South Dakota v. Honorable Elizabeth H. Dole, and the Complaint, Attachment #9, concerning it. His organization feels that moving the sale of alcoholic beverages of any type will be harmful to the retailers, and will certainly impact adversely on the 1100 retailers in the state.

The Chairman introduced Michael M. Birkley, Executive Director of the Tavern League of Wisconsin. Mr. Birkley spoke to the fact that he believes raising the age does not save lives, but raises the risk of death and injury among those affected. Attachment #10 includes: Highlights of his testimony; Copies of supporting tables and data schedules; His Curriculum Vitae; His response to Williams' criticisms of my research from the Congressional Hearing; Clay's criticism of Wagenaar; His criticism of Williams; and an Article for the Wisconsin Medical Journal.

Chris Edmonds, Tavern League of Kansas, stated that he would present the economic impact to the Sub-Committee which will be conducting hearings. A copy of Mr. Edmonds prepared statement is Attachment #11.

John Webb, Progressive Liquor Dealers of Kansas, stated that his organization has taken no position on the drinking age. They do feel there are some questions that need to be addressed in the proposed legislation. An outline of their concerns are included in Attachment #12 and are a part of these Minutes.

The meeting adjourned at noon.



Attachment #1
1/23/85

TESTIMONY

by

NEAL WHITAKER, EXECUTIVE DIRECTOR,
KANSAS BEER WHOLESALERS ASSOCIATION

on

SENATE BILL 46

before

THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

WEDNESDAY, JANUARY 23, 1985

It became apparent to the members of the beer wholesaling industry in Kansas that passage of a Congressional mandate concerning the drinking age left very little for discussion regarding the issue of raising the age to 21. As a result, in July members of the industry began reviewing Kansas statutes and daily operations to determine how it could best deal with the change. Realizing that approximately 300,000 Kansans ages 18 through 20 would no longer be purchasers of cereal malt beverage meant that the industry must change. As a result, the industry has chosen to propose progressive changes to the law rather than turn its back and shore up opposition.

We believe the most reasonable response to the Congressional mandate should include a grandfathering of a particular age group. This way the age will increase until it reaches 21 without taking away the rights of some citizens. From an enforcement standpoint, we believe this to be the most desirable method and our suggestion would be to begin the grandfather clause with birthdates on or after July 1, 1967 which would effectively make the age for consumption of cereal malt beverage 19 years of age on July 1 of 1986. We believe that several other changes should be made at the same time.

For sale today in Kansas in a variety of different locations are two legal classifications of beer, the first known as cereal malt beverage limited to beer that is not more than 3.2% alcohol by weight and what is commonly called "Kansas Strong". Kansas strong is available for retail sale only in licensed liquor stores throughout the state. Cereal malt beverage, on the other hand, is available for sale in grocery stores, restaurants that do not have a private club license and other similar locations in Kansas. Once the age reaches 21, the members of the Kansas Beer Wholesalers Association see little reason to continue carrying the two types

Attachment 1

of beer. The benefit for the wholesaler is obvious. Wholesalers today must actually carry duplicate packages of almost every item in their inventory, one 3.2% and the other strong. While the alcohol content of strong beer in most of the major brands varies one, two or three tenths of a percent more than the 3.2 breaking point. Additionally, care must be taken through the entire distribution process so that one variety of beer, even though the difference is almost insignificant, doesn't show up in the wrong retailer's case resulting in a citation from the enforcement agency. All of these precautions are taken for what amounts to an insignificant difference in products. We believe that beer should be classed under the Kansas statutes as a cereal malt beverage that would include barley malt products containing one-half of one percent of alcohol or more and that this cereal malt beverage be sold in every outlet where either beer or cereal malt beverage is sold today. This has two benefits, first it reduces the cost of operation for beer wholesalers by simplifying their inventories and delivery methods; secondly, it allows licensed liquor retailers who today are prohibited from selling products that have less than 3.2% alcohol by weight to sell the new line of cereal malt beverages which contain less than 2% or in some cases 1/2 of 1%. Today, 3.2% beer is sold in five states and as a result is not a major production item for most of our suppliers which from time to time creates some supply problems that could be alleviated if we were allowed to sell the same beer that is sold throughout the rest of the country. We recommend that should the legislature decide to classify all beer as cereal malt beverage that this change be made to become effective when the age reaches 21 for consumption.

Changing all beer to cereal malt beverage requires several other amendments to the liquor control act to insure a smooth operation. The first is taxation. Today liquor stores are taxed on their beer sales at a rate of 8%. Grocery stores, on the other hand, pay only the state sales tax. By designating Kansas strong as cereal malt beverage, it would be exempted from the enforcement tax. Therefore, we propose a flat beer enforcement tax of 5% be placed on beer regardless of where it is sold. This 5% tax raises an amount of money equal to the two taxes it replaces. In addition, private clubs today pay a 10% tax on drinks. However, cereal malt beverage sold in some private clubs today is exempt from that tax. The change making all beer cereal malt beverage requires that an adjustment be made. We believe that the 10% drink tax should cover all cereal malt beverage sold in private clubs, raising approximately \$1.8 million in revenue.

Today in Kansas several wine and spirits wholesalers have some brands of beer in their inventories. These are only strong beers because they are prohibited from holding a cereal malt beverage wholesalers license. As a result of the previous changes we must allow wine and spirits wholesalers to hold a cereal malt beverage license so that they may continue operating in their present manner.

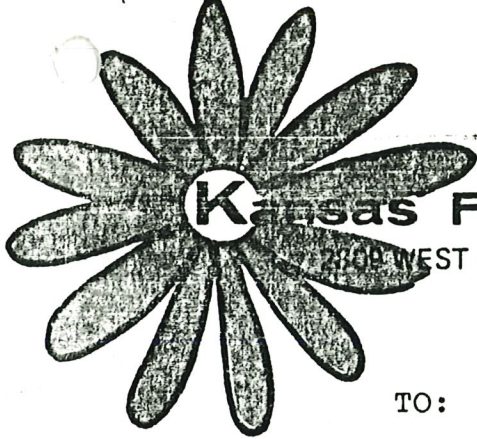
From the customers point of view we believe it is time for the legislature to seriously consider the allowance of sales of cereal malt beverage on Sunday afternoon and extending the hours of operation to 1:30 A.M. Additionally, we have an interest in allowing election day sales from a suppliers standpoint.

Every beer wholesaler operates with regular routes and stops. On election day liquor stores on those routes will be closed requiring that the wholesaler return to town the following day at a considerable expense to make the other half of his deliveries.

Raising the age to 21 creates some employment problems for a number of young people in Kansas. We encourage the legislature to allow minors 18 years of age and older to sell cereal malt beverage in closed containers wherever it is sold and in open containers in those establishments licensed as food service establishments in this state.

Finally, we believe that the enforcement agency, the Alcoholic Beverage Control Division, should continue to have the same enforcement powers it has today with the addition, perhaps, of some knowledge of who holds a cereal malt beverage license. They will need this information because the state has an interest in collecting the enforcement tax as well as enforcing the legal age of consumption.

You have an opportunity to take a progressive step by modernizing our cereal malt beverage laws and raising the age without increasing consumption. I urge you to give these recommendations serious consideration as you study the issue of raising the legal drinking age in Kansas.



Attachment #2
1/23/85

Kansas Food Dealers' Association, Inc.

1000 WEST 47th STREET SHAWNEE MISSION, KANSAS 66205

PHONE: (913) 384-3838

January 23, 1985

TO: Senate Federal and State Affairs Comm.

From: Frances Kastner, Director
Governmental Affairs, KFPA

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JIM SHEEHAN
Shawnee Mission

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LEROY WHEELER
Winfield

**DIRECTOR OF
GOVERNMENTAL AFFAIRS**

FRANCES KASTNER

I am Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association. Our membership consists of wholesalers, distributors and retailers of food products throughout the State.

We appear today in SUPPORT of the bill to permit sale of all strengths of cereal malt beverage or beer in our grocery stores. We understand the federal mandate to raise the age to 21 for consumption, and we sinerely appreciate your keeping the age for our checkers at age 18.

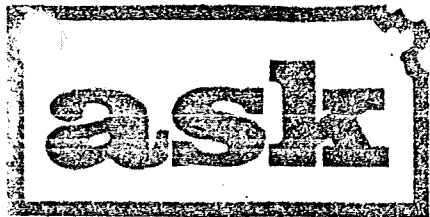
Over the years we have always supported legisla-tion which would give our members the opportunity to sell to their customers products which they can purchase in our neighboring states. This bill will help our grocers better serve their customers who are interested in buying beer in unopened containers on Sunday. We are NOT helping to increase Sunday drink-ing merely by permitting the sales.

I am certain you all understand the economics of this bill much better than I could explain it. By at least updating the cereal malt beverage laws you may give retailers an opportunity to recoupe some of the sales they will loose as the age for consumption is raised to 21.

Our Association supports the intent of this bill and we ask for your favorable recommendation.

Thank you for the opportunity to present the views of our Association, and if you have any questions I will be happy to answer them.

Frances Kastner, Director
Governmental Affairs, KFPA
Topeka, phone 232-3310



ASSOCIATED STUDENTS OF KANSAS

1700 College
Topeka, Kansas 66621
(913) 354-1394

JW
Mark Tallman
Attachment # 3

STATEMENT BY
MARK TALLMAN
ASSOCIATED STUDENTS OF KANSAS
(ASK)
ON
INCREASING THE DRINKING AGE FOR 3.2 BEER TO 21 YEARS OF AGE
BEFORE THE
SENATE FEDERAL & STATE AFFAIRS COMMITTEE

January 23, 1985

Attachment 3

Representing the Students of:

Emporia State • Fort Hays State • Kansas State • Pittsburg State • University of Kansas • Washburn University • Wichita State

Mr. Chairman, Members of the Federal and State Affairs Committee:

The Associated Students of Kansas appreciates this opportunity to address the issue of raising the legal drinking age in Kansas. To begin with, we want to extend to returning committee members our thanks for your willingness to address this issue with facts, not with emotions; with comprehensive solutions, not with the quick fix. Through your open minds and open doors, we have worked together on the problem of youth alcohol abuse the past two years. Hopefully, we can proceed the same way this session.

We all know the merits of a higher drinking age are not the real issue here today. Congress and the President have leveled a gun at the heads of state legislatures and given you a choice: maintain your laws as you see fit and lose millions of federal dollars, or accept a Washington, D.C. mandate and pick up the tab for enforcement, loss of tax revenue and unemployment. The irony of the situation is that this flexing of federal muscle was championed by a President who came into office promising to return power to the states and the people.

ASK continues to oppose a higher drinking age for the reasons we always have: it is unfair to tell young persons 18 to 20 years of age, who have been given the rights and responsibilities of adulthood in our society, to give up their beer when those persons, 21 years and over, have no intention of doing so; it will be extremely difficult, if not impossible, to enforce and will only lead to flouting of the law through false IDs; those that ignore the law will "go underground" to uncontrolled settings and illicit sources and may actually increase alcohol-related crashes and fatalities; and, most important, it does nothing to address the far larger problems of youth alcohol abuse.

We can support each of these claims. The statistical evidence on raising the drinking age is unquestionably mixed: some states have raised the age and seen fewer fatalities; some have raised the age and seen more deaths; some have done nothing and seen improvement; some have acted and seen no change. The state of the economy probably has as much to do with highway safety as any state's legal system. But that doesn't change political realities. We would be in serious trouble if Kansas' students couldn't count votes or read the writing on the wall. If we must raise the age, let's try to make the best of a truly unfortunate situation.

Delegates to the ASK assembly voted to continue our strong philosophical opposition to an age increase. But if this is inevitable there should be three elements to any package of legislation: 1.) a phased-in period or "grandfather clause"; 2.) protection of employment opportunities for young adults, and 3.) a strong commitment by the state to alcohol education and prevention.

I. "Grandfather Clause"

This may seem obvious, and even proponents of a higher age have been willing to accept this. But there are reasons beyond simple fairness. First, the best enforcement is self-enforcement. Few people of any age who have been given a privilege will accept having it taken away all at once. The best chance of winning some acceptance for a higher drinking age is to change the expectations of those who have not yet begun to drink.

Second, a higher drinking age will have a significant impact on social patterns of 18-20-years-olds. That group of the population is simply not going to start going to bed at nightfall every weekend night if the age is raised. The best chance of minimizing "underground drinking" and false IDs is to give communities a chance to develop social alternatives such as "dry" bars and

coffee-houses. This is an area ASK has begun to work in through organizations such as Students Against Drunk Driving and BACCHUS.

II. Employment Opportunities

A high percentage of jobs for students and other young people are in establishments that serve alcoholic beverages. A higher drinking age may cause a serious employment problem for young people, especially in college communities. To deal with this, we propose the following:

A. Eighteen-year-olds should be able to sell beer in closed containers for off-premise consumption.

B. Eighteen-year-olds should be able to sell and serve beer in restaurants, as provided for by last year's so-called "Pizza Hut" amendment to the conference committee report that was never adopted. These two provisions are included in the package supported by the Beer Wholesalers Association.

C. A higher drinking age will eliminate the legality of the "18 bar," and the number of bars serving only beer will certainly drop sharply, if not die out altogether, with a major loss of student jobs. They will likely be replaced by establishments serving liquor, which ABC director John Lamb stated last week are expanding rapidly.

To make up for lost jobs in "18 bars", we propose that 18-year-olds be allowed to work as waiters, waitresses, bartenders and other positions to serve or sell any alcoholic beverage for on-premise consumption. We would accept a requirement that a person 21 years or older be present as a supervisor.

Because proponents of a higher age frequently use examples of other states as justification, we have conducted a study of other states to see what types of employment provisions are the most common by contacting their ABC boards or the equivalent. Thirty-four states responded. We have attached a list of all those

responding. The highlights are:

Of 18 states with a drinking age of 21, only five (Delaware, North Dakota, Utah and Alaska) require persons to be 21 to serve all alcoholic beverages. One other allows 18-year-olds to sell beer only (Oklahoma).

On the other hand, five states (Illinois, New Jersey, Pennsylvania, Rhode Island and Tennessee) allow all 18-year-olds to sell and serve with no restrictions. Maryland allows this in Carrol County.

In addition, three states allow 18-year-olds to sell and serve in restaurants, although Missouri and Oregon require 21-year-olds to draw or mix drinks for service over a bar or away from the table. Three other states allow those under 21 to sell or serve liquor with restrictions; Washington allows this if a 21-year-old supervisor is present; Kentucky allows 20-year-olds to sell and serve liquor, and Nebraska, 19-year-olds.

In other words, of 18 "21" states, 11 allow those under 21 to sell or serve liquor under some circumstances.

In states with lower drinking ages, this pattern continues. Of three states with a drinking age of 20, two have provisions for those under 20 to sell in some circumstances; a third mentioned no special provisions.

Of 10 states with a 19 drinking age, seven allow 18-year-olds to sell all alcoholic beverages. One allows 18-year-olds to sell beer but not liquor; only one requires employees to be 19 for all beverages. One has no special provisions.

The laws of other states, including those who have a 21 drinking age, seem to support our point that the age for selling beer has nothing to do with drunk driving among young people, which is what a higher age is supposed to address.

III. Education and Abuse Prevention

Aside from the issues of fairness, enforcement, and the risk of even greater alcohol abuse due to illegal drinking, we have opposed past age increases, even to 19, because we feel it does little or nothing to address the real causes of youth alcohol abuse.

Raising the age to deal with this problem is a little like standing in the basement of a house with a leaking roof during a downpour, and raising an umbrella. It might keep the water off your head for a while, but you haven't fixed the real problem and the house is still going to flood.

If the age must be raised, this may be the last, best chance to take important steps to combat alcohol abuse by dealing with ATTITUDES, not just accessibility. Raising the age might be described as a "supply-side" strategy, because it seeks to limit the availability of alcohol beverages. But the unfortunate experience of illegal drugs, which are prohibited to every age group, but still a serious problem, shows the ineffectiveness of these efforts. The most effective way to stop alcohol/drug abuse is to reduce the number of people WANTING illegal items, or MISUSING legal ones; or what we might call "demand-side" approaches.

How do we change attitudes? First, by the peer-based efforts of groups like Students Against Drunk Driving, which has expanded tremendously in the past year alone; and by organizations like BACCHUS at the college level, which ASK took the lead in organizing in Kansas. Second, by EDUCATING young people about the consequences of drug and alcohol abuse at each level of schooling, so their sources of information are not "trial and error" experimentation with glamorized, but forbidden temptations.

Clearly, we do not have time for a detailed discussion of educational programs today, but we can quickly describe two ways to bring about the two

solutions described above.

First, the legislature should provide expanded funding and support for the "school team training" method being developed by the Kansas Alcohol/Drug Abuse Division. This technique brings "teams" of students, faculty, parents and community leaders to training sessions where strategies for fighting alcohol and drug abuse are developed. ADAS only has funding for one or two sessions this year, yet could do as many as four sessions each year if adequate resources were provided.

Because of the shortage of funds, training has only been provided at the high school level, although training SHOULD begin in the elementary grades. And, despite the fact that there are over 300 school districts across the state, school team training has only been completed in 12 school districts. As you can see, ADAS has only begun to scratch the surface. The cost of training a group of 20 teams per session is between \$45,000 and \$60,000. A ready source of funding would be a tax on beer sold in private clubs, which is included in the beer wholesalers proposal and would generate about \$1.8 million a year.

Second, the recommendations of the Governor's Committee on Drunk Driving for mandatory education in schools should be adopted as follows:

A. The Legislature should urge the implementation of mandatory programs of drug/alcohol abuse education in elementary, junior high and high school, through a resolution to the Board of Education.

B. A phase-in period should be provided to allow schools to develop appropriate curriculums for various levels. A number of fine programs have already been developed by the industry and other groups, and are readily available at very modest costs.

C. Where possible, these programs should be incorporated into existing

courses, such as junior high health courses and high school physical education courses.

D. Units on the effects of alcohol and drug use should also be integrated into Driver's Education courses.

E. Finally, we also suggest a resolution to Teacher Education Programs in the state to encourage the training of teachers in alcohol/drug issues and education.

F. The modest costs of such a program, if they did exceed resources currently available, could also be taken from the proposed tax on beer, and from funding currently provided from alcohol beverage taxes.

Mr. Chairman, we encourage the committee to introduce such resolutions, and for hearings to be held on the issue of drug/alcohol education as a vital part of any increase in the drinking age.

Thank you Mr. Chairman and members of the Committee for this opportunity to appear before you today. I will be happy to respond to any questions.

Survey of State Liquor Laws in Regards to Employment of Minors and Underaged Persons

ALASKA -- Drinking age: 21

Employment Provisions: Persons who could drink and/or work prior to the enactment of the law (last year whereby the age to drink and/or work was raised from 19 to 21) were allowed to continue to do so. Those who were not old enough to legally drink or be employed prior to the effective date of the law may not do so until they reach the age of 21.

ARKANSAS -- Drinking age: 21

Employment Provisions: Persons must be 21 years of age to sell alcohol unless they are employed in a supermarket whose gross sales are at least \$2 million per year.

COLORADO -- Drinking age: 18 for 3.2 beer; 21 for wine, malt beer, liquor

Employment Provisions: any age may handle empty alcoholic beverage containers; under 18 may handle 3.2% beer if acting as an employee for a 3.2 beer licensee and is supervised by someone at least 18 years of age; wine and malt liquor may be handled, dispensed or sold by anyone at least 18 years of age; must be 21 years old to handle, dispense, or sell all types of spirituous liquor.

CONNECTICUT -- Drinking age: 20

Employment Provisions: No special employment provisions mentioned.

DELAWARE -- Drinking age: 21

Employment Provisions: must be 21 to sell, mix, or serve alcoholic beverages; employment by wholesalers permitted at 18; 16-17 year olds may bus or wash dishes.

FLORIDA -- Drinking age: 19

Employment Provisions: must be 18 and acting in the scope of employment to sell, prepare and serve alcoholic beverages.

GEORGIA -- Drinking age: 19

Employment Provisions: 18 year olds may be employed in any licensed establishment and engage in dispensing, serving, selling, handling, taking orders for and possessing alcohol as a part of employment; persons less than 18 years of age employed in supermarkets, convenience stores or drugstores may sell or handle alcoholic beverages sold for off-premise consumption; 18 year olds may work in retail package liquor stores.

IDAHO -- Drinking age: 19

Employment Provisions: none special for minors or underaged persons

ILLINOIS -- Drinking age: 21

Employment Provisions: "The legal age for selling and serving alcoholic beverages ... has been deemed to be 18 years of age by an opinion of the Illinois Attorney General; however local authorities may by ordinance or resolution prohibit minors from selling and serving."

IOWA -- Drinking age: 19

Employment Provisions: 18 years and older can sell and serve alcoholic beverages and beers in establishments in which liquor and/or beer are consumed; 16 years and older can sell beer in establishments which sell carry-out beer.

- KENTUCKY -- Drinking age: 21
Employment Provisions: must be 20 to work on liquor-licensed premises; at beer establishments an 18 year old may work provided an adult employee (21 or over) is present on the facilities.
- MAINE -- Drinking age: 20
Employment Provisions: for the purpose of receiving payment at check-out counters for the sale of malt liquor or table wine in retail stores, a person must be 17 years of age or older and an employee 18 years of age or older present in a supervisory capacity.
- MARYLAND -- Drinking age: 21
Employment Provisions: in Carroll County, 18-20 year olds may serve beverages while acting in the capacity of a waiter or waitress; 18 years and older may stock alcoholic beverages; in other counties, 18 years and older may sell beer and light wine.
- MICHIGAN -- Drinking age: 21
Employment Provisions: Persons must be 18 years of age or older to sell or serve alcoholic beverages.
- MINNESOTA -- Drinking age: 19
Employment Provisions: Selling (employed as bartender, waiter or waitress, or by package) is 18 years of age.
- MISSOURI -- Drinking age: 21
Employment Provisions: 18 years and older may sell or handle liquor in establishments where at least 50% of gross sales is not in intoxicating liquor or nonintoxicating beer; 18 years and older may stock, accept payment for and sack for carry-out; delivery away from licensed premises not permitted by anyone under 21; 18 years and older may, when acting in the capacity of a waiter or waitress, accept payment for or serve liquor or beer in establishments which sell food for consumption on the premises if at least 50% of all sales consists of food; must be 21 to mix or serve across the bar.
- MONTANA -- Drinking age: 19
Employment Provisions: 18 year olds may work and/or serve in premises licensed to sell alcohol.
- NEBRASKA -- Drinking age: 21 (as of 1-1-85)
Employment Provisions: persons 19 years and older may serve and sell alcoholic liquor in the course of their employment; 16 years and older may handle beer containers in the course of employment in grocery stores and may remove and dispose of alcoholic liquor in their employment as waiters, waitresses or busboys by any restaurant or club, hotel, etc..
- NEVADA -- Drinking age: 21
Employment Provisions: under 21 years of age may work in establishments wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar; or in any grocery store or drug store where liquors or wines are not sold by the drink for consumption on the premises; 16 years and older may be employed in a retail food store for the sale or disposition of liquor if supervised by a person 18 years of age or older, such person 18 years of age or older is present at the time, and the liquor is in a container or receptacle which is corked or sealed.

- NEW HAMPSHIRE -- Drinking age: 20
Employment Provisions: 18 years and older can serve alcoholic beverages in on-sales establishments with an adult present; 16 years and older can sell beer or wine in their original containers in off-sale establishments with an adult present; 16 years and older can clean tables and lounge areas of any containers or glasses provided an adult is present.
- NEW JERSEY -- Drinking age: 21
Employment Provisions: 18 years and older may sell alcoholic beverages.
- NORTH CAROLINA -- Drinking age: 19 for beer and unfortified wine; 21 for fortified wine and liquor.
Employment Provisions: 21 years of age to pour and mix drinks; 18 years of age if only pouring beer or wine; 18 years of age to serve alcoholic beverages; any age to sell for the consumption off-premises.
- OHIO -- Drinking age: 19 for beer; 21 otherwise.
Employment Provisions: no age restrictions in handling alcohol beverages in sealed containers; no age restrictions in handling open containers while bussing tables; must be 18 to sell alcoholic beverages in sealed containers; 19 years and older may serve wine and liquor by the drink; 19 years and older can sell only beer by the drink.
- NORTH DAKOTA -- Drinking age: 21
Employment Provisions: none for allowing minors or underaged persons to sell or serve.
- OKLAHOMA -- Drinking age: 21
Employment Provisions: 18 year olds may work in an establishment that sells 3.2 beer for on-premise consumption; persons under 18 years of age may work in an establishment that sells 3.2 beer for on-premise consumption if beer sales don't exceed 25% of gross retail sales.
- OREGON -- Drinking age: 21
Employment Provisions: 18 year olds may sell in store which holds a packaged store license; 18 years and older may take orders for, serve, and sell alcoholic liquor in any part of the licensed premises when that activity is incidental to the serving of food; no one under 21 years of age is permitted to mix, pour or draw alcoholic liquor except when done as a service at the patron's table.
- PENNSYLVANIA -- Drinking age: 21
Employment Provisions: 18 years and older may sell or serve liquor and/or malt or brewed beverages.
- RHODE ISLAND -- Drinking age: 21
Employment Provisions: must be at least 18 years of age to work as a waiter, waitress or bartender; 16 years and older may stock shelves.
- SOUTH DAKOTA -- Drinking age: 19 for low point beer; 21 otherwise
Employment Provisions: must be 21 to sell or serve alcoholic beverages; must be 19 to serve low point beer.
- TENNESSEE -- Drinking age: 21
Employment Provisions: 18 years olds allowed to serve and sell and dispense in the course of employment.

- TEXAS -- Drinking age: 19
Employment Provisions: no age restrictions for selling beer; must be 18 years of age to sell alcoholic beverages.
- UTAH -- Drinking age: 21
Employment Provisions: must be 21 to handle liquor.
- VERMONT -- Drinking age: 18
Employment Provisions: must be 18 to sell for on-premise consumption; must be at least 16 years of age to sell for off-premise consumption.
- WASHINGTON -- Drinking age: 21
Employment Provisions: grocery stores which sell packaged beer and wine for home consumption able to employ persons under 21 years of age if supervised by someone 21 or older; 18 years and older may take orders for sale and service in all on-premise locations except the cocktail lounge portion of a licensed restaurant and any portion of a licensed tavern.
- WEST VIRGINIA -- Drinking age: 19
Employment Provisions: must be 19 years of age to dispense, serve or sell alcoholic beverages.
- WISCONSIN -- Drinking age: 19
Employment Provisions: 18 year olds may sell, serve or dispense beer if under the supervision of a licensee, agent, or licensed operator; the law does not allow an underage person to sell intoxicating liquor.
- WYOMING -- Drinking age: 19
Employment Provisions: persons may "deliver" alcoholic or malt beverages pursuant to employment.

Prepared by the Associated Students of Kansas
11/84

Fort Hays State

Fort Hays State University
Student Government Association
Hays, KS 67601-4099
(913) 628-5311

JA
Attachment #4
1/23/85

STATEMENT OF JOHN LEWIS ALLEN, JR.
CAMPUS DIRECTOR, FORT HAYS STATE UNIVERSITY
ASSOCIATED STUDENTS OF KANSAS

BEFORE THE

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

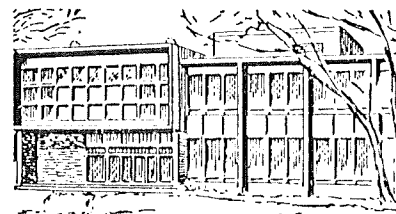
PERTAINING TO

RAISING THE LEGAL DRINKING AGE IN KANSAS

23 JANUARY 1985

Attachment 4

Student Government



Mr. Chairman, Members of the Committee, Fellow Conferees, and Ladies and Gentlemen:

My name is John Allen, and I am a student at Fort Hays State University and am employed there as the campus director for the Associated Students of Kansas. I would like to take a few moments to share with you the results of an ASK-sponsored survey of tavern and club owners in cities that accommodate universities in Kansas in regard to the question of student employment, and discuss briefly the impact of those results upon the matter at hand.

ASK understood intuitively that a significant number of student jobs were involved in the selling and handling of 3.2 beer in Kansas; as an outgrowth of that understanding and concern, we took a position at our November Legislative Assembly in favor of allowing 18, 19, and 20 year-olds to continue to hold these jobs in the wake of any drinking age increase, and further, because of the probable shift from 3.2 taverns to private clubs, we endorsed allowing 18, 19, and 20 year-olds to sell and handle harder liquor. However, we also realize that intuition alone does not make good law, and therefore we decided to attempt to quantify our concerns,

Because of the obvious impracticality of surveying the entire state, especially in light of our limited resources, we chose to concentrate exclusively on our college towns, and further, chose three statistically representative towns to sample: Hays, Lawrence, and Topeka. Admittedly, the results at best are not scientifically accurate, but they do provide us with a reasonably clear appraisal of the situation.

Two separate surveys were conducted, one of 3.2 beer tavern owners, and one of club operators. What follows, then, are the results of those surveys.

ASSOCIATED STUDENTS OF KANSAS
3.2 BEER TAVERN OWNER SURVEY

QUESTION	FHSU	KU	WU	7-SCHOOL TOTAL
1. HOW MANY 18, 19, AND 20 YEAR-OLDS DO YOU EMPLOY IN SELLING AND HANDLING 3.2 BEER?	67	158	32	735
2. WHAT IS THE AVG. WAGE PAID TO 18-20 YEAR-OLDS?	\$3.45	\$3.68	\$3.50	\$3.54
3. SHOULD IT BECOME ILLEGAL TO EMPLOY 18-20 YEAR-OLDS, HOW MANY WILL YOU HAVE TO DISPLACE?	62	155	32	720
4. DO YOU THINK THE COST OF TRAINING NEW EMPLOYEES TO REPLACE YOUR 18-20 YEAR-OLDS WILL ADVERSELY AFFECT YOUR BUSINESS?	YES-70% NO-30%	YES-80% NO-20%	YES-60% NO-40%	YES-70% NO-30%
5. IF IT IS ILLEGAL TO EMPLOY 18-20 YEAR OLDS TO SELL AND HANDLE, WILL THAT AFFECT YOUR FUTURE HIRING PATTERNS WITH THAT GROUP?	YES-85% NO-15%	YES-95% NO-5%	YES-90% NO-10%	YES-90% NO-10%

CLUB OPERATOR SURVEY

QUESTION	FHSU	KU	WU	7-SCHOOL TOTAL
1. IF MADE POSSIBLE, WOULD YOU HIRE 18, 19, AND 20 YEAR-OLDS AT YOUR ESTABLISHMENT?	YES-100% NO-0%	YES-90% NO-10%	*NA	YES-95% NO-5%
2. DO YOU THINK THE KANSAS LEGISLATURE SHOULD ACT TO ALLOW CLUB OPERATORS TO HIRE 18, 19, AND 20 YEAR-OLDS?	YES-80% NO-20%	YES-65% NO-35%	*NA	YES-72.5% NO-27.5%

*Not Applicable; respondents did not feel they had enough information.

What I think these results underscore is the importance of creating some provision for sales by minors in whatever legislation passes this committee. We have demonstrated a statistically significant number of student jobs in this area already exist; indeed, as an example of the importance of this line of employment to students, we estimate almost one million dollars-\$936,684-is involved every semester. Further, we have uncovered the potential for many more student jobs in the 95% of club operators who said that, if possible, they would hire 18-20 year-old employees.

At a time when a widening depression of the farm economy has all but negated the effect of the national recovery here in Kansas; at a time when college costs continue to climb while available student aid continues to constrict; and at a time when students desperately need, and desire, the opportunity to work their way through school, it is of particular importance that no action of this committee or this legislature adversely affect that opportunity. Opportunity is key here, for it is not a gift that we seek here today, but merely the opportunity to make our own way and prove ourselves as responsible citizens. Speaking as a student employee of a 3.2 tavern, I hope that our jobs will be preserved and our opportunities broadened by this committee today.

Thank you, and I will be glad to entertain any questions from the committee.

western
Telex/TWX
western union
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western union
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western union

JW

The Rev. Taylor
Attachment #5
1/23/85

*
WU AGENCY TPK

WU INFOMASTER 1-005099M016 01/18/84
ICS IPMKAKC KSC
ZCZC 01160 (01170) 01-18 0959A CST KAKA
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4-018212C017 01/17/84
ICS-DODCRSB ABN
00043 DOD CRC ALBANY GA 180013Z JAN 84/018
PMS
BISHOP BEN OLIPHINT C/O REVEREND RICHARD TAYLOR
WILL CALL
TOPEKA KS

1 P RUEBJGA2029 0172029 CG-W2GARC
P 172029Z JAN 84
FM DEPT OF TRANSPORTATION WASHINGTON DC//DTOS//
TO BISHOP BEN OLIPHINT
C/O REVEREND RICHARD TAYLOR
1273 HARRISON STREET
TOPEKA KS 66612
ACCT CG-W2GARC

UNCLAS

DEAR BISHOP OLIPHINT:
I WOULD LIKE TO THANK YOU FOR YOUR KIND INVITATION TO
YOUR BREAKFAST FOR THE MEMBERS OF THE KANSAS
LEGISLATURE. IT WOULD HAVE BEEN A PLEASURE TO JOIN
ALL OF YOU, BOTH BECAUSE I AM ALWAYS DELIGHTED TO BE
IN KANSAS, AND BECAUSE YOU WILL BE DISCUSSING DRUNK
DRIVING, AN ISSUE OF GREAT CONCERN TO ME.
UNFORTUNATELY, PREVIOUS COMMITMENTS PREVENT ME
FROM JOINING YOU AT THIS IMPORTANT EVENT.
AS WE BOTH KNOW, DRUNK DRIVING IS A SERIOUS PROBLEM
THAT IS BEST ADDRESSED AT THE STATE AND LOCAL LEVEL.
HIGHWAY FATALITY STATISTICS SHOW THAT DRIVERS UNDER
21 YEARS OF AGE ARE INVOLVED IN ABOUT 42 PERCENT OF
ALL FATAL ALCOHOL-RELATED CRASHES. STATE LAWS
ESTABLISHING 21 AS THE MINIMUM LEGAL AGE FOR THE
PURCHASE OF ALL ALCOHOLIC BEVERAGES ARE AN
IMPORTANT ASPECT OF OUR NATIONAL ATTACK UPON THE
TRAGIC PROBLEM OF DRUNK DRIVING.
MY WARMEST REGARDS TO YOU AND THE LAWMAKERS WHO
HAVE JOINED YOU ON THIS OCCASION.
SIGNED: SINCERELY,
ELIZABETH HANFORD DOLE, SECRETARY
U.S. DEPARTMENT OF TRANSPORTATION WASHINGTON DC TELEX 892427
1916 EST

NNNN
1107 EST

*
WU AGENCY TPK

FILE
COP.

Statement of Allan F. Williams and Ben Kelley, Insurance Institute for Highway Safety, Before the Subcommittee on Commerce, Transportation, and Tourism, U.S. House of Representatives
Committee on Energy and Commerce, Hearing on H.R. 3870, October 19, 1983

The Insurance Institute for Highway Safety is an independent public service organization. It is a nonprofit, tax-exempt scientific and educational organization dedicated to reducing the losses — deaths, injuries, and property damage — resulting from crashes on the nation's highways. Supported by companies writing most of the motor vehicle insurance in the United States, the Institute conducts research involving a wide range of factors that contribute to the huge losses resulting from highway crashes.

As part of this research, the Institute has studied the effects on highway crashes of changes in the legal minimum drinking age. Such research is the focus of this testimony, which you have invited us to present today.

Between 1970 and 1975, some 29 states reduced the legal minimum age for purchasing alcoholic beverages. The minimum age had been 21 in most of these states. It was reduced to 18, 19, or 20 — in most cases, 18. Work conducted by the Institute in the mid-1970s found that in states that *lowered* the drinking age, there were significant *increases* in fatal crashes of drivers under 21 years old, as compared to states where the drinking age laws were not changed. (1) Studies by other researchers in the United States and Canada have also found that lowering the drinking age increases crashes. (2)

Beginning in 1976, there has been a trend toward raising the drinking age to 19, 20, or 21. The majority of states that lowered their drinking ages in the early 1970s have raised them, although usually not back to the previous levels. In 1981, the Institute studied the effects on fatal highway crashes of raising the legal minimum drinking age (3) (Attachment A). All states were studied that had raised their drinking ages and for which sufficient post-law data were available. Nine states were included in the study. (Five were excluded because their law changes were too recent for their effects to be measured at the time of the study.)

Each of the Institute's studies was carefully planned to isolate the effects of drinking-age changes, using established and well-known principles of scientific research design. For example, since numbers of highway crashes and fatalities fluctuate widely over time (for a variety of reasons, known and unknown), simply determining the crash involvement rate of young drivers in a state after the drinking age is raised, and comparing this with the rate before the law was changed, is insufficient. Scientists have long known that such before-after studies may be misleading, because the changes found may result from factors other than the law change.

To rule out the possibility that changes observed in youthful crash involvement in states that raised their drinking ages were merely part of a regional trend, each of the nine states studied was paired with a neighboring comparison state in which the legal minimum drinking age remained unchanged throughout the study period. To rule out the possibility that changes observed in age groups covered by the law were part of a trend occurring at other ages as well, age groups covered by the laws were compared to older drivers, to whom the law changes did not apply.

Comparisons were based on nighttime fatal crashes — especially single-vehicle crashes — which overwhelmingly involve alcohol.

The Institute's study found that, due to the law changes, there were reductions in nighttime fatal crashes among youthful drivers in eight of the nine states studied. There was considerable variation in these reductions — from six to 75 percent. Based on all nine states, there was an average reduction of 28 percent. In only one state, Montana, was there an increase in nighttime fatal crashes among young drivers (14 percent).

The substantial variation in results among the states was to be expected, since they differ in size, population, region, and other respects. In particular, the numbers of drivers in the affected age groups involved in fatal crashes varied tremendously, from a low of 28 drivers in Montana to a high of 538 in Michigan, during the 21 months following the law change in those states. It is well known that such sample size variations lead to considerable variations in results, and it is precisely for this reason that we emphasized overall results rather than those from individual states.

On the basis of the Institute's consistent findings of reductions in nighttime fatal crashes, our researchers concluded that just as lowering the drinking age has a negative effect on highway crashes, raising the drinking age has a positive effect. Numerous other researchers have reported similar results (Attachment B). It was estimated from the Institute's work that each year about 730 fewer young drivers would be involved in fatal crashes in the United States if the drinking age for alcohol were raised to 21 in every state.

Michael M. Birkley, representing the National Licensed Beverage Association, told this subcommittee on October 4, 1983: "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 did in at least three of the eight states which have recently raised their legal drinking ages and for which sufficient consistent data have been analyzed." (4) He claimed that in only one state among eight studied — Michigan — was there a reduction in highway crashes. In addition to the three states in which he claimed there were increases in youthful crash involvement, according to Mr. Birkley there were four others in which no significant changes occurred subsequent to raising the drinking age. Mr. Birkley concluded that the Insurance Institute's prediction of a 28 percent reduction was incorrect in seven of the eight states studied.

However, Mr. Birkley failed to mention that of the seven states he claimed did not conform to the Institute's prediction, six had in fact been included in the Institute's study and were part of the basis on which the 28 percent average reduction was computed. Five of these six states — including two in which Mr. Birkley reported increases in crash involvement — showed reductions in fatal crashes.

Mr. Birkley referred to the Institute's research results only in the case of Montana, the single state in which an increase was shown. Instead of mentioning the reductions in the other states, he claimed to have evidence showing increases or no changes in youthful involvement in fatal crashes subsequent to raising the drinking age. But most of these data were derived from simple before-after analyses, without appropriate comparison groups. Therefore, they are inappropriate for drawing inferences about the effects of changing the drinking age.

In addition, Mr. Birkley ignored two other states — Tennessee and New Hampshire — included in the Institute's study. Both of these states showed reductions in fatal crash involvement. His conclusions, based as they were on inadequate data and a selective review of the literature, are not valid.

As part of his written testimony, Mr. Birkley also submitted a document entitled "Death and the Legal Drinking Age: A Tri-State Study" (5), which he wrote and in which he claimed that the reductions in crash involvement in Michigan and Illinois after the drinking ages were raised were not as great as reductions in Wisconsin, where the drinking age was not raised. However, this document does not follow accepted procedures of scientific research. Birkley analyzed 1976-1981 Wisconsin data and found a 1981 decline in crash involvement among 18-20 year olds, compared to what he said would have been expected based on 1976-1980 trends. He then compared this 1981 reduction in Wisconsin to a 1980 reduction in Illinois (the first year of the law change in that state) and a 1979 reduction in Michigan (the first year of the law change there). That is, the "comparisons" were based on different years, which invalidates them. (They also involved different age groups in Illinois and Wisconsin, and were based on different measures of crash involvement in Wisconsin, compared to the other two states.)

Birkley claimed that "none of the major drinking age impact studies, including those of the Insurance Institute for Highway Safety ... found any measurable change in highway crash rates among 16- and 17-year-old drivers attributable to lowering or raising the legal drinking age in any jurisdiction." (6) That is incorrect. In fact, the Institute's 1974 study of three areas that lowered the legal minimum drinking age, compared to adjacent areas that did not, indicated "a significant increase in involvement in fatal crashes of drivers under 21 in areas that changed the law This occurred not only among the 18-20 year olds to whom the law change applied, but also, though to a somewhat lesser degree, among 15-17 year olds." (1)

Finally, Birkley claimed that a study by Cook and Tauchen on lowering the drinking age supports his own position — namely that an 18-year-old legal drinking age is preferred. (6) However, Birkley failed to cite the conclusion of Cook and Tauchen's study: "A reduction in the minimum drinking age from 21 to 18 for all alcoholic beverage types will result in an increase in the auto fatality rate for 18 to 20 year olds of about seven percent, and a somewhat smaller increase for 16 to 17 year olds We are confident in concluding that the cumulative effect of minimum legal drinking age reductions during the early 1970s was to cause a substantial increase in 18-20-year-old auto fatality rates, averaging about 150 lives per year during the mid-1970s." (7)

Based on its research, the Insurance Institute for Highway Safety has concluded that "raising the legal minimum drinking age to 21 in all states would go far toward reducing the annual toll of motor vehicle deaths in the United States, particularly the deaths of young people and of others with whom they are involved in crashes." That conclusion stands.

NOTES

1. Williams, Allan F.; Rich, Robert F.; Zador, Paul L. and Robertson, Leon S. "The Legal Minimum Drinking Age and Fatal Motor Vehicle Crashes," *The Journal of Legal Studies*, 4:1(1975), pp. 219-239.
2. A review of relevant research is contained in Smart, Reginald G. and Goodstadt, Michael S. "Effects of Reducing the Legal Alcohol-Purchasing Age on Drinking and Drinking Problems," *Journal of Studies on Alcohol*, 38:7(1977), pp. 1313-1323.
3. Williams, Allan F.; Zador, Paul L.; Harris, Sandra S. and Karpf, Ronald S. "The Effect of Raising the Legal Minimum Drinking Age on Involvement in Fatal Crashes," *The Journal of Legal Studies*, 12(1983), pp. 169-179.
4. National Licensed Beverage Association. Oral Statement Before the Subcommittee on Commerce, Transportation, and Tourism, Committee on Energy and Commerce, U.S. House of Representatives. Hearing on H.R. 3870, October 4, 1983.
5. Birkley, Michael M. "Death and the Legal Drinking Age: A Tri-State Study," *Issue Briefs*. Madison, Wisconsin: The Blaney Institute, April 1983.
6. National Licensed Beverage Association. Written Testimony Before the Subcommittee on Commerce, Transportation, and Tourism, Committee on Energy and Commerce, U.S. House of Representatives. Hearing on H.R. 3870, October 4, 1983.
7. Cook, Philip J. and Tauchen, George. "The Effect of Minimum Drinking Age Legislation on Youthful Auto Fatalities, 1970-1977" (draft). Durham, North Carolina: Duke University, Department of Economics, July 1982.

Tack Duncan JW

Attachment #6

1/23/85

"Let's Talk about Drinking"

A Guide for Families

Printed as a Public Service by
The Wine and Spirits Wholesalers of America
Washington, D.C.

Attachment 6

The Wine and Spirits Wholesalers of America would like to acknowledge the efforts of Gail Gleason Milgram, Ed.D., for her participation as a consultant to this booklet.

Dr. Milgram is a professor and Director of Education at the Center of Alcohol Studies, Rutgers University. She also is the Executive Director of the Summer School of Alcohol Studies and the New Jersey Summer School of Alcohol and Drug Studies.

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Tips for Parents/ 16

Your Choice/ 17

For More Information/ 18

Resources

A Message from The Wine and Spirits Wholesalers of America

Dear Reader:

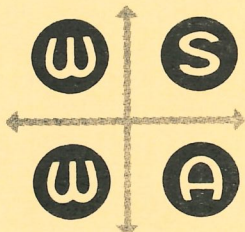
The 800 firms that comprise the Wine and Spirits Wholesalers of America, Inc. (WSWA) are participating in a nationwide effort to assist families in promoting the responsible use of alcohol beverages in the home and community by those who choose to drink.

This booklet is an important part of the program. The information and recommendations it contains are based on interviews with researchers and counselors, as well as studies conducted by private and government-supported research groups.

The intent of this material is to motivate families to talk about the responsible use of alcohol. Several studies have indicated a serious lack of dialogue in families where the issue of alcohol is concerned. WSWA is helping to fill that gap by providing this booklet.

Members of the U.S. Congress are included in the program. Representatives and Senators have been asked to distribute the booklets to their constituents. WSWA also is supporting a radio and television advertising effort promoting the family alcohol awareness program. It is the hope of WSWA to have congressional leaders and local public officials support this effort; it is also WSWA's hope that communities and families become motivated to openly discuss issues and concerns related to alcohol. In this way, responsible decisions about drinking will have a positive impact on our society's use of alcohol.

We hope you find this booklet helpful and join us in our effort.



Sincerely yours,

The Wine and Spirits Wholesalers of
America, Inc.

Preface

Many of the ideas included in "Let's Talk About Drinking" are based on the concept of responsible decision-making regarding alcohol. This approach, used in many alcohol education programs, recognizes the fact that individuals have a choice whether to drink or not. It also emphasizes that if people do decide to consume alcohol, they should do so in moderation.

This approach was explored in the 1960's by the Cooperative Commission on the Study of Alcohol, sponsored by the federal government. The commission issued its findings and recommendations in 1967 in *Alcohol Problems: A Report to the Nation*, prepared by Thomas F.A. Plaut (New York: Oxford University Press, 1967).

In the 1970's, the concept was developed by the North Conway Institute in Boston, an interfaith association of religious leaders dedicated to education on alcohol and drug related problems.

The responsible decision approach also was the most significant part of an alcohol abuse prevention program developed in the 1970's by the Education Commission of the States (ECS) Task Force on Responsible Decisions About Alcohol. The ECS Task Force was created to encourage a national policy on responsible decisions about alcohol and to offer recommendations on ways to implement this concept.

The responsible decision approach has been a model for some of the country's most successful alcohol education programs, such as the curriculum developed by the Cambridge and Somerville Program of Alcohol and Rehabilitation (CASPAR). CASPAR's "Decisions About Drinking" is used in many schools where alcohol education has been integrated into the curriculum. The concept has been incorporated by the National Association of State Boards of Education in their "Alcohol Education Guidelines Project." The theme also is part of Seattle's "Here's Looking at You" curriculum, which is used in school systems throughout the country.

The U.S. Jaycees based their organization's "Operation Threshold: Know Your Limits" campaign of the late 1970's on the responsible decision concept. The Jaycees' "Responsible Decisions" program for 1984-1985, in cooperation with the Wine and Spirits Wholesalers of America, also uses this approach.

The purpose of this booklet is to provide families with information on *how* to talk about the responsible use of alcohol, *what* parents can say to their children and *how* teenagers can approach the subject with their parents. The material also will help adults and teenagers make responsible decisions about drinking.

Why Talk about Drinking?

Children and teenagers learn many things from their parents, church and community leaders and other role models in society. They learn when, where and why alcohol is consumed. Yet few subjects generate as much concern and conflict between parents and teenagers as the subject of drinking. Open and candid discussions are necessary to lead the way for young people to make appropriate decisions concerning alcohol. Knowing the facts about alcohol will promote a responsible attitude toward its use.

Though the overwhelming majority of adult consumers of alcohol beverages drink moderately, without harm to themselves or society, there are individuals who have problems related to their use of alcohol. Alcohol problems and alcoholism also are topics which should be discussed in the home.

Communication often is hindered by parents who are either misinformed or uncomfortable with the subject so young people often assume that the topic is not worthy of discussion. These children, as they grow up through childhood and into the teenage years, have questions related to how and why people drink. Considering the importance of alcohol in today's society, it is imperative that parents motivate open and honest discussions regarding alcohol. Communication is the key element in the learning process. Parents must talk to their children about everything; sex, hitchhiking, shoplifting and drugs, as well as drinking. The earlier this begins, the greater the impact.

Children should remember that parents probably did not have alcohol education programs when they were in school. Only in the last ten years has the subject been talked about openly in society. As a result, the subject may be difficult for parents.

It is necessary for parents to remember that their early approach of not talking about alcohol needs to be overcome. Parents should be open to questions from their children or be prepared to initiate the discussion. Communication will begin only when parents are comfortable with the topic and willing to explore it with their children.

Where to Start

It's a challenge for people to communicate openly and fully with one another, especially adolescents and adults. Each family situation, young person and parent are different; no one set of rules fits every case. Parents must use their judgment in deciding what approach will be most effective with their own family.

The best time to discuss the subject is when everyone is relaxed at home together. The discussions should never follow a family argument or a problem situation related to alcohol use. They should be held at a time set aside for the sole purpose of discussion.

The discussion should end on a positive note, leaving the door open for future communication. Young people will turn off a discussion that begins to sound like a lecture or that drags on and on. Knowing when and how to close the discussion also is important for both parents and their children.

Many youngsters are introduced to alcohol beverages in the home; for example, when a child is given some wine with a meal or allowed some beer from a parent's glass while watching a baseball game or allowed to taste a mixed drink during a family celebration. This pattern of introducing our children to alcohol as part of the family socialization process has a relatively long and stable history. In reviewing studies of adolescent alcohol use, Blane and Hewitt (Blane, H.T. and Hewitt, L.E. *Alcohol and Youth: An Analysis of the Literature, 1960-1975*, Rockville, Maryland: National Institute on Alcohol Abuse and Alcoholism, 1977) found that the introduction of alcohol usually occurs between the ages of ten and fifteen with the mean age being 13.6 years (1977). What alcohol is and why people drink should be addressed at this time.

It is just as important that non-drinking families discuss alcohol use with their children. Approximately 32 percent of the adult population never uses alcohol. Most of these people choose to be non-drinkers because of religious beliefs, medical concerns or other reasons.

Unfortunately, the reasons for not drinking usually are never shared with the young. Though these children do not receive direct exposure to alcohol in the home, they are exposed to it in society during their growth and development.

Children of non-drinkers can have problems later in life because

they may not understand the family's reasons for not drinking. If the reasons for that decision are fully explained, the young adult can make a healthy, responsible decision that can be discussed with their parents.

Drinking by adults is an individual choice. If some day your youngster decides to drink alcohol beverages, chances are he or she will use common sense—especially if there is some direction from home. The family and community must present solid values compatible with responsible decisions about moderation and abstinence as important elements of daily life.

What to Say

A good suggestion for parents is to talk to each other about their own feelings *before* talking with their children. It also is important that parents consider their own use of alcohol beverages and understand that this use has been observed by their children. Parents also should try to identify their areas of disagreement on the appropriate and inappropriate use of alcohol beverages. If they are of one mind, this should be mentioned in the discussion. If there are matters on which they disagree, these should be part of the discussion.

However, parents should remember that discussions with their children are not to win arguments over who is correct. This will only create confusion and conflict.

One way for parents to prepare for the initial conversation is to read over the tips and guidelines given later in this booklet. It is important that parents be honest when there is something they do not know; it is better to say they will try to find the answer than to pretend.

The atmosphere of the discussion is as important as the information and advice presented. If the discussion is open and comfortable, the issues of concern will evolve naturally. For example, adolescents might want to be able to tell their parents that it is difficult to refuse a drink at a party, that they have consumed an alcohol beverage at a party or that it is hard to know what to do if their date is intoxicated and supposed to drive home.

A younger child might want to ask why their parents' friends acted silly at a picnic or why people drink alcohol beverages or perhaps why they do not.

The sober truth about teenage drinking.



There's plenty of loose talk about teen-age drinking these days. And all too little awareness of hard facts.

But one thing many authorities agree on is this: attitudes towards alcohol begin to form long before the legal age for drinking.

Behavior of young people is influenced strongly by the adult community, which is charged with providing suitable recreation, employment and education programs.

But it is in the home where lessons about drinking are learned earliest. Young people brought up in the right atmosphere are more likely to make responsible decisions later on. More likely to realize that drinking too much too often is *not* grownup — whatever the age.

For adults who want to set the right example, this principle applies:

If you choose to drink, drink responsibly.

DISTILLED SPIRITS COUNCIL OF THE UNITED STATES

1300 PENNSYLVANIA BUILDING, WASHINGTON, D. C. 20004

Talking with Your Children

Many parents do not realize the need for alcohol education at the elementary school level. Some parents do not understand that being introduced to alcohol beverages in the home is considered drinking. Often, parents also are not aware of the many questions children have about alcohol during the time that attitudes are being formed. Children observe alcohol use in the home and community and would like to discuss it. When parents talk with young children, they should start out with the basics.

Teenagers in junior high and high school should discuss responsible behavior regarding alcohol for many important reasons. Researchers have found that approximately 70 percent of the teenagers in the United States have consumed one or more alcohol beverages and have direct questions about their use.

For junior high school age children, parents should focus on the physical, emotional and psychological effects of alcohol use. The message here is that drinking in moderation is okay for adults; overdoing it is bad for everyone.

After discussing the physical and emotional effects of alcohol, the topics of peer pressure and babysitting should be mentioned. Young people who babysit must be made aware of the effects of alcohol and become prepared for situations including it. There should be some discussion about what to do when friends pressure each other to host a party while babysitting. A sitter may need to call another ride if the parents return and appear unsober. The points to stress are that the babysitter is responsible for his or her own well being and there are times that assertiveness with friends and other adults is necessary to ensure the health and safety of everyone.

The discussion of "peer pressure" should assist young people in recognizing this behavior and the proper way to handle it when it occurs. Families should then evaluate the effect of peer pressure versus self-responsibility in making personal decisions about drinking. For example, rehearsing refusal skills can help a teenager at a party when he or she does not want another drink—or even a first one.

Drinking and driving should be a primary point for discussion between parents and high school age children. The conversation should include alternatives to driving drunk or riding with a drunk driver.

Some of the alternatives include:

- Handing the car keys over to a non-drinker;
- Sleeping over at a friend's house; or
- Calling your parents or a taxi for transportation home.

However, for the latter to happen, parents have to make it "safe" for their children to come to them. They must know that this responsible behavior will receive full parental support. Any discussion about the excessive drinking can and should come later.

When talking to children and young adults, it must be stressed that people who enjoy alcohol beverages should know what they are drinking, why they are drinking and the effects of alcohol on their behavior. If someone chooses not to drink, this choice should be understood and respected.



ARE YOU MAN ENOUGH TO DRINK LESS THAN THE REST OF THE BOYS?

Some people think the more a man can drink, the more of a man he is. However, it usually works the other way around.

Men who drink to build up their egos, end up putting themselves down.

The guy who claims he can drink everyone under the table looks pretty low. Especially if he gets there.

The hero who thinks it's macho to drink like a fish is regarded by sensible people as an animal.

That's why we, the people who make and sell distilled spirits, urge you to use our products with common sense. If you choose to drink, drink responsibly.

A real man has the strength to say no when he's had enough.

Distilled Spirits Council of the U.S. (DISCUS),
1300 Pennsylvania Building, Washington, D.C. 20004

**IT'S PEOPLE WHO GIVE DRINKING
A BAD NAME.**

Questions and Answers about Alcohol

The following are some questions and answers appropriate for a family discussion:

Q. What is alcohol? _____

A. Though there are actually many types of alcohol, ethyl alcohol, which is a colorless and odorless liquid, is an ingredient in alcohol beverages.

Q. What are the types of alcohol beverages? _____

A. The three types of alcohol beverages are beer, wine and distilled spirits.

Q. How much alcohol is in each of the types of alcohol beverages? _____

A. Wine has an alcohol content which is usually 12-14%, beer is between 3-6% and distilled spirits contain 40-50% alcohol.

Q. Are some alcohol beverages stronger than others? _____

A. Though beer, wine and distilled spirits all have different percentages of alcohol by volume, it is important to understand that a 12 ounce can of beer, a 5 oz. glass of wine and a mixed drink containing a 1½ oz. "shot" of distilled spirits are approximately equal in alcohol content.

Q. How is alcohol produced? _____

A. Alcohol beverages are made in several ways. One is a natural process called fermentation. When the juice of fruits, berries or vegetables is left unsealed, the microscopic yeast plant, which floats freely in the air, reacts with the sugar in the juice; alcohol is produced by this chemical reaction and carbon dioxide is released in the air. Fermentation stops when there is approximately 12-14% alcohol in the juice, which is now called wine.

Beer is produced by a process called brewing. A liquid mixture of yeast and a malted cereal (corn, rye, wheat, etc.) is fermented to produce alcohol and carbon dioxide. Fermenta-

tion is stopped before the yeast completes its action to limit the beverage's alcohol content. Tiny dried buds of the hop vine, called hops, are added to the beer for flavor.

Alcohol beverages called spirits are produced by distillation. Foods with high starch content (corn, barley, rye) are fermented and heated in a device called a "still." The alcohol boils off as a vapor, leaving the remains of the fermented beverages in the still. The vapor is then cooled and returns to a liquid, now almost pure alcohol. Water and flavoring are then added.

Q. Why do people drink alcohol? _____

A. Alcohol is consumed to quench a thirst, to relax, to celebrate, to complement a meal or as part of a religious ceremony.

Q. Why do some people not drink? _____

A. Religious beliefs, family background, dislike of the taste, dislike of the effects of alcohol and prior problems with alcohol are some of the reasons people do not drink.

Q. What are the effects of alcohol on the body? _____

A. The effects depend on the quantity of alcohol consumed, the body weight of the drinker, the mood of the drinker, the number of drinks consumed in a given period, the amount of food in the stomach and prior experience in consuming alcohol beverages.

The effects of alcohol on the individual are directly related to the percentage of alcohol in the bloodstream. A small amount of alcohol (one or two drinks in an hour) will make the drinker feel relaxed and experience a slight feeling of exhilaration. Larger amounts of alcohol (three to four drinks in an hour) produce more noticeable effects: reaction time is slowed, muscle control is affected, speech may be slurred and the legs may be unsteady. Judgment becomes cloudy, inhibitions are lessened and the ability to reason and make decisions is impaired. If more alcohol is consumed (five to six drinks in an hour), the drinker has difficulty in accomplishing tasks that require coordination and may need help performing simple functions (e.g., walking). The individual may have difficulty remaining awake at this time or following the ingestion of additional alcohol.

Q. How does the body eliminate alcohol? _____

A. The body begins to get rid of alcohol as soon as it is consumed. Alcohol is eliminated in two ways: about 10% of the alcohol leaves the body from the lungs and kidneys; the remaining 90% is removed from the body by oxidation (uniting a substance with oxygen). The liver plays a major role and oxidizes most of the alcohol. However, the liver can only eliminate a small amount of alcohol at a time. The alcohol that is not being oxidized continues to circulate in the bloodstream to return to the liver. This process continues until all the alcohol has been removed from the body.

Q. What does it mean to be drunk? _____

A. Someone who is drunk has consumed a quantity of alcohol which has impaired the individual's mental and physical functions. A blood alcohol concentration of 10% is considered "driving while intoxicated" to law enforcement officials. The number of drinks required to reach .10 varies with body weight.

Q. What is an alcohol problem? _____

A. The misuse of alcohol for purposes of coping, escaping and forgetting is high risk behavior. Another definition is any problem in functioning due to excessive intake.

Q. What is alcoholism? _____

A. Alcoholism is a chronic and progressive disease, characterized by a loss of control over the use of alcohol and a pronounced deterioration in functioning. As with other diseases, some type of treatment is required to enable the person to recover. A variety of private and community treatment services and facilities are available. Alcoholics can and do recover and lead full and productive lives. For those individuals who suffer from this disease, the most responsible decision is to seek treatment and to abstain.

Opening Up

PARENTS, here are some things that may help you to talk to your teenagers about drinking.

- Explore your own behavior around alcohol *before* you talk with your teenager.
- Ask for honesty in the discussion and encourage all family members to express themselves—if they are nervous, that is okay.
- Be calm and patient. Remember, you are sharing ideas and information. This is not the time to put your teenager on the witness stand or demand a confession. Be a good listener even when you may not agree.
- Recognize that adolescents are not able to control all the situations in which they find themselves.
- Keep to the point. No matter where the discussion leads, remember that this concerns only the question of drinking. If other items evolve, save them for another time. End the talk positively, leaving the door open for future communication.

TEENAGERS, when you talk with parents about sensitive subjects like sex or drinking, you must remember that they are not always aware of your point of view. Keep in mind these points:

- Parents are often torn by the desire to protect and control teenagers. Parents realize that some of those controls should be relaxed, but which ones and how fast to let go is often in the forefront of a parent's mind.
- Recognize that initially the discussion might be as difficult for your parents as it is for you. If you respect the importance of the topic and your parents' concern, the discussion will begin to flow.
- Keep a positive attitude. Your parents do not want this discussion to turn into a lecture any more than you do. Your attitude will help the discussion continue. Being a good listener can be most helpful.
- Understand that both you and your parents have a right to your opinions. This is not the time to reject someone's opinions or concerns.
- Be honest and comfortable with your questions. Keep in mind that your parents want to hear what you have to say. Share your feelings and attitudes about alcohol with them.

Maybe you never spoke to him about drinking. But you've told him plenty.



On the subject of drinking, it's not only what you say, it's how you act.

In the family and community where solid values and moderation are a way of life, youngsters develop a sense of responsibility towards liquor—and living.

If some day they decide to use liquor, chances are they'll use common sense with it. They won't try to twist the arms of friends who choose not to drink. And if any friend constantly drinks too much, they'll figure it's a sign of sickness, not machismo.

For young and old, the same basic principle applies:

If you choose to drink, drink responsibly.

DISTILLED SPIRITS COUNCIL OF THE UNITED STATES
1300 Pennsylvania Building, Washington, D.C. 20004

Tips for Parents

Here are some suggestions for parents to practice at home or share with friends. After all, one of the best teaching techniques for youngsters is to see responsible, sensible drinking by adults.

- Remember, as a rule of thumb, the primary reason for a party or gathering is to socialize with family and friends.
- Alcohol beverages do not have to be served at every social function.
- Recognize that one need not drink to be accepted or liked by others.
- Always serve food. It slows the rate at which the body absorbs alcohol.
- Don't force drinks on people. Have other beverages available and respect your guest's choice.
- Always pour or mix the drinks for your guests to assure that the drinks are of proper proportion. Always use a standard measure, such as a "shot" glass or "jigger."
- Recognize that drunkenness is not healthy, humorous or safe. When you laugh at people who are drunk, you are supporting their intoxicated behavior.
- If you observe a guest drinking too much, try to engage him or her in conversation or offer food.
- Close the bar early to allow your guests time before they drive home. Serve coffee or other non-alcoholic beverages and food during this time.
- Never be afraid to say, "No thanks, I'm driving." If your child is present, make sure this is overheard.
- If a guest is intoxicated at the end of the party, offer alternatives so the person will not drive. These may include driving the guest home yourself, having another guest drive the individual home, calling a cab or allowing the person to spend the night.

Your Choice: Now It's Up To You

When your family has had a chance to learn a few facts about alcohol use and has developed an approach to talk about drinking, everyone should be in a better position to make a responsible decision. Alcohol beverages are a part of our lives. Family members, especially teenagers and young adults, must receive some basic direction from home.

Problems associated with the misuse of alcohol are the result of complex causes. Social history and scientific research tell us that alcohol misuse will not be deterred by punitive measures, scare campaigns, higher taxes or other methods designed to discourage drinking. Education, proper professional diagnosis and treatment are viable approaches. This booklet represents an effort to promote responsible decisions about alcohol use in our society.

There are approaches families can use to deal with these concerns. The following bibliography provides a wide range of materials which deal with these matters in greater detail. There are many resources in your community that will provide information, advice and counseling.

Education and intelligent discussion can minimize risks and prevent individual problems. We sincerely urge families to make every attempt to discuss responsible choices about alcohol use.

For More Information

Resources

A.A. World Services, Inc.

P.O. Box 459
Grand Central Station
New York, NY 10017

Alcohol & Drug Problems Association of North America

1101 Fifteenth St. NW
Washington, DC 20005

American Council on Alcoholism

Medical Level
300 E. Joppa Rd.
Baltimore, MD 21204

Hazelden Educational Materials

P.O. Box 176
Center City, MN 55012
(800) 328-9000

National Clearinghouse for Alcohol Information

P.O. Box 2345
Rockville, MD 20850

North Conway Institute

14 Beacon Street—Room 715
Boston, MA 02108

Rutgers Center of Alcohol Studies

P.O. Box 969
Piscataway, NJ 08854

S.A.D.D. (Students Against Driving Drunk)

110 Pleasant Street
Corbin Plaza
Marlboro, MA 01752

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Dear Parents,

As an educator and a parent of three teenage boys, I understand your concern about the use and abuse of alcohol and drugs by our children. My experience has led me to believe that as determined as we are to provide for our children a drug free environment; statistics have proven that our efforts to date have fallen on deaf ears.

This is not to say that we must not continue to work toward this end, but must begin to react to the present reality. As our children grow, it seems we become less and less a part of their intimate world. We hear such things as; "Don't worry," "I know what I'm doing," "It's my business," "My world is different from yours." No wonder many of us are shocked when we find out that our children have been using illegal substances.

I am convinced that parents and their children by working together, and by recognizing how death has been camouflaged through lack of communication can eliminate this needless slaughter on our highways.

The SADD "Contract for Life" is meant to act as a safe guard against death. I believe that if our children realize that they can and should call us if they are ever faced with a drinking—driving situation; that this does not condone the illegal use of alcohol on their part. It does, however, show that our love for our children and their love for us is strong enough to combat any obstacle that may force them to challenge death.

Our children are precious; believe in them, as they believe in you.

Sincerely,

Robert Anastas
Founder & Executive Director

CONTRACT FOR LIFE

A Contract for Life Between Parent and Teenager The SADD Drinking-Driver Contract

Teenager I agree to call you for advice and/or transportation at any hour, from any place, if I am ever in a situation where I have been drinking or a friend or date who is driving me has been drinking.

Signature

Parent I agree to come and get you at any hour, any place, no questions asked and no argument at that time, or I will pay for a taxi to bring you home safely. I expect we would discuss this issue at a later time.

I agree to seek safe, sober transportation home if I am ever in a situation where I have had too much to drink or a friend who is driving me has had too much to drink.

Signature

Date

Distributed
by SADD
Students Against
Driving
Drunk

FAMILY

P.O. Box 57008
Washington, D.C. 20037

Kansas Wine & Spirits
Wholesalers Association
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K · A · N · S · A · S
WINE & SPIRITS
WHOLESALE ASSOCIATION, INC.

JANUARY, 1985

TO: Senators and Representatives
Kansas Senate
Kansas House of Representatives
State Capitol
Topeka, Kansas

RE: Enclosed publication: "LETS TALK ABOUT DRINKING"
- A Guide to Families -
Printed as a Public Service by
The Wine and Spirits Wholesalers
of America, Washington, D.C.

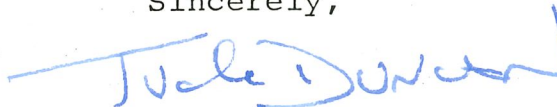
With the many topics which will be presented to you during the session ahead, I am pleased to provide you the enclosed publication which has been developed as part of our industry's effort to promote the responsible use of alcoholic beverages.

Over the years Kansas beverage alcohol wholesalers have participated in a variety of programs to encourage the responsible use of alcohol. Many of the laws we have supported, ensuring the viability of the three-tier system of distribution, were enacted to provide for the responsible use of beverage alcohol.

This publication may answer many questions you have about beverage alcohol; however, if during the session you have questions regarding Kansas' Liquor Control Act, our industry, the rules and regulations that govern the industry, or legislative proposals, please do not hesitate to give us a call.

Your attention to and consideration of this material is most appreciated.

Sincerely,



R.E. "Tuck" Duncan
Executive Secretary
Kansas Wine and Spirits
Wholesalers Association

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

JWB
Tuck Duncan

Attachment #7
1/23/85

M E M O R A N D U M
JANUARY 23, 1985

TO: Senate Federal and State Affairs Committee

From: R.E. "Tuck" Duncan, Executive Secretary
Kansas Wine and Spirits Wholesalers Association

RE: Legislative initiatives proposed in conjunction with the
issue of raising the drinking age for cereal malt
beverages to 21 in Kansas. Senate Bill 46.

The purpose of this memorandum is to address certain legislative initiatives that have been proposed for consideration in conjunction with the question of whether or not Kansas should enact a 21 year old drinking age for consumption of cereal malt beverages.

As you are aware, 21 is the current age for consumption of strong beer, spirits and wines in Kansas. Traditionally, the Kansas Wine and Spirits Association has taken no position regarding the question of raising the drinking age to 21 for cereal malt beverages (beer of 3.2% alcohol or less by weight). Again we take no position on that question alone. The members of the association do not sell cereal malt beverages, and thus leave to you the advisability of that action.

Other proposals, however, have been made in conjunction with the prospect of such a raise in the drinking age which will effect all other segments of the alcoholic beverage distribution industry, retail industry and private club industry. For the reasons as set forth herein, many of these proposals are not in the best interests of Kansas, her consumers, and the orderly market which has developed over years of "fine tuning" the laws, rules and regulations which govern alcoholic beverages.

These proposals include (1) redefining all beer as cereal malt beverages, (2) changing the scope of licenses for wholesalers, (3) taxation, (4) days of sales and hours of operation, and (5) enforcement activities.

REDEFINITION OF ALL BEER AS CEREAL MALT BEVERAGES: This proposal is legally unconstitutional. When the legislature enacted the cereal malt beverage laws in 1937 the Kansas Constitution prohibited the sale of "intoxicating liquors". CMB was determined in 1937 not to be an intoxicant. All other products since the constitutional amendment to allow the sale of

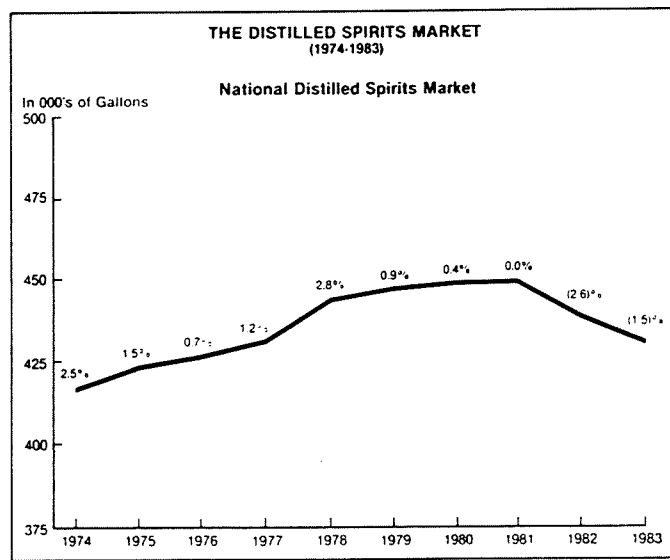
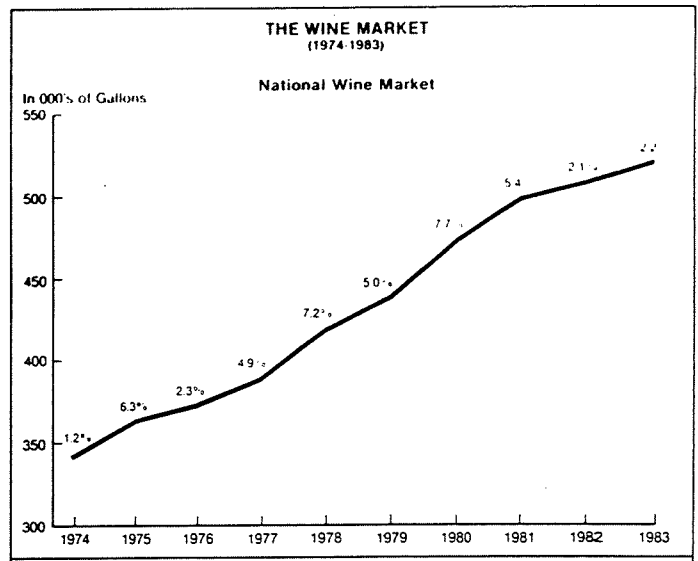
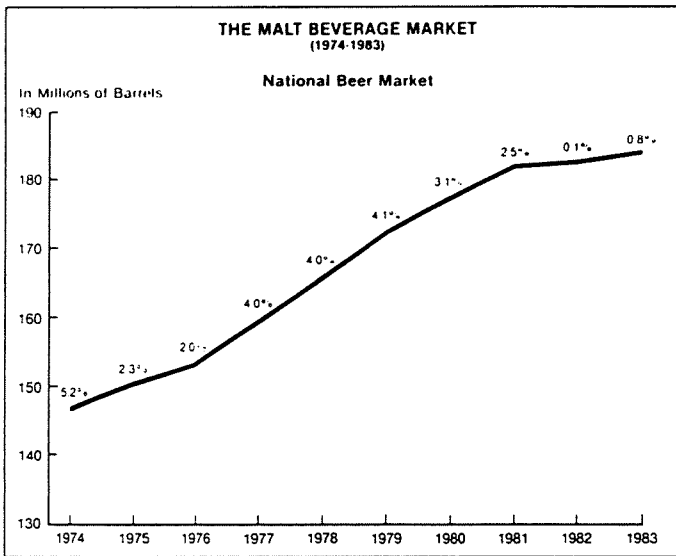
intoxicating liquors (including strong beer) are by definition intoxicants. Therefore, proposed legislation is unconstitutional if it excludes from the definition of "alcoholic liquor" a beverage that is in fact intoxicating and which was understood to be alcoholic by the people of Kansas when they ratified the open saloon prohibition in the Kansas Constitution and when the amendments allow the sale of that beverage to the general public for consumption on the premises where sold.

WHOLESALE LICENSING: It is proposed that cereal malt beverage/beer distributors be allowed to sell wine and spirits and conversely that wine/spirits wholesalers be allowed to sell cereal malt beverages. These industries should not be "merged." As a matter of public policy these industries are regulated separately because of the nature of the products they sell. The distribution of cereal malt beverages and spirits are not compatible in a single operation, and may cause a disruption to the orderly market. Cereal Malt Beverages have traditionally been sold "off the truck" while spirits and wine products are "pre-sold." These different practices require different operational methods. Further, cereal malt beverages are sold directly to private clubs, while wine and spirits are not. The Kansas Retail Liquor Dealer has been the source of supply for the private club (acting as a wholesaler under federal law) and that should remain. The market territories are different, and cannot be easily consolidated. While it may be true that some spirits wholesalers sell certain beers (less than 2% of the beer market), these are primarily imports which are "pre-sold" and cannot be sold through C.M.B. retail outlets. Finally, this proposed change will aggravate the pale and stagnant economic condition of spirits and wine wholesalers.

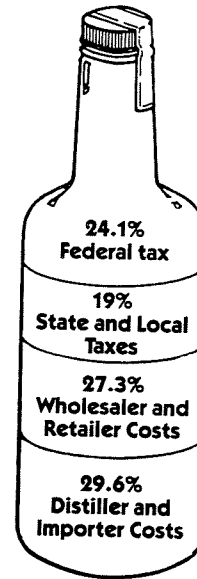
The charts which follow reflect that while the products that CMB/Beer wholesalers have sold have increased in sales, the products that spirits and wine wholesalers sell have remained constant or declined. The "merging" of the two different industries will reduce existing market opportunities for wine and spirits wholesalers to their detriment only to the benefit of others at a time when taxes on spirits will increase by \$2.00 a proof gal. and when sales are anticipated to further decrease. A review of state tax collections in recent fiscal years will confirm this contention.

Source: Kansas Tax Facts, 1984 Supplement
 [Excerpt] TABLE II -STATE TAX REVENUE
In Thousands

	FY1984	FY1983	FY1982
Cereal Malt Beverage	5,125	4,979	5,077
Liquor Gallonage	12,173	12,288	12,837



TAXATION: Recently the Kansas Legislature increased enforcement taxes on products sold in retail liquor stores from 4% to 8%, and as referenced earlier, the Congress has enacted a \$2.00 per proof gal. tax increase on spirits effective October 1, 1985. Both of these taxes have or will increase the price of spirits products on the shelf. No major revisions in the tax structure should be made until the economic effect of the current increases is determined. To take any action in this area is premature. Any review of taxes should be made with an eye toward parity of taxation among all types of products. Such a review cannot be accomplished absent an in-dept economic study, which is not now available. Retail excise taxes may have reached their point of diminished returns when we consider that the retail trade experienced a reduction in sales from FY1983 of \$222.8 million to \$206.5 million in FY1984 for a reduction of \$16.3 million. [Source: ABC Sales and Revenue Report].



**ESTIMATED EFFECT OF \$2.00 FET INCREASE ON
SELECTED BRAND RETAIL PRICES**
(750 ml. bottle size)

Brand	Estimated Current Retail Price	Estimated Retail Price with FET Increase	Estimated Changes Percent
BACARDI SILVER	\$ 6.60	\$ 7.19	8.9%
SEAGRAM'S 7 CROWN	6.79	7.39	8.8
SMIRNOFF	6.49	7.05	9.1
JOHNNIE WALKER BLACK	15.70	16.55	5.4
BAILEYS	12.99	13.19	1.5
CANADIAN MIST	6.19	6.69	8.1
JACK DANIEL'S BLACK	9.65	10.29	6.6
SEAGRAM'S V.O.	8.99	9.55	6.2
DEWAR'S	10.76	11.35	5.5
GRAND MARNIER	21.25	21.69	2.1
KAHLUA	12.21	12.60	3.2
STOLICHNAYA	9.99	10.55	5.6
HENNESSY V.S.	15.87	16.39	3.1
KAMCHATKA	\$ 4.57	\$ 5.19	13.6%

Source: IMPACT DATABANK estimates © 1984

DAYS OF SALES, HOURS OF OPERATIONS, SALES BY MINORS: The question of days of sales, and hours of operations is a policy determination for the legislature upon which we have no opinion. There may be reason for the legislature to consider uniformity in this area.

ENFORCEMENT: The legislative proposals set forth above will have an effect on enforcement of the finely balanced system Kansas now has under the three-tier system of distribution. Any change means increased enforcement to ensure an orderly transition. Enforcement priorities should be established, such as (1) improving collection of existing taxes, (2) ensuring that licensing requirements are met, and (3) preventing sales to minors. When the administrative agencies and the legislature are satisfied that these tasks are being accomplished with the existing available resources, then new tasks might be assigned. We support the Alcoholic Beverage Control's requests for increased manpower, including an education officer, and improved conditions of employment for agents and other personnel. When those issues have been addressed, then the legislature will be postured to determine whether the additional burdens that will accompany the major structural changes that have been proposed can be handled adequately.

GENERAL OBSERVATIONS: You may be told that the structural changes that are being proposed will allow for efficiencies in the wholesale houses. There are no studies before you to support this contention. Whether you sell 1000 cases of two products (500 each) or 1000 cases of a single product, you still need the same square footage to store all 1000 cases, the same truck space to transport those 1000 cases, and the personnel to lift, sort, and deliver those orders for the 1000 cases. The concern seems to be the handling of 2 "labels" and yet spirits wholesalers may handle thousands of "labels." The concepts of wanting to reduce types of products on one hand, and yet increase new products lines on the other are incongruous.

Additionally, we understand that a change in the age is alledged to affect 300,000 persons between 18 and 21. The information we have is that 130,000 persons will be effected. That is as of January 1984 the number of persons in Kansas who could be potentially be excluded from the legal drinking age population are 130,000, not 300,000. [Source: The Liquor Handbook, as reported in Liquor Store Magazine, September 1984.]

Are all these major structural changes necessary because of the desire to reduce consumption by 130,000 18 to 21 year olds? Do we truly appreciate the total economic effect, the potential to further increase consumer prices, as well as the potential to

disrupt the orderly market that Kansas has developed over the past 35 years? We would suggest that these changes are not necessary, and perhaps are contrary to the motivation for raising the drinking age. Kansas liquor retailers, club operators and wine and spirit wholesalers will be adversely effected by these proposals, and they are not required in order to increase the drinking age, if that be the decision of the legislature.

In addition to the foregoing, none of these changes should be made without consideration of questions affecting the state's advertising regulations and trade practice regulations. These are matters which will be effected, and should be addressed by the Alcoholic Beverage Control before structural modifications are seriously considered.

In summary, what has been proposed constitutes as great a change as that of the constitutional amendment to allow "liquor-by-the-drink." We sincerely believe that of the two topics, the Legislature should address the latter question first, unencumbered by a variety of other schemes for overhauling the alcoholic beverage distribution industry in Kansas.

We will be pleased to discuss all of these matters with you at anytime. Your attention to and consideration of these matters is most appreciated.

Respectfully submitted,



R.E. "Tuck" Duncan
Executive Secretary
Kansas Wine and Spirits
Wholesalers Association

* * *



OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
 Pierre, South Dakota 57501-5090
 Phone (605) 773-3215

GW
 1/23/85
 Darb Ratner
 Attachment #8

MARK V. MEIERHENRY
 ATTORNEY GENERAL

September 21, 1984

BACKGROUND INFORMATION

TO: Media Representatives
 FROM: Attorney General Mark V. Meierhenry
 RE: State of South Dakota v. Honorable Elizabeth H. Dole
 (see attachment)

On June 7, 1984, the United States House of Representatives passed by voice vote an amendment attached to a \$5 billion highway bill that would penalize states by withholding a portion of their federal highway funds if they fail to raise the legal drinking age to 21 by October, 1986.

Nineteen days later, the United States Senate voted 81 to 16 in favor of a similar amendment sponsored by Senator Frank R. Lautenberg (D-NJ). The Senate measure contained the same penalty provision as the House amendment--a two-year grace period in which to raise the drinking age to 21, followed by a mandatory withholding of 5 percent of an offending state's federal highway aid in 1987 and 10 percent in fiscal 1988--but added provisions to increase highway safety funds if states adopt certain criminal penalties for drunk driving and establish a computerized traffic safety recordkeeping system.

The Lautenberg amendment was signed into law by President Reagan as part of the Surface Transportation Act of 1984 or

South Dakota, under the legislation, will have \$4,156,000 in federal money withheld in 1987, and \$8,312,000 withheld in 1988 if it fails to enact a drinking age of twenty-one years of age for all alcoholic beverages, including "low-point beer."

I want to make one thing very clear. Neither I nor this suit, approves or promotes drunk drivers of any age group. The loss of life and property resulting from alcohol-related auto accidents constitutes an American catastrophe. On this point I trust that I am in agreement with the President of the United States and the United States Congress. Our State of South Dakota has reduced traffic deaths where alcohol is involved 30 percent in the last three years. Our Governor has waged an aggressive enforcement effort against drunk drivers.

There is, however, an important distinction between concern about drunk driving and unilateral usurpation of state authority by Congress to deal with the problem. The Lautenberg amendment is a flagrant violation of the Twenty-first Amendment to the United States Constitution, which reserves unto the states the exclusive right to control transportation and use of intoxicating liquors within their respective jurisdictions.

The lawsuit that I have filed in Federal District Court this morning alleges that the United States Congress is without constitutional authority to force the State of South Dakota to enact any statute dealing with the sale or possession

of intoxicating beverages within its borders. The lawsuit further alleges that the Defendant, Secretary Elizabeth Dole, is without authority due to the unconstitutionality of this statute, to withhold any federal highway funds from the State of South Dakota. The lawsuit asks that the Defendant, Secretary Dole, be enjoined from taking any action to enforce or implement the new law.

The State of South Dakota has developed a system to regulate the sale of liquor in bars. The State licenses some bars to serve 19 and 20 year olds. These special bars sell only 3.2 beer and non-alcoholic beverages. They do not serve wine, regular beer or hard liquor. Sale of these higher alcohol content beverages requires a different kind of license. Admittance to full service bars requires proof that the patron is 21 or older. This licensing system allows the State to closely regulate the sale of liquor in bars and ensures that 19 and 20 year olds do not have access to hard liquor. The Legislature of South Dakota developed this excellent system in 1939. South Dakotans should have the right to preserve it.

State authority includes the right to set the minimum age at which residents may purchase and consume alcoholic beverages. The lawsuit that I have filed today is an attempt to preserve the integrity of that state power. Frankly, our State Legislature is better equipped to deal with the problem than is the United States Congress.

The Twenty-first Amendment to the United States Constitution terminated an experiment in federal control of intoxicating liquors. The Amendment repealed prohibition and specifically limited Congress' power to regulate interstate commerce in alcoholic beverages.

Section 2 contains the operative language of the Twenty-first Amendment. It states:

The transportation or importation into any state, territory, or possession of the United States for the delivery or use therein of intoxicating liquors, in violation of the laws thereof is hereby prohibited.

The Tenth Amendment to the United States Constitution states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Since its ratification in 1933, the Twenty-first Amendment has been interpreted as delegating all authority regarding such products to the several states. That includes the power to regulate distribution, licensing, taxation, purchase, possession and consumption of all kinds of alcoholic beverages.

Until July 17 of this year, a state's sovereignty in determining the minimum age at which its citizens could purchase alcohol was similarly guaranteed under the Constitution. Passage of the Lautenberg amendment to the Surface Transportation Act destroys that sovereignty. Congress said, in effect, "raise your drinking age to 21 or lose your federal highway monies." This presents the states with a dilemma that is

unconstitutional. States cannot be forced to choose between exercising a sovereign right (the right to set the minimum drinking age as they see fit) and obtaining the full benefits of statehood (federal highway assistance grants). The 27 states with lower drinking ages stand to lose hundreds of millions of dollars. Faced with such losses, most states would abdicate their constitutional prerogatives. But the gut issue is this, does the Constitution allow Congress to do indirectly what it is stopped from doing directly by the Constitution?

The spending clause, or Article I, § 8 of the Constitution, says that the Congress is empowered to pay the debt and provide for the common defense and general welfare of the United States. The Congress can exercise that power either directly, through direct federal appropriations for specific programs, or indirectly, through conditional spending grants to the states. The minimum drinking age provision of the Lautenberg amendment is an example of the indirect method because it conditions receipt of the full allotment of highway maintenance funds on the adoption of a minimum drinking age of 21.

While conditional grants are a common tool by which the federal government forces its wisdom or stupidity onto the states, they cannot be employed to change state law as it relates to alcohol consumption. The Twenty-first Amendment right of a state to set the minimum age below 21 prohibits federal coercion of the states with its purse strings. It

is a case of absolute versus implied rights and in this case the Twenty-first Amendment rights are absolute.

Before a state can bring a lawsuit against the United States or one of its agencies, the United States must first consent to be sued. Neither the Lautenberg amendment nor the Act it amends, the Surface Transportation Act of 1984, grants such a right to sue. Therefore, this suit is brought against Secretary Dole under federal question jurisdiction on the grounds that the Secretary's action, in withholding federal funds to states that choose not to raise their drinking age to 21, is unauthorized because her statutory powers are constitutionally void.

The United States Constitution grants original jurisdiction in the United States Supreme Court in any case in which a state shall be a party. The United States Supreme Court, historically, has been stringent in granting standing to states that have brought actions requesting original jurisdiction. In fact, the Court has only agreed to hear three cases in which there was no indication of the United States' consent to be sued. I believe the threat posed to the people of South Dakota and states' rights under the Twenty-first Amendment are too grave to take the risk of dismissal on the grounds of insufficient jurisdiction in the United States Supreme Court. For that reason, I have filed the lawsuit in federal district court in South Dakota.

I do, however, expect this lawsuit to finally make its way to the United States Supreme Court. The case involves a

constitutional contest between the State of South Dakota and a United States cabinet secretary. I do not believe either side will be willing to back down until the case has reached the court of last resort. The issue of whether the Constitution remains a viable check on the United States Congress must be tested often.

SEP 27 1984

Darb Ratner

1/23/85

Attachment #9

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

STATE OF SOUTH DAKOTA,)
)
 Plaintiff,)
)
 v.)
)
 HONORABLE ELIZABETH H. DOLE,)
 Secretary, United States)
 Department of Transportation,)
 Washington, D.C., in her)
 official capacity,)
)
 Defendant.)

COMPLAINT

The State of South Dakota as Plaintiff alleges:

JURISDICTION AND VENUE

I

This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and venue pursuant to 28 U.S.C. § 1391(e). The power for this Court to grant the relief requested is found pursuant to 28 U.S.C. §§ 2201 and 2202.

PARTIES

II

The State of South Dakota is one of the United States.

III

Elizabeth H. Dole is the Secretary of the United States Department of Transportation. The Secretary of the United States Department of Transportation is responsible for enforcing 23 U.S.C. § 158.

FACTS

IV

South Dakota prohibited alcoholic beverages of any type from statehood in 1889 until 1896 and again from July 1, 1917, until November, 1934. The Eighteenth Amendment to the United States Constitution prohibited the sale of alcohol from January 29, 1919, until December 5, 1933.

V

The South Dakota Legislature has, since the repeal of Prohibition, created two systems of sale, one for "low-point beer" and one for all other types of alcoholic beverages.

VI

The State of South Dakota prohibits the consumption of all alcoholic beverages, except "low-point beer," by persons under the age of twenty-one years old.

VII

"Low-point beer" in South Dakota is "any malt beverage which contains any alcohol whatsoever but not more than three and two-tenths per centum of alcohol by weight." SDCL 35-1-1(1).

VIII

The Legislature of the State of South Dakota, under the United States Constitution, Twenty-First Amendment, has the sole and exclusive power to establish the age of consumption of "low point beer" within its borders.

IX

In March 1939, persons over 18 years of age were permitted to drink "non-intoxicating beer," now defined as "low-point beer." In 1965 the age was raised to 19; in 1972 it was lowered to 18.

X

The Legislature of the State of South Dakota, with the concurrence of the Governor, established the age for legal sale and consumption of "low-point beer" at nineteen years of age by the amendment of SDCL 35-6-27 during the 1984 Legislative Session.

XI

South Dakota has enacted statutes dealing with intoxicated drivers and has strictly enforced those statutes.

XII

Since the strict enforcement program dealing with the intoxicated driver was begun by the Governor of the State of South Dakota in 1981, there has been an approximate thirty percent drop in alcohol-related traffic fatalities from 1981 through 1983. This enforcement program has been further advanced by various legislative enactments, such as SDCL 32-23-1.3, SDCL 32-23-3, SDCL 32-23-4, SDCL 32-23-4.1, SDCL 32-23-10.1 and SDCL 32-23-11.1.

XIII

Traffic deaths in South Dakota in which one of the drivers had been drinking has decreased from 100 alcohol-related deaths out of 206 total traffic deaths in 1981; to 73 out of 181 in 1982; to 69 out of 210 in 1983.

XIV

The State of South Dakota is the recipient of funds from the United States Department of Transportation which are used for highway construction purposes.

XV

On July 17, 1984, Congress purported to establish a national minimum drinking age by the passage of the Surface Transportation and Uniform Relocation Assistance Act of 1984 which in part amended Title 23 of the United States Code, Section 158.

XVI

Section 158, Title 23 of the United States Code, in establishing a national minimum drinking age, also inserts provisions in punishment for failure to establish, through legislation on the state level, a minimum drinking age of twenty-one years of age for all types of alcoholic beverages, including "low point beer."

XVII

The purpose of the legislation is penal in nature, and was, in fact, described in that manner by its floor sponsor, Senator Lautenberg of New Jersey.

XVIII

The Defendant is required by law to withhold money from the State of South Dakota unless the South Dakota Legislature enacts a law setting the drinking age for all alcoholic beverages, including "low point beer," at 21 years of age.

XIX

States who fail to adopt the purported national drinking age will have highway funds withheld under sections 104(b)(1), 104(b)(2), 104(b)(5) and 104(b)(6) of Title 23, United States Code. The amount to be withheld, pursuant to the law, shall be five percent (5%) beginning in fiscal year 1987, and ten percent (10%) the following fiscal year.

XX

The Defendant will not pay the full amount of federal transportation funds otherwise entitled to South Dakota unless South Dakota raises its drinking age for all alcoholic beverages, including "low point beer," to 21 years of age, even though the drinking age for intoxicating beverages is now 21 years of age.

XXI

South Dakota, under the legislation, will have \$4,156,000 in federal money withheld in 1987, and \$8,312,000 withheld in 1988 if it fails to enact a drinking age of twenty-one years of age for all alcoholic beverages, including "low-point beer."

XXII

The Twenty-First Amendment to the United States Constitution states:

The transportation or importation into any state . . . for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

XXIII

The Twenty-First Amendment of the United States Constitution grants solely to the States the power to regulate the sale and consumption of beer within their respective jurisdictions.

XXIV

The Tenth Amendment to the United States Constitution states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

XXV

No law of the State of South Dakota delegates power to control intoxicating liquors to the Defendant.

XXVI

The Twenty-First and Tenth Amendments to the Constitution prohibit the Defendant from the enforcement of the penal provisions of 23 U.S.C. § 158.

XXVII

The United States Congress is without constitutional authority to force the State of South Dakota to enact any statutes dealing with the sale or possession of intoxicating beverages within its borders.

WHEREFORE, the Plaintiff State of South Dakota prays the Court declare as follows:

1. That Congress is without jurisdiction to enact any law which affects the power of the State of South Dakota to allow or prohibit the sale of alcoholic beverages;

2. That Congress' enactment of 23 U.S.C. § 158 is beyond its power granted by the people through the United States Constitution, which power is reserved to the State of South Dakota and other states, and is therefore unconstitutional;

3. That the Defendant is without authority due to the unconstitutionality of 23 U.S.C. § 158 to withhold any funds from the Plaintiff State of South Dakota;

4. That the Defendant be enjoined from taking any action to enforce or implement 23 U.S.C. § 158; and

5. That the Plaintiff State of South Dakota be awarded its costs allowed by statute, and for such other relief as may be just in the circumstances.

Dated this 21st day of September, 1984.

/s/ Mark V. Meierhenry

MARK V. MEIERHENRY

ATTORNEY GENERAL

State Capitol

Pierre, South Dakota 57501-5090

Telephone (605) 773-3115

1/23/85 JAL
Attachment #10

Statement
of
Michael M. Birkley
on behalf of
The Tavern League of Kansas
before the
Kansas State Senate
Federal and State Affairs Committee
Wednesday, January 23, 1985

Honorable Chairman and members of the Committee:

Less than a year ago, after extensive debate and widespread public discussion, the Kansas State Legislature decided to retain 18 as the legal drinking age for cereal malt beverages.

Less than ninety days after this legislature had put the issue to rest, the U.S. Congress passed and the President signed a bill intended to force this and other states to raise their legal drinking ages to 21 for all alcohol beverages including cereal malt beverages containing 3.2% alcohol or less.

Never mind that 27 of the 50 states retained legal drinking ages lower than 21;

Never mind that 19 of 23 states which had considered raising the age to 21 in the previous session had refused to do so;

Never mind that the 21st Amendment to the U.S. Constitution reserves full authority over regulation of the sale of alcohol beverages including the legal drinking age, to the states;

Congress was convinced by selected statistical studies, one-sided testimony, half-truths and emotional, election-year pressures from a crusading minority, that raising the legal drinking age to 21 would save lives on the nation's highways. The evidence offered by those supporting uniform prohibition for 18, 19 and 20 year-old adults appeared to be "overwhelming", "convincing beyond doubt" that "21 saves lives."

But, Senators, before reconsidering your long-standing determination that 21 is not the appropriate legal drinking age for cereal malt beverages in this state, I urge you to ask yourselves the question: "If the evidence is so overwhelming; if there is no doubt at all that 21 saves lives, why did 19 of 23 states reject 21 in their most recent legislative sessions? If 21 saves lives, why would 27 of the 50 states maintain lower legal drinking ages? If it truly is a life-saving measure why would Kansas or any other state need to be "blackmailed" into raising the age?"

I submit to you that considered evaluation of the sizeable body of data and scientific knowledge of the effects of this formal social policy on the drinking patterns and behaviors of those involved reveals significantly different results than those predicted by the selected, short-term post-change studies cited by the proponents of 21 and the Presidential Commission's study of alcohol in highway safety.

I urge you to examine the data carefully. I believe you will find that, contrary to the assertions and predictions made by those who advocate raising the age, **there is no consistantly reliable scientific basis for predicting that raising the age has any favorable effect on the drinking or driving behaviors of those affected.**

Indeed, analysis of alcohol beverage consumption and highway crash data for the fifty states for the nine-year period 1975-1983 (Data tables attached) reveal that:

- Raising the legal drinking age did not effect any significant reduction in per adult capita consumption of alcohol beverages in 15 states. (See Table 1.)
- 18-20 year-old driver death rates actually went up, not down, after the legal drinking age was raised in **Maine, Minnesota, Montana and New Hampshire.** (See Table 2.)
- 18-20 year-old driver death rates went up relative to those for the nation as a whole in **ten of the eleven states that raised the age.** (See Table 3.)
- 18-20 year-old driver death rates were **5% higher where the legal drinking age was 21 than where it remained 18 for beer and cereal malt beverages.** (See Table 5.)

These new data clearly show that, contrary to earlier predictions based on selected, short-term post-change studies, **raising the age does not reduce consumption** but simply drives those affected out of safe, supervised legal settings to do their drinking illegally in unsupervised settings where they tend to drink more, drive more and get into more trouble than those who drink legally at the same age.

Raising the age does not save lives, but raises the risk of death and injury among those affected.

In Kansas, raising the legal drinking age to 21 could cost four or more additional 18-20 year-old deaths every year.

Surely, there must be better ways of raising \$16-\$17 million dollars of highway money than by risking four more lives a year.

This is a life and death issue. I urge you to view my state, my testimony and the testimony of every witness with extreme caution. I believe the evidence is overwhelmingly clear that raising the age raises the risks. Others believe the contrary to be true. Please take the time to consider all of the facts, to obtain the best evidence available, to consult truly independent experts, to weigh the results against common sense and human experience.

Waiting a year to obtain, consider and discuss the new evidence could save lives.

If the proponents of 21 are correct, things would not get any worse while you obtain and weigh the evidence; but,

If I am correct, acting now to raise the age could drive your young people to drink illegally and actually raise the highway death toll.

I believe that you were right and Congress is wrong. I urge you to take time, more time than Congress took, to decide this critical issue.

Thank you.

TABLE 1 : Unadjusted and Relative Per Adult Capita Alcohol Consumption

A. Unadjusted Per Adult (18+) Capita Alcohol Consumption
(Wine gallons of absolute alcohol per person)

State	Yr. 0	Yr. 1	Yr. 2	Yr. 3	Avg.	Yr. 0-Avg
Florida	3.6854	3.5970	3.5588	3.5243	3.5600	-0.0340
Georgia	2.6996	2.7259	2.6954	2.7535	2.7250	0.0094
Illinois	3.2842	3.2892	3.2692	3.1821	3.2468	-0.0113
Iowa	2.5309	2.5168	2.3232	2.4131	2.4177	-0.0447
Maine	3.0285	2.9555	3.0246	3.0105	2.9968	-0.0104
Massachusetts	3.5264	3.6318	3.6216	3.5340	3.5958	0.0196
Michigan	3.1375	3.0466	3.0026	2.9755	3.0082	-0.0412
Minnesota	3.0150	3.0409	3.0738	3.1319	3.0822	0.0222
Montana	3.5891	3.8360	3.6273	3.6940	3.7191	0.0362
Nebraska	2.9725	2.9832	2.8326	2.9164	2.9107	-0.0207
New Hampshire	5.6459	5.5262	5.3839	5.6587	5.5229	-0.0217
New Jersey	3.0910	3.2321	3.3012	3.2634	3.2655	0.0564
Rhode Island	3.5665	3.3219	3.3255	3.4233	3.3569	-0.0587
Tennessee	2.1553	2.1374	2.2126	2.1808	2.1769	0.0100
Texas	3.3313	3.2823	3.1531	NA	3.2177	-0.0340
Average	3.2839	3.2748	3.2270	3.2615	3.2545	-0.0081
Change	0%	-0.0027	-0.0145	0.0106	-0.0066	

B. Changes In Relative Per Adult Capita Alcohol Consumption
(State consumption expressed as decimal fractions of U.S.)

	Yr. 0	Yr. 1	Yr. 2	Yr. 3	Avg.	Change Yr. 0-Avg.
Florida	1.1838	1.1507	1.1628	1.1695	1.1610	-0.0192
Georgia	0.8671	0.8720	0.8807	0.9138	0.8888	0.0250
Illinois	1.0649	1.0565	1.0458	1.0397	1.0473	-0.0164
Iowa	0.8206	0.8084	0.7432	0.7884	0.7800	-0.0495
Maine	1.0135	0.9707	0.9807	0.9670	0.9728	-0.0401
Massachusetts	1.1434	1.1666	1.1585	1.1547	1.1599	0.0144
Michigan	1.0305	0.9878	0.9645	0.9518	0.9680	-0.0606
Minnesota	1.0247	1.0177	1.0096	1.0155	1.0142	NS
Montana	1.1788	1.2438	1.1651	1.1817	1.1969	0.0153
Nebraska	0.9548	0.9543	0.9255	0.9678	0.9492	NS
New Hampshire	1.8135	1.7678	1.7591	1.8779	1.8016	NS
New Jersey	1.0023	1.0382	1.0560	1.0662	1.0535	0.0511
Rhode Island	1.1456	1.0626	1.0865	1.1360	1.0951	-0.0441
Tennessee	0.6988	0.6865	0.7078	0.7125	0.7023	NS
Texas	1.0657	1.0724	1.0464	NA	1.0594	NS
Average	1.0672	1.0571	1.0461	1.0673	1.0567	-0.0098
Change		-0.0094	-0.0104	0.0202	-0.0099	

TABLE 2
 18-20 Year-old Driver Death Rates
 (Per 10,000 licensed drivers)
 Before and After Raising the Legal Drinking Age

Sources: National Highway Traffic Safety Administration (Deaths)
 State Licensing Authorities (Licensed Driver Data)

State	Change Date	Before (Yr. 0)	Yr. 1	Yr. 2	Yr. 3	After (Yr. 1-3)
Illinois	1/80	6.82	6.22	5.99	5.55	5.92
Change %			-0.08	-0.03	-0.07	-0.13
Iowa	7/78	8.21	8.09	8.06	NA	8.07
Change %			-0.01	0.00	NA	-0.01
Maine	10/77	11.04	12.93	10.25	13.32	12.16
Change %			0.17	-0.20	0.29	0.10
Michigan	12/78	7.31	6.64	6.44	4.94	6.00
Change %			-0.09	-0.03	-0.23	-0.17
Minnesota	8/76	8.48	8.79	12.27	11.32	10.79
Change %			0.03	0.39	-0.07	0.27
Montana	1/79	10.06	12.45	12.53	14.47	13.15
Change %			0.23	0.00	0.15	0.30
Nebraska	5/80	7.80	8.55	5.13	6.69	7.79
Change %			0.09	-0.40	0.30	0.00
New Hampshire	5/79	7.01	10.42	6.00	7.25	7.89
Change %			0.48	-0.42	0.20	0.12
New Jersey	1/80	6.92	6.92	6.33	5.26	6.17
Change %			0.00	-0.08	-0.16	-0.10
Tennessee	6/79	12.16	9.84	10.03	9.75	9.87
Change %			-0.19	0.01	-0.02	-0.18
Texas	9/81	11.37	11.89	10.07	8.27	10.07
Change %			0.04	-0.15	-0.17	-0.11
Average Rate		8.83	9.34	8.46	8.68	8.62
Avg. Change %			+ 5.7%	- 9.4%	+ 2.6%	0.00

TABLE 3

Changes In 18-20 Year-old Driver Death Rates
Before (Yr.0) and After (Yr.1-5) Raising the Legal Drinking Age
(Relative to U.S. rates for the same age group and years.)

Sources: National Highway Traffic Safety Administration (deaths)
State Licensing Authorities (License Data)

State	Date	Yr.0	Yr.1	Yr.2	Yr.3	Yr.4	Yr.5	Average
Illinois	1/80	0.890	0.850	0.900	0.970	1.000	NA	0.930
Change %			-4.5%	1.1%	9.0%	12.4%	NA	4.5%
Iowa	7/78	0.995	1.000	1.070	NA	0.920	1.400	1.097
Change %			0.5%	7.5%	NA	-7.5%	40.7%	10.3%
Maine	10/77	1.365	1.650	1.350	1.590	1.340	1.140	1.414
Change %			20.9%	-1.1%	16.5%	-11.8	-16.5%	3.6%
Michigan	12/78	0.850	0.870	0.910	0.790	0.830	0.960	0.872
Change %			2.4%	7.1%	-7.1%	-2.4%	12.9%	2.6%
Minnesota	8/76	1.146	1.120	1.110	1.130	1.180	1.080	1.124
Change %			-2.3%	-3.1%	-1.4%	3.0%	-5.7%	-1.9%
Montana	1/79	0.940	0.970	1.050	1.000	0.930	0.960	0.982
Change %			3.2%	11.7%	6.4%	-1.1%	2.1%	4.5%
Nebraska	5/80	0.860	1.040	0.870	1.340	NA	NA	1.083
Change %			20.9%	1.2%	55.8%	NA	NA	26.0%
New Hampshire	5/79	1.043	1.480	1.160	1.180	1.770	NA	1.397
Change %			41.9%	11.2%	13.1%	69.7%	NA	34.0%
New Jersey	1/80	1.040	1.210	1.150	1.100	1.230	NA	1.172
Change %			16.3%	10.6%	5.8%	18.3%	NA	12.7%
Tennessee	6/79	1.028	0.960	1.090	1.130	1.360	NA	1.135
Change %			-6.6%	6.1%	10.0%	32.4%	NA	10.5%
Texas	9/81	1.030	1.060	1.240	NA	NA	NA	1.150
Change %			2.9%	20.4%	NA	NA	NA	11.7%
Average Rate		1.017	1.110	1.082	1.137	1.173	1.108	1.122
Average Change			8.7%	6.6%	12.0%	13.7%	6.7%	10.8%
Number Up/Down			8/3	9/2	7/2	5/4	3/2	10/1

TABLE 5

18-20 Year-old Driver Deaths *
21 Yr-old vs 18 Yr-old Drinking Age States
1979 - 1983

* Deaths per 10,000 licensed drivers for states in which the legal drinking age for cereal malt beverages containing more than 1/2% alcohol was 18 or 21 during 1979-1983.

	1979	1980	1981	1982	1983	Average Deaths* 1979-83
21 Yr-old States						
Arkansas	13.04	NA	NA	9.71	15.63	12.79
California	9.65	8.83	7.94	7.05	7.05	8.10
Indiana	8.50	7.44	6.43	6.77	6.41	7.11
Kentucky	10.22	8.37	9.73	8.11	8.70	9.02
Michigan	6.64	6.44	4.94	4.55	4.23	5.36
Missouri	7.50	8.06	7.49	6.08	5.57	6.94
Nevada	13.45	12.14	9.46	9.94	10.50	11.09
New Mexico	NA	NA	NA	NA	NA	NA
N. Dakota	7.57	7.23	8.90	10.29	NA	8.49
Oregon	8.40	8.13	6.99	6.26	7.46	7.44
Pennsylvania	8.27	7.77	7.35	6.24	5.78	7.08
Utah	7.41	7.32	7.71	7.14	7.50	7.41
Washington	9.25	9.30	8.17	8.06	5.85	8.12
Average 21	9.15	8.27	7.73	7.51	7.69	8.24
18 Yr-old States						
Colorado	8.13	7.52	8.30	6.13	5.71	7.15
Hawaii	10.51	8.68	8.10	7.25	6.27	8.16
Kansas	7.55	9.76	9.11	7.84	6.67	8.18
Mississippi	8.09	8.46	8.94	7.77	8.23	8.29
N. Carolina	8.48	9.54	9.35	8.21	6.99	8.51
New York	8.39	8.96	7.98	7.00	6.13	7.69
Ohio	8.02	6.89	5.98	4.28	4.20	5.87
S. Carolina	9.91	8.50	9.46	6.95	8.34	8.63
S. Dakota	9.79	7.10	8.27	6.01	6.30	7.49
Wisconsin	NA	9.44	8.43	7.05	6.99	7.97
W. Virginia	7.85	9.78	NA	6.92	5.20	7.43
Average 18	8.67	8.60	8.39	6.85	6.45	7.76

Fatality Rates*- 18-to-20 Group

	1975	1976	1977	1978	1979	1980	1981	1982	1983
AK	8.36	11.60	18.15	20.91	13.04			9.71	15.63
AZ	10.51	9.52	12.13	16.74	15.65	10.16	10.51	7.76	8.38
AR	6.95	7.89	8.94	9.77	9.97	9.08	7.78	6.86	6.27
CA	6.95	7.53	8.90	9.36	9.65	8.83	7.94	7.05	7.05
CO	5.83	7.12	7.20	7.85	8.13	7.52	8.30	6.13	5.71
CT	5.67	5.82	6.36	8.16	8.19	8.04	7.35	6.92	6.02
DE	6.71	9.39	5.92	8.44	5.68	11.19	7.79	8.76	4.62
DC									
FL									
GA									
HI	4.95	7.68	5.13	7.77	10.51	8.68	8.10	7.25	6.27
ID	8.03	10.55	10.32	9.49	10.62	11.50	8.59	6.14	10.14
IL	7.46	7.06	7.78	8.42	6.82	6.22	5.99	5.55	4.66
IN	7.78	8.29	8.30	9.14	8.50	7.44	6.43	6.77	6.41
IA	8.84	8.75	7.69	8.21	8.09	8.06		5.53	7.62
KS	6.84	7.93	9.01	8.80	7.55	9.76	9.11	7.84	6.67
KY	9.14	10.10	1.03	10.01	10.22	8.37	9.73	8.11	8.70
LA	8.03	8.80	9.24	10.79	ERR	14.23			
ME	9.09	8.11	11.04	12.93	10.25	13.32	8.57	5.84	7.71
MD	6.67	5.65	6.24	6.96	6.57	6.59	6.43	6.27	5.16
MA									
MI	6.87	8.03	9.02	7.31	6.64	6.44	4.94	4.55	4.23
MN	8.43	8.48	8.79	12.27	11.32	10.77	8.16	6.32	8.42
MS	6.16	7.58	7.03	12.48	8.09	8.46	8.94	7.77	8.23
MO	7.56	8.97	6.16	10.94	7.50	8.06	7.49	6.08	5.57
MT	11.59	12.11	15.34	10.06	12.45	12.53	14.47	10.53	10.33
NE	9.23	7.83	8.58	7.95	6.88	7.80	8.55	5.13	6.69
NV	8.41	9.06	12.80	11.62	13.45	12.14	9.46	9.94	10.50
NH	4.09	10.15	8.22	7.78	7.01	10.42	6.00	7.25	9.10
NJ	6.15	5.88	6.46	6.29	6.92	6.92	6.33	5.26	4.39
NM									
NY		6.77	7.26	7.77	8.39	8.96	7.98	7.00	6.13
NC	10.16	10.10	9.05	8.96	8.48	9.54	9.35	8.21	6.99
ND	9.11	7.81	10.35	9.90	7.57	7.23	8.90	10.29	3.30
OH	6.76	6.18	6.02	6.87	8.02	6.89	5.98	4.28	4.20
OK	8.48	9.42	11.43	9.93	10.38	11.98	13.05	12.27	7.86
OR		8.42	10.57	11.49	8.40	8.13	6.99	6.26	7.46
PA	8.02	6.85	8.09	9.07	8.27	7.77	7.35	6.24	5.78
RI									
SC	10.46	10.44	11.98	10.62	9.91	8.50	9.46	6.95	8.34
SD	10.57	8.67	6.94	7.47	9.79	7.10	8.27	6.01	6.30
TN	11.41	10.20	10.50	11.83	12.16	9.84	10.03	9.75	9.90
TX	9.49	10.21	10.57	11.06	12.09	11.37	11.89	10.07	8.27
UT	5.87	6.59	7.77	9.58	7.41	7.32	7.71	7.14	7.50
VT									
VA									
WA	9.14	8.59	9.48	9.94	9.25	9.30	8.17	8.06	5.85
WV	8.29		9.20	7.49	7.85	9.78	NA	6.92	5.20
WI	9.41	9.27	8.92	9.34		9.44	8.43	7.05	6.99
WY	14.51	15.80	13.59	17.10	0.00	16.07	16.47	10.28	9.78

*Rates per 10,000 licensed drivers.

Sources: National Highway Traffic Safety Administration, Fatal Accident Reporting System, State Licensing Authorities (Licensed Driver Data)

From the WISCONSIN MEDICAL JOURNAL, June 1983:

Legal drinking age

TO THE EDITOR: Enclosed for your consideration is "Traffic Accidents and the Legal Drinking Age in Wisconsin: A Second Opinion."

Based on a more thorough review and analysis of the scientific studies available than the March WMJ article (by Nancy Cross Dunham, MS and Don E Detmer, MD) on the same subject, my colleagues (Leonard J Ganser, MD and Michael A Quirke, MSW) and I found significantly different results; results which indicate that raising the legal drinking age is to highway crash fatalities as placebo therapy is to lymphosarcoma mortality rates.

However well-intentioned and reasonable-sounding they may be, predictions that raising the legal drinking age will reduce highway crashes among those affected tend to generate public confidence in this patent non-remedy, thereby inhibiting development and administration of more appropriate and effective prophylactic measures and contributing to perpetuation rather than reduction of mortality and morbidity associated with highway crashes among the target population.

We urge you to share our opinion with those who can do much to effect and assist the general public in preventing and reducing the incidence of highway crashes and other negative consequences of alcohol abuse among our young people.

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Madison, Wisconsin 53711

The original article "Traffic Accidents and the Legal Drinking Age: A Second Opinion" by Michael M. Birkley, Leonard J. Ganser MD, and Michael A. Quirke MSW, and a note on subsequent research are presented in the following pages.

Traffic accidents and the legal drinking age in Wisconsin: A second opinion.

Michael M. Birkley, Leonard J. Ganser, MD, and Michael A. Quirke, MSW
Madison, Wisconsin
April 1983

ABSTRACT. *Scholarly observations of post-change highway crash involvement in seven states were examined to determine the effects of raising the legal drinking age. Crash rates for 18-20 year-old drivers in 22 states which retained higher and lower legal drinking ages during the period 1970-75 were examined to determine the likely long-term effects of different legal drinking ages. In two of the age-change states there was no significant change in underage drivers' crash involvement; in three states, crashes involving those affected decreased; in the remaining two states, underage drivers' crash involvement increased subsequent to raising the age. The study found no consistent or predictable pattern of changing crash involvement attributable to raising the age; and, no statistically significant difference in 18-20 year-olds' fatal crash involvement in higher and lower drinking age states attributable to long-term differences in the legal drinking age. Whatever the temporary effects of raising the age may be, the higher legal drinking age can not be expected to effect any long term change in alcohol-related highway crashes involving the target population.*

Expecting to reduce alcohol-related highway crashes and other negative consequences of alcohol abuse among young people, a number of states have raised their legal drinking ages to 19, 20 or 21. Wisconsin legislators, considering a number of different drinking age proposals look to the experiences of other states for guidance in determining which legal drinking age is likely to be most effective in achieving those expectations.

In "Traffic Accidents and the Legal Drinking Age in Wisconsin," (Wisconsin Medical Journal, March, 1983) Dunham and Detmer examined 18 through 20 year-old drivers' 1981 highway crash involvement in Wisconsin. On the basis of one study, by Alexander C. Wagenaar, which found post-change reductions in serious crash involvement in one state [1], the authors concluded that "had the legal drinking age been 19 in 1981, approximately 520 fewer drivers would have been involved in traffic accidents in Wisconsin in 1981. Had the legal age been 21, over 1,450 fewer drivers would have been involved [2]."

At the time of this study, Birkley and Quirke were Planning Analysts, and Doctor Ganser was Director of Research and Evaluation for the Division of Community Services in the Wisconsin Department of Health and Social Services, Madison. Other publications by the authors include: Birkley MM, *Death and the Legal Drinking Age: A Tri-State Study*, (Issue Brief), Madison, Wis. The Blaney Institute Inc., April 1983; Birkley MM, Quirke MA, "The Effect of Lowering the Legal Drinking Age on 18 through 20 year-old Wisconsin Drivers," *Grass roots*, Oct. 1979.

Despite his findings in Michigan, however, Wagenaar cautioned that "before a blanket recommendation is made that all states should raise the legal age, one must consider. . . arguments for a lower drinking age [3]." In determining the legal age, he also advised policy makers to consider the "long term effects of alternative drinking ages and potential deleterious side effects of a high legal drinking age [4]."

Considering Wagenaar's reluctance to recommend raising the age elsewhere, it was decided to examine his and other scholarly investigator's observations of post-change experiences in other states, to determine whether Michigan's experience was unique, or part of a consistent and predictable pattern of changing crash involvement attributable to raising the legal drinking age.

Crash experiences of states which had retained higher and lower legal drinking ages over the same extended time period were also examined to determine whether the long-term effects of difference were consistent with, or different from, the short-term effects of change.

EFFECTS OF RAISING THE LEGAL DRINKING AGE. Since 1975, twenty states have raised the legal drinking age. Nine of these have generated sufficient post-change data for analysis and each has been the subject of one or more major drinking age impact studies.

Williams, et al, of the Insurance Institute for Highway Safety compared the ratios of nighttime-to-daytime fatal crash involvement among young drivers affected by the raised drinking age, with those of older drivers not affected by raising the age in nine states [5]. Alexander C. Wagenaar, of the University of Michigan Highway Safety Research Institute, analyzed changes in nighttime crashes involving male drivers (three-factor surrogate), comparing those affected by raising the age with those in the next older age groups, 21-24 and 25-45, in Maine and Michigan(1). Klein also studied changes in three-factor surrogate crashes in Maine [6] as did Maxwell in Illinois [7], both for the National Highway Traffic Safety Administration. The Registry of Motor Vehicles in Massachusetts reported the changing

relationships of fatal crashes involving those affected by raising the age with those for drivers aged 25 or older [8].

Reliability of the data involved, analytic methods employed, and limitations of results are discussed at length within each of the major studies cited. Results of analyses based on uninterrupted pre- and post-change periods of one year or more, available for seven states (2), are given in Table 1. and discussed below.

Despite differences in data sets and analytic methods, results obtained in Maine and Michigan are remarkably consistent. Comparing changes among those affected with those for older drivers, Wagenaar found the results in Maine to be less than statistically significant [1]. The change observed by Maxwell in Illinois [7] is also less than significant relative to similar changes in older drivers crash involvement. Compared with an 18% decrease in fatalities among older drivers, the change observed among drivers under the age of 20 in Massachusetts is significant [8], whereas the 6% net reduction in younger-to-older drivers' nighttime-to-daytime fatal crash ratios observed by Williams in the same state is not [5]. Changes among drivers affected in New Hampshire, Tennessee and Montana appear to be significant relative to those among older drivers in the same jurisdiction [5].

Table 1 - Changes in Highway Crashes Involving Drivers Affected by Raising the Legal Drinking Age

State	Date	Changes Observed (Source)	Composite ^a
Maine	10/77	-14%(5), -16%(6)	-15%?
Michigan	12/78	-18%(4), -17%(5)	-18%
Montana	1/79	+17%(5)	+17%
Massachusetts	4/79	+23%(8) -10%(5)	+19%
New Hampshire	5/79	-55%(5)	-55%
Tennessee	6/79	-43%(5)	-43%
Illinois	1/80	-9%(7)	-9%?

a/ Changes determined to be less than statistically significant when compared with those for older drivers during the same period, or within the range attributable to chance alone are indicated by (?).

These analyses reveal no consistent or predictable pattern of changing highway crash involvement attributable to raising the age. In two of the seven states, Maine and Illinois, researchers found no significant difference in serious crash involvement subsequent to raising the age. In three states, Michigan, New Hampshire and Tennessee, observers found significant decreases in post-change crash involvement; and, in two states, Massachusetts and Montana, crashes involving those affected significantly increased relative to those involving older drivers after the age was raised. Predictions

that raising the age will result in measurable increases or decreases in underage highway crash involvement in any given jurisdiction are speculative, and clearly at odds with the experiences of at least four of the seven states studied.

EFFECTS OF DIFFERENT LEGAL DRINKING AGES. Changes in formal social policies tend to be preceded by widespread public discussion and followed by short-term changes in both real occurrences and observations due to heightened public awareness and attention to the populations and behaviors addressed by changes in the law. Thus, changes in behaviors observed in immediate post-change periods are not particularly reliable predictors of long-term effects of changes in formal social policies, especially those which address widespread and historic social behaviors.

To determine the likely long-term effects of a higher legal drinking age, Philip J. Cook of Duke University analyzed the difference in fatality rates for 18 through 21 year-old drivers in forty-one states in which the legal drinking age for beer was either 18 or 21 in 1970 or 1975, and found "surprising results: in 1970 the medians were virtually identical, and in 1975 the 18-minimum states actually have a lower median fatality rate than the 21-minimum states [9]."

Examining the states involved in Cook's cross-sectional analysis, it was found that 19 of the 41 had lower legal drinking ages for beer in 1975 than in 1970. To eliminate the potential for distortion due to the influence of lowering the age, data for the twenty-two states which had retained the same drinking ages throughout the six-year period were re-examined. (Table 2).

Pooling crash rates for the states involved, it was discovered that, where the legal drinking age had remained 21, median fatal crash rates among 18-20 year old drivers were 8% higher (.54 per thousand) than in states where the legal drinking age remained 18 (.50 per thousand).

Table 2 - Fatality Rates, Drivers Aged 18-20, 1970-75

Drinking Age 21	Deaths per 1,000	Drinking Age 18	Deaths per 1,000
Arkansas	.58	Colorado	.47
California	.47	Kansas	.62
Indiana	.52	Louisiana	.47
Missouri	.55	Mississippi	.59
North Dakota	.60	North Carolina	.57
Nevada	.66	New York	.30
New Mexico	.69	Ohio	.41
Oklahoma	.59	South Carolina	.49
Oregon	.53	Wisconsin	.54
Pennsylvania	.41	West Virginia	.55
Utah	.39		
Washington	.54		
Average .54		Average .50	

Source: Cook, 1982 (9)

Applying this 8% difference to Wisconsin's 1981 crash data, had the legal drinking age been 21 instead of 18 since 1972, there would have been 16 more fatal crashes involving 18 through 20 year-old drivers in Wisconsin in 1981 [3].

Further analyses of these data, however, reveal no statistically significant difference in 18 through 20 year-olds' fatal highway crash involvement due to differences in the states' legal drinking ages ($t = 1.085$ $p \leq .29$). Thus, one cannot conclude that a higher legal drinking age would have resulted in any difference in Wisconsin in 1981. Indeed, these tests confirm the null hypothesis; that is, one can conclude that higher or lower legal drinking ages do not effect long-term differences in fatal highway crash involvement among 18 through 20 year-old drivers.

CONCLUSIONS: IMPLICATIONS. Despite favorable and unfavorable short-term changes observed in highway crashes involving those affected by raising the legal drinking age in a number of states, higher legal drinking ages have not been demonstrated to effect any long-term differences in underage drivers' highway crash involvement, and can not be considered effective long-term public health countermeasures for morbidity, mortality or disability associated with highway crashes involving underage drivers.

Determination of the legal drinking age involves numerous considerations, including: the social, political, legal and economic costs of denying the legal drinking privilege to eighteen, nineteen or twenty year-old adults; the difficulties of attempting to regulate by formal social policies, widespread individual behaviors which informal social attitudes tolerate or encourage [10]; and, the availability of less costly and more effective mechanisms for

preventing alcohol abuse and alcohol-related highway crashes among adolescents and young adults [11].

Current research clearly indicates the futility of attempting to achieve those objectives by manipulation of the minimum legal drinking age [12].

NOTES

- (1.) Wagenaar also examined changes in reported had-been-drinking to had-not-been drinking crashes involving the same age groups in both states. As explained in his study, results of analyses based on had-been-drinking data are subject to distortion due to changing observational biases of original reporters (police officers) induced by changes in the law. Consequently these are less reliable indicators of changes in real occurrences than driver deaths or three-factor surrogate data. Results discussed here are those derived from analysis of less subjective indicators; fatalities, nighttime-to-daytime fatal crash ratios, and three-factor surrogates.
- (2.) Analyses of incomplete data for Iowa, Minnesota and Illinois omitted. See Williams [5].
- (3.) 18-20 year-old drivers were involved in 202 fatal crashes, 1981. Source: *Wisconsin Accident Facts, 1981*, Department of Transportation.

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An additional note to the reader.

Subsequent to completion of the above, an additional study of post-change highway data in the State of Florida revealed no significant change in highway crashes involving 18 year-olds attributable to raising that state's legal drinking age to 19 in October 1980. (Morris MF, "Drinking-Driving Behavior In Florida", Pensacola, Pensacola Junior College, March 1983.)

Noting that "drivers in the age group 21-24 account for proportionately more accidents, injuries, fatalities and arrests than any other age group," Morris found reduced involvement "in DUI arrests and alcohol-related accidents for the 18 year olds" but notes also that "a similar decrease was reflected for the 19 and 20 year olds for whom the age change did not apply." Thus, in Florida, raising the legal drinking age generated no significant change in highway crash involvement among those affected by the law.

Adding Florida's post-change experience to those of the seven states cited above, it appears that Dunham and Detmer's prediction that raising the age would reduce alcohol-related highway crash involvement among those affected is at odds with actual occurrences in five states (Florida, Maine, Massachusetts, Montana and Illinois) and consistent with the experience of only three of eight states studied, (Michigan, New Hampshire and Tennessee).

Michael M. Birkley
June 1983

CURRICULUM VITAE

Michael M. Birkley

PROFESSIONAL BACKGROUND

Founder and Director, The Commonweal Foundation; Executive Assistant, Wisconsin State Senate, Council on Alcohol and Other Drug Abuse, Education and Revenue Committees, 1980; Policy Development Specialist, Wisconsin Department of Health and Social Services, 1977-80; Director and Hospital Administrator, Community Mental Health, Developmental Disabilities, Alcohol and Other Drug Abuse Services Programs, 1967-76; Consultant, Mental Health Management Systems, Associates, 1969 - 75; Business Administrator, (Private Sector), 1961-67; Teacher, Wisconsin High School, Madison, 1960-61; Intelligence Analyst, National Security Agency, Ft. Meade, Md. (U.S. Army), 1955-57; Lecturer, Preceptor, U.W. Law School (Law Enforcement and Legislative Policy) 1980, School of Social Work and Center for Health Service Administration, (Community Mental Health Management) 1970-73; Faculty, Southern Regional Conference of Mental Health Statisticians (NIMH) Atlanta, Georgia, 1968.

OFFICES

Chairman, Alcohol, Drug Abuse, Highway and Public Safety Task Force, Council on Alcohol and Other Drug Abuse (ss.14.24 Wis Stats), 1976. Chairman, Wisconsin State Citizens Advisory Committee on Drug Abuse, (ss.15.09 Wis Stats), 1971-76; Chairman, Alcohol and Drug Abuse Programs Standards Committee, Human Services Programs Standards Board, (ss.5142(12) Wis Stats), 1975-76; Vice-President, Wisconsin Association on Alcoholism and Other Drug Abuse, 1973-76, Board Member, 1972; Chairman, Rules Committee, Board Member, Wisconsin Association of Community Human Service Programs, 1973-75; Chairman, Legislative Committee, Board Member, Wisconsin Association of Community Mental Health Centers, 1971-73; Chairman, Mayor's "Blue Ribbon" Drug Abuse Advisory Committee, Madison, 1972-72.

RECENT PUBLICATIONS, PRESENTATIONS

Alcoholic Beverage Abuse and Control: Issues and Discussion, Birkley, Michael M., Wis. Dept. of Health and Social Services, September, 1979; Effects of Controls on Underage Drinking, monograph, Birkley Michael, Wis. Bureau of Alcohol and Other Drug Abuse, December, 1979; "The Effect of Lowering the Legal 'Drinking Age' on 18 through 20 year-old Wisconsin Drivers", Birkley, M.M., Quirke, M.A., in Grassroots, October, 1979; Youth, Alcohol and the Law: Issues for Public Discussion, Birkley, M.M., et al, Wis. Dept. of Health and Social Services, August, 1978; Alcohol, Drug Abuse, Highway and Public Safety, Birkley, M.M. and Christensen, T.A., Wisconsin Highway Safety Project 00-29(040)04-76(HP), October, 1976; "Alcohol in Society" Wisconsin Public Radio; "Until I Get Caught" Reactor Panel, Wisconsin Public Television; "Teen Problems, Alcohol and Drugs" Panel, WMTV.

RESPONSE TO SENATOR ROBERT PACKWOOD ON THE INSURANCE INSTITUTE'S CRITICISM OF THE BLANEY INSTITUTE STUDY MADE BY WILLIAMS.

Response to Dr. Williams....

JUNE 18, 1983

Williams' first criticism is that we used only "the largest reductions" for comparison with Michigan and Illinois, implying that the smaller figure (reductions in Had-been-drinking crashes) was not used because it was smaller than the same data item for Michigan. As stated in our study "The data selected for comparison in Table 3 are those least likely to be distorted by influences other than real occurrences." We did not compare the results of HBD analyses for the same reasons Wagenaar, and most responsible highway safety researchers place little reliance on HBD data; namely, they are subject to distortion due to a variety of influences on initial observers.

Williams' second criticism is that changes in three-factor-surrogate and fatal crash data can not be compared; "a classic example of comparing apples and oranges". This is essentially the same criticism illustrated by Dunham's murder vs. robbery analogy. Both reflect a clear lack of knowledge of the significance and usefulness of the three-factor-surrogate 3FS measurement. Developed by Wagenaar's predecessors at the University of Michigan Highway Safety Research Institute in 1974, 3FS data are exactly what the name implies: scientifically valid substitutes for real alcohol-related fatal and serious injury crashes. Research has shown that changes in 3FS data values for the same population are statistically parallel with changes in the data values obtained from analyses of real alcohol-related occurrences. (See: Douglass, R.L., L. D. Filkins, and F. A. Clark. The Effect of Lower Legal Drinking Ages on Youth Crash Involvement. Ann Arbor: The University of Michigan, Highway Safety Research Institute, 1974.)

A more appropriate analogy than "apples and oranges" would be: comparing changes in the number of headlights installed, with changes in numbers of engines installed in different auto production plants to determine differences in their total automobile production.

Williams, like Dunham, misrepresents the years given in Table 3 to be the actual study periods in the three states and criticizes comparisons of changes occurring in different years. As stated in the column heading, the figures given are for "Change Years". These were the only years during the period 1977-81, in which there were statistically significant decreases in alcohol-related crash involvement among younger drivers relative to non-alcohol crashes among the same driver age group and no change in trends for crashes of any kind among older drivers in the states studied.

Williams further states that our study "overlooks the fact that in 1981 fatalities dropped in virtually all states." Here again, Williams is wide of the mark. Our study makes no mention of the general, nationwide decrease in fatalities because it was found to be entirely irrelevant. That is, there was no corresponding statistically significant decrease in alcohol-related fatalities among younger drivers in the comparison states in 1981.

Williams has overlooked the data provided in Table 1, and conveniently failed to mention that the nationwide reduction was equally distributed in terms of alcohol versus non-alcohol-related crashes among age groups as were those in Illinois and Michigan, but not Wisconsin, in 1981.

A Note on Williams' Study....

Williams' nine-state study "The Effects of Raising the Minimum Legal Drinking Age on Fatal Crash Involvement". (Insurance Institute for Highway Safety, 1981) predicts that "any single state that raises its legal drinking age can expect the involvement in nighttime fatal crashes of drivers...to which the law applies to drop by about 28 percent."

According to other drinking age impact studies and observations, Williams' prediction is clearly out of touch with reality in:

Illinois - where Maxwell's study of one complete post-change year (as opposed to the 9 months used by Williams) revealed an 8.8% reduction in 3FS crashes, not 28%.

Iowa - where the Governor's Highway Safety Office reported an increase in the first post-change year (deleted from Williams' study) followed by a return to 1978 levels in subsequent years.

Massachusetts - where the Commissioner of Probation and the Registrar of Motor Vehicles Report that alcohol related occurrences increased among those affected by raising the age.

Florida - where Morris recently found no significant change among drivers of any age attributable to raising the age.

Maine - where Wagenaar found no significant reduction in serious crashes and officials of the state highway patrol report no change subsequent to raising the age.

Minnesota - where crashes among 18 year-olds during the immediate post change period (data for which were not included in Williams study) increased significantly and returned to pre-change levels in subsequent years.

Montana - where Williams' own study found an increase among those affected.

You don't need a Ph.D. to know that three out of nine is not a sure thing. Williams' "28% reduction" prediction was wrong in six of the nine states studied, and also wrong in Florida.

MICHAEL M. BIRKLEY

HEARINGS
BEFORE THE
SUBCOMMITTEE ON
COMMERCE, TRANSPORTATION, AND
TOURISM
OF THE
COMMITTEE ON ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

H.R. 3870

A BILL TO RESTRICT THE SALES OF ALCOHOLIC BEVERAGES IN
INTERSTATE COMMERCE

OCTOBER 4 and 19, 1983

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April 29, 1983

A thoughtful Critique of "An Evaluation of the Changes in the Legal Drinking Ages in Michigan" by Alex C. Wagenaar and Richard L. Douglass, dated September, 1980.

This critique, by Margaret L. Clay, Ph.D.* was prepared for use by The American Association of Motor Vehicle Administrators in response to their request. The analysis was supported by a grant from DISCUS. Attached critique is the first stage of a series of analyses by Dr. Clay.

*Dr. Clay recently retired with emeritus status from the University of Michigan Medical School where, in addition to her teaching appointment in the Psychiatry Department, she was, for two decades, an Associate Research Psychologist at the Mental Health Research Institute. She is currently self-employed as a Social Systems Consultant. During the sixties to mid seventies Dr. Clay conducted extensive research and evaluation projects on issues and data involving alcohol's relationship to traffic safety problems.

ABSTRACT

The author questions Wagenaar and Douglass' conclusions that lowering the minimum drinking age to 18 increases highway crashes among 18 to 20 year olds and raising it to 21 decreases such crashes. She provides evidence that they have generalized statistical findings from research-in-progress beyond the limits of their sample and the conditions under study. Their investigation neglected to measure sex differences, though previous research has shown that males have most of the accidents. Their data show that 21 to 24 year olds consistently display the highest risk, both in number and in severity of crashes; yet the sanctions which they propose ignore this age group. In treating drinking and driving as a unitary phenomenon, they assume, without evidence, both that prohibition of drinking in all 18 to 20 year olds is enforceable and that it will lead to safer driving by the small percentage of this age group who generate nearly all the crashes in question.

Wagenaar and Douglass found no relationship for any age group studied between the frequency of alcohol-related fatal crashes and the lowering or raising of the minimum drinking age. They didn't measure even the presence or absence of injury in the crashes they reported, much less its severity. Yet they claim that the proposed sanctions are intended to reduce the incidence of injuries and fatalities involving drinking drivers.

This study provides neither the level of validity nor of understanding of the underlying dynamics responsible for the large number of alcohol-related crashes among 16 to 24 year olds which would justify differentially imposing legal prohibition of all drinking behavior on the 18 to 20 year old subset of otherwise legal adults. Public policy makers should proceed very cautiously in using conclusions from such tentative research findings to make important social policy decisions which not only don't solve the problem addressed but have potential for creating new problems.

Preface

Having been involved in ten years of research on alcohol and traffic safety in the late 1960's and the early 1970's, and in the development and evaluation of alcohol education in the early and middle 1960's, I have both knowledge and concern about the drinking behavior and driving behavior of young people. I am well aware of the seriousness of the public and mental health problems which a growing subset of young people are experiencing in the years before they reach maturity. These include, along with suicide, homicide, severe depression, and abusive use of drugs, real problems in driving safety, particularly in combination with abusive drinking behavior.

I am also aware of the complexity and diversity of factors which have combined to create these problems, and of our failure to date to adequately address them, both in research and in reality-oriented attempts to solve them. I have, therefore, become increasingly alarmed at the possibility that our federal administrators and legislators might base important public policy aimed at restricting the legal rights of all Americans from 18 to 21 years of age on research about which I have some real misgivings.

In October of 1980, I was asked by the Michigan Office of Substance Abuse Services to review and comment on a 218 page study conducted under contract with them by Alex Wagenaar and Richard Douglass entitled "An Evaluation of the Changes in the Legal Drinking Ages in Michigan." My review was shared with the authors of the study at that time. Dr. Douglass, with whom I have been debating such issues since I sat on his doctoral dissertation committee in 1974, expressed concern that my criticisms were too harsh, but he did not offer either argument or evidence to refute them.

The Michigan Office of Substance Abuse Services never officially endorsed the study's results and conclusions.

13.

the best of intentions, they are forging ahead with extrapolations from their data which are unjustified and which may do serious harm unless someone slows them down. Drinking age legislation is a highly emotional and strongly political arena, based on almost no real data about its value and its ramifications. W & D have rushed into this arena, purporting to do battle, using science as their weapon. They have displayed the trappings of science (primarily scientific method, statistics, and jargon) which may well impress some decision makers who still hold science in awe. But their product actually has little utility for the decision makers, so far.

It is legitimate and necessary for researchers to build genuine, legitimate, and useful bridges between the products of social science and the needs of human service policy makers and providers. Science and the real world can and do have honest, mutually rewarding relationships (11). However, use of this kind of preliminary research results to determine public policy almost invariably brings frustration when the resulting products don't solve the problem and perhaps create new problems.⁶ Such outcomes may jeopardize the continuing potential for fruitful relationships between science and real social systems and cannot be allowed to proceed unchallenged.

⁶Clay (1969) points out that scientists and practitioners in the social sciences, by the very nature of their different goals, modes of communication, and areas of specialized knowledge often communicate poorly with each other. An interfacing facilitator (in the hard sciences, this role is played by engineers) can help translate the language and findings of science into useful concepts and tools for practitioners.

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"The Effect of Raising the Legal Minimum
Drinking Age on Fatal Crash Involvement"
(Insurance Institute for Highway Safety)

ANALYSIS AND COMMENT

by

Michael M. Birkley

"The Effect of Raising the Legal Minimum
Drinking Age on Fatal Crash Involvement"
(Insurance Institute for Highway Safety)

A N A L Y S I S A N D C O M M E N T

SUMMARY

The June, 1981 study by the Insurance Institute for Highway Safety, " The Effect of Raising the Legal Drinking Age on Fatal Crash Involvement" :

- A. Fails to establish any logical association between the test statistic (fatal crash ratios) and the variable tested (changes in the legal drinking age.)
- B. Fails to test for, quantify or adjust for effects of changes in other variables known to have affected the test statistic in a number of the states studied.
- C. Excludes data from two " age change" states which would have significantly altered the results in the opposite direction of those presented in the study.

Flawed by use of incomplete data, distorted results, erroneous and untested assumptions, and faulty methodology, there is no scientific basis or logical foundation for the conclusions presented in the Insurance Institute's study.

The Effect of Raising the Legal Minimum

Drinking Age on Fatal Crash Involvement,

(Williams, A. F., et al, Insurance Institute for Highway Safety,
Washington D.C.,
June, 1981)

ANALYSIS AND COMMENT

by

Michael M. Birkley
September 29, 1981

In June, 1981, the Insurance Institute for Highway Safety of Washington, D.C. issued a study which found that raising the age in nine states "resulted in reductions in fatal crash involvement among drivers the law changes applied to, especially in types of fatal crashes in which alcohol is most often involved." As a result of those findings, the researchers concluded that "a state that raises its drinking age can expect about a 28 percent reduction in nighttime fatal crash involvement among drivers the law change applies to."

In light of the fact that in Minnesota and Massachusetts alcohol involvement in fatal crashes did not decrease but increased dramatically among those to whom the change to a higher drinking age applied, it was decided to examine the assumptions, data, methodology, results and conclusions of the Insurance Institute study to determine their validity.

Assumptions

The Insurance Institute's study states the following: "Alcohol is a major factor in fatal motor vehicle crashes in general, but is particularly likely to be involved in nighttime fatal crashes, especially single vehicle nighttime fatal crashes." "If raising the drinking age

reduces driver involvement in alcohol-related fatal crashes, nighttime fatal crashes would be expected to be reduced [relative to daytime crashes] and single vehicle nighttime fatal crashes more than multiple vehicle daytime fatal crashes [in age change states compared with states in which no change in age occurred.]"

Comments

Although research has established the alcohol-relatedness of nighttime and particularly single vehicle nighttime fatal crashes, it cannot be assumed, as the Insurance Institute study does, that these relationships are constant within or between age groups and jurisdictions over time. Independent studies of alcohol-related fatal crashes in the same states found wide differences in the percent of deaths tested (a function of observation and real occurrences) and alcohol positive deaths (real occurrences) within and between different age groups in the same and different jurisdictions during the period of time studied by the Insurance Institute.¹ In the absence of any attempt to identify, quantify or eliminate differences in alcohol-relatedness of these fatal crash statistics, one cannot conclude with any degree of confidence that the differences observed in nighttime to daytime fatal crash ratios are alcohol-related or influenced to any degree by changes in the legal drinking age.

Studies conducted throughout the United States by the National Highway Traffic Safety Administration and others reveal that driving and particularly drinking-driving behaviors are influenced by a variety of social, economic and legal factors, the effects of which tend to be greater among younger age groups than among older adults.² In the absence of analyses of the effects of changes in other social, economic and legal factors which did occur in the jurisdictions studied, one cannot assume,

as the Insurance Institute study's single cause hypothesis does, that age-based differences in nighttime to daytime fatal crash ratios within and among the different jurisdictions studied are due to, or indicative of the influence of a single, selected legal variable. Econometric studies and recent experience reveal that the total number of miles driven by a given driver population tends to increase and decrease with the cost per mile relative to real disposable income among the same population; and that increases in costs tend to effect greater reductions among adolescents and young adults who have less disposable income than among older adults. Researchers have also clearly established that, absent changes in other variables, highway crashes increase and decrease with miles driven; and that the ratio of nighttime to daytime mileage driven by young adults is significantly greater, two to three times that of older drivers.

Thus, changes in cost per mile which effect reductions in miles driven by the population in general, tend to result in disproportionate decreases in miles driven by young adults, and even greater reductions in the ratios of nighttime (recreational) to daytime (work, business) miles and crashes.

Drinking patterns are also directly related to changes in price relative to real disposable incomes and tend to effect greater changes in consumption among younger drinkers than among older drinkers. Differential adjustments in these and other economic factors known to be influential in effecting changes in both drinking and driving behaviors, particularly among young people did occur within and between the states studied by the Insurance Institute. In the absence of any attempt to test for, quantify or eliminate differences in nighttime to daytime crash ratios due to other significant intervening variables, one cannot conclude with any degree of

confidence that the differences observed in nighttime to daytime fatal crash ratios are related to changes in the single variable selected in this analysis.

Data and Methodology

The data employed in the Insurance Institute study were obtained from the Fatal Accident Reporting System (FARS). The statistic selected for analysis consisted of all fatal crashes for selected populations (drivers aged 18 through 21) in selected time periods, within selected states. Data for states which had raised the legal drinking age and for which at least nine months post-change data were available were compared with data for the same periods from selected neighboring states in which the drinking age had not changed.

Comment

Although the statistic selected for analysis is relatively free from distortion due to observational bias in reporting, data from the transitional year in "grandfathering" states (Iowa and Minnesota) in which alcohol-related crashes among those to whom the law applied increased dramatically, was excluded in the analysis phase of the study. Exclusion of these data substantially distort the results. Including these data reduces the post-change net reduction in fatal crashes involving drivers to whom the law applied in age change states narrows the differences between change states and the non-change states selected for comparison.

Conclusions

The Insurance Institute study concludes that "when states raise their drinking age, there is a corresponding decrease in fatal crash involvement among law-affected drivers," and, "any single state that raises

its drinking age can expect the involvement in nighttime fatal crashes of drivers of the age groups to which the change in law applies to drop by 28 percent."

Comments

Due to erroneous assumptions, distorted results due to exclusion of data from the transition periods in two of the change states studied, failure to identify, test for, quantify or eliminate the impact of other intervening variables on the subject behaviors and failure to identify, test for, quantify or eliminate significant differences in alcohol-relatedness of differences in nighttime to daytime fatal crash ratios, these conclusions are speculative in the extreme.

Birkley
Attachment #10

DEATH AND DRINKING
 BEFORE AND AFTER
 RAISING THE LEGAL DRINKING AGE

Drinking(1)=Relative per adult capita consumption (U.S.=1.00)
 Deaths(2)=Relative 18-20 yr-old driver death rates (U.S.=1.00)

State	Change Date	Drinkg (1)			Deaths (2)		
		Before	After	Change	Before	After	Change
Florida	10/80	1.1838	1.1610	-1.9%	NA	NA	NA
Georgia	9/80	0.8671	0.8880	+2.5%	NA	NA	NA
Illinois	1/80	1.0649	1.0437	-1.6%	0.890	0.930	+4.5%
Iowa	7/78	0.8206	0.7800	-5.0%	0.995	1.098	+10.3%
Maine	10/77	1.0135	0.9782	-4.0%	1.365	1.414	+3.6%
Massachusetts	4/79	1.1434	1.1599	+1.4%	NA	NA	NA
Michigan	12/78	1.0305	0.9680	-6.1%	0.850	0.872	+2.6%
Minnesota	8/76	1.0247	1.0142	0.0%	1.146	1.124	-1.9%
Montana	1/79	1.1788	1.1969	+1.5%	0.940	0.982	+4.5%
Nebraska	5/80	0.9584	0.9492	0.0%	0.860	1.083	+26.0%
New Hampshire	5/79	1.8135	1.8016	0.0%	1.043	1.398	+34.0%
New Jersey	1/80	1.0023	1.0535	+5.1%	1.040	1.173	+12.7%
Rhode Island	7/81	1.1456	1.0951	-4.4%	NA	NA	NA
Tennessee	6/79	0.6988	0.7023	0.0%	1.028	1.135	+10.4%
Texas	9/81	1.0672	1.0594	0.0%	1.030	1.150	+11.7%
Averages		1.0675	1.0567	-1.0%	1.017	1.123	+10.0%
Changes:		Drinkg			Deaths		
		4 UP	5 NS	6 DOWN	10 UP	4 NA	1 DOWN

TABLE 1 : Unadjusted and Relative Per Adult Capita Alcohol Consumption

A. Unadjusted Per Adult (18+) Capita Alcohol Consumption
(Wine gallons of absolute alcohol per person)

State	Yr. 0	Yr. 1	Yr. 2	Yr. 3	Avg.	Yr. 0-Avg
Florida	3.6854	3.5970	3.5588	3.5243	3.5600	-0.0340
Georgia	2.6996	2.7259	2.6954	2.7535	2.7250	0.0094
Illinois	3.2842	3.2892	3.2692	3.1821	3.2468	-0.0113
Iowa	2.5309	2.5168	2.3232	2.4131	2.4177	-0.0447
Maine	3.0285	2.9555	3.0246	3.0105	2.9968	-0.0104
Massachusetts	3.5264	3.6318	3.6216	3.5340	3.5958	0.0196
Michigan	3.1375	3.0466	3.0026	2.9755	3.0082	-0.0412
Minnesota	3.0150	3.0409	3.0738	3.1319	3.0822	0.0222
Montana	3.5891	3.8360	3.6273	3.6940	3.7191	0.0362
Nebraska	2.9725	2.9832	2.8326	2.9164	2.9107	-0.0207
New Hampshire	5.6459	5.5262	5.3839	5.6587	5.5229	-0.0217
New Jersey	3.0910	3.2321	3.3012	3.2634	3.2655	0.0564
Rhode Island	3.5665	3.3219	3.3255	3.4233	3.3569	-0.0587
Tennessee	2.1553	2.1374	2.2126	2.1808	2.1769	0.0100
Texas	3.3313	3.2823	3.1531	NA	3.2177	-0.0340
Average	3.2839	3.2748	3.2270	3.2615	3.2545	-0.0081
Change	0%	-0.0027	-0.0145	0.0106	-0.0066	

B. Changes In Relative Per Adult Capita Alcohol Consumption
(State consumption expressed as decimal fractions of U.S.)

	Yr. 0	Yr. 1	Yr. 2	Yr. 3	Avg.	Change Yr. 0-Avg.
Florida	1.1838	1.1507	1.1628	1.1695	1.1610	-0.0192
Georgia	0.8671	0.8720	0.8807	0.9138	0.8888	0.0250
Illinois	1.0649	1.0565	1.0458	1.0397	1.0473	-0.0164
Iowa	0.8206	0.8084	0.7432	0.7884	0.7800	-0.0495
Maine	1.0135	0.9707	0.9807	0.9670	0.9728	-0.0401
Massachusetts	1.1434	1.1666	1.1585	1.1547	1.1599	0.0144
Michigan	1.0305	0.9878	0.9645	0.9518	0.9680	-0.0606
Minnesota	1.0247	1.0177	1.0096	1.0155	1.0142	NS
Montana	1.1788	1.2438	1.1651	1.1817	1.1969	0.0153
Nebraska	0.9548	0.9543	0.9255	0.9678	0.9492	NS
New Hampshire	1.8135	1.7678	1.7591	1.8779	1.8016	NS
New Jersey	1.0023	1.0382	1.0560	1.0662	1.0535	0.0511
Rhode Island	1.1456	1.0626	1.0865	1.1360	1.0951	-0.0441
Tennessee	0.6988	0.6865	0.7078	0.7125	0.7023	NS
Texas	1.0657	1.0724	1.0464	NA	1.0594	NS
Average	1.0672	1.0571	1.0461	1.0673	1.0567	-0.0098
Change		-0.0094	-0.0104	0.0202	-0.0099	

TABLE 2
 18-20 Year-old Driver Death Rates
 (Per 10,000 licensed drivers)
 Before and After Raising the Legal Drinking Age

Sources: National Highway Traffic Safety Administration (Deaths)
 State Licensing Authorities (Licensed Driver Data)

State	Change Date	Before (Yr. 0)	Yr. 1	Yr. 2	Yr. 3	After (Yr. 1-3)
Illinois	1/80	6.82	6.22	5.99	5.55	5.92
Change %			-0.08	-0.03	-0.07	-0.13
Iowa	7/78	8.21	8.09	8.06	NA	8.07
Change %			-0.01	0.00	NA	-0.01
Maine	10/77	11.04	12.93	10.25	13.32	12.16
Change %			0.17	-0.20	0.29	0.10
Michigan	12/78	7.31	6.64	6.44	4.94	6.00
Change %			-0.09	-0.03	-0.23	-0.17
Minnesota	8/76	8.48	8.79	12.27	11.32	10.79
Change %			0.03	0.39	-0.07	0.27
Montana	1/79	10.06	12.45	12.53	14.47	13.15
Change %			0.23	0.00	0.15	0.30
Nebraska	5/80	7.80	8.55	5.13	6.69	7.79
Change %			0.09	-0.40	0.30	0.00
New Hampshire	5/79	7.01	10.42	6.00	7.25	7.89
Change %			0.48	-0.42	0.20	0.12
New Jersey	1/80	6.92	6.92	6.33	5.26	6.17
Change %			0.00	-0.08	-0.16	-0.10
Tennessee	6/79	12.16	9.84	10.03	9.75	9.87
Change %			-0.19	0.01	-0.02	-0.18
Texas	9/81	11.37	11.89	10.07	8.27	10.07
Change %			0.04	-0.15	-0.17	-0.11
Average Rate		8.83	9.34	8.46	8.68	8.82
Avg. Change %			+ 5.7%	- 9.4%	+ 2.6%	0.00

TABLE 3
 Changes In 18-20 Year-old Driver Death Rates
 Before (Yr.0) and After (Yr.1-5) Raising the Legal Drinking Age
 (Relative to U.S. rates for the same age group and years.)

Sources: National Highway Traffic Safety Administration (deaths)
 State Licensing Authorities (License Data)

State	Date	Yr.0	Yr.1	Yr.2	Yr.3	Yr.4	Yr.5	Average
Illinois Change %	1/80	0.890	0.850 -4.5%	0.900 1.1%	0.970 9.0%	1.000 12.4%	NA NA	0.930 4.5%
Iowa Change %	7/78	0.995	1.000 0.5%	1.070 7.5%	NA NA	0.920 -7.5%	1.400 40.7%	1.097 10.3%
Maine Change %	10/77	1.365	1.650 20.9%	1.350 -1.1%	1.590 16.5%	1.340 -11.8	1.140 -16.5%	1.414 3.6%
Michigan Change %	12/78	0.850	0.870 2.4%	0.910 7.1%	0.790 -7.1%	0.830 -2.4%	0.960 12.9%	0.872 2.6%
Minnesota Change %	8/76	1.146	1.120 -2.3%	1.110 -3.1%	1.130 -1.4%	1.180 3.0%	1.080 -5.7%	1.124 -1.9%
Montana Change %	1/79	0.940	0.970 3.2%	1.050 11.7%	1.000 6.4%	0.930 -1.1%	0.960 2.1%	0.982 4.5%
Nebraska Change %	5/80	0.860	1.040 20.9%	0.870 1.2%	1.340 55.8%	NA NA	NA NA	1.083 26.0%
New Hampshire Change %	5/79	1.043	1.480 41.9%	1.160 11.2%	1.180 13.1%	1.770 69.7%	NA NA	1.397 34.0%
New Jersey Change %	1/80	1.040	1.210 16.3%	1.150 10.6%	1.100 5.8%	1.230 18.3%	NA NA	1.172 12.7%
Tennessee Change %	6/79	1.028	0.960 -6.6%	1.090 6.1%	1.130 10.0%	1.360 32.4%	NA NA	1.135 10.5%
Texas Change %	9/81	1.030	1.060 2.9%	1.240 20.4%	NA NA	NA NA	NA NA	1.150 11.7%
Average Rate		1.017	1.110	1.082	1.137	1.173	1.108	1.122
Average Change			8.7%	6.6%	12.0%	13.7%	6.7%	10.8%
Number Up/Down			8/3	9/2	7/2	5/4	3/2	10/1

TABLE 4

18-20 Driver death Rates
21 Yr-old vs. 18 yr-old Legal Drinking Age States
1979-1983

Source: National Highway Traffic Safety Administration
Fatal Accident Reporting System (FARS)

	1979	1980	1981	1982	1983	Average 1979-83
Arkansas	13.04	NA	NA	9.71	7.58	10.11
California	9.65	8.83	7.94	7.05	7.05	8.10
Indiana	8.50	7.44	6.43	6.77	6.41	7.11
Missouri	7.50	8.06	7.49	6.08	5.57	6.94
Nevada	13.45	12.14	9.46	9.94	10.50	11.09
N. Dakota	7.57	7.23	8.90	10.29	NA	8.49
Oklahoma	10.38	11.98	13.05	12.27	7.86	11.10
Oregon	8.40	8.13	6.99	6.26	7.46	7.44
Penna.	8.27	7.77	7.35	6.24	5.78	7.08
Utah	7.41	7.32	7.71	7.14	7.50	7.41
Washington	9.25	9.30	8.17	8.06	5.85	8.12
Kentucky	10.22	8.37	9.73	8.11	8.70	9.02
Average 21	9.47	8.77	8.47	8.16	7.29	8.50
Hawaii	10.51	8.68	8.10	7.25	6.27	8.16
N. Carolina	8.48	9.54	9.35	8.21	6.99	8.51
New York	8.39	8.96	7.98	7.00	6.13	7.69
S. Carolina	9.91	8.50	9.46	6.95	8.34	8.63
Wisconsin	NA	9.44	8.43	7.05	6.99	7.97
W. Virginia	7.85	9.78	NA	6.92	5.20	7.43
Average 18	9.02	9.15	8.66	7.23	6.65	8.06

Fatality Rates*- 18-to-20 Group

	1975	1976	1977	1978	1979	1980	1981	1982	1983
AL									
AK	8.36	11.60	18.15	20.91	13.04			9.71	15.63
AZ	10.51	9.52	12.13	16.74	15.65	10.16	10.51	7.76	8.38
AR	6.95	7.89	8.94	9.77	9.97	9.08	7.78	6.86	6.27
CA	6.95	7.53	8.90	9.36	9.65	8.83	7.94	7.05	7.05
CO	5.83	7.12	7.20	7.85	8.13	7.52	8.30	6.13	5.71
CT	5.67	5.82	6.36	8.16	8.19	8.04	7.35	6.92	6.02
DE	6.71	9.39	5.92	8.44	5.68	11.19	7.79	8.76	4.62
DC									
FL									
GA									
HI	4.95	7.68	5.13	7.77	10.51	8.68	8.10	7.25	6.27
ID	8.03	10.55	10.32	9.49	10.62	11.50	8.59	6.14	10.14
IL	7.46	7.06	7.78	8.42	6.82	6.22	5.99	5.55	4.66
IN	7.78	8.29	8.30	9.14	8.50	7.44	6.43	6.77	6.41
IA	8.84	8.75	7.69	8.21	8.09	8.06		5.53	7.62
KS	6.84	7.93	9.01	8.80	7.55	9.76	9.11	7.84	6.67
KY	9.14	10.10	1.03	10.01	10.22	8.37	9.73	8.11	8.70
LA	8.03	8.80	9.24	10.79	ERR	14.23			
ME	9.09	8.11	11.04	12.93	10.25	13.32	8.57	5.84	7.71
MD	6.67	5.65	6.24	6.96	6.57	6.59	6.43	6.27	5.16
MA									
MI	6.87	8.03	9.02	7.31	6.64	6.44	4.94	4.55	4.23
MN	8.43	8.48	8.79	12.27	11.32	10.77	8.16	6.32	8.42
MS	6.16	7.58	7.03	12.48	8.09	8.46	8.94	7.77	8.23
MO	7.56	8.97	6.16	10.94	7.50	8.06	7.49	6.08	5.57
MT	11.59	12.11	15.34	10.06	12.45	12.53	14.47	10.53	10.33
NE	9.23	7.83	8.58	7.95	6.88	7.80	8.55	5.13	6.69
NV	8.41	9.06	12.80	11.62	13.45	12.14	9.46	9.94	10.50
NH	4.09	10.15	8.22	7.78	7.01	10.42	6.00	7.25	9.10
NJ	6.15	5.88	6.46	6.29	6.92	6.92	6.33	5.26	4.39
NM									
NY		6.77	7.26	7.77	8.39	8.96	7.98	7.00	6.13
NC	10.16	10.10	9.05	8.96	8.48	9.54	9.35	8.21	6.99
ND	9.11	7.81	10.35	9.90	7.57	7.23	8.90	10.29	3.30
OH	6.76	6.18	6.02	6.87	8.02	6.89	5.98	4.28	4.20
OK	8.48	9.42	11.43	9.93	10.38	11.98	13.05	12.27	7.86
OR		8.42	10.57	11.49	8.40	8.13	6.99	6.26	7.46
PA	8.02	6.85	8.09	9.07	8.27	7.77	7.35	6.24	5.78
RI									
SC	10.46	10.44	11.98	10.62	9.91	8.50	9.46	6.95	8.34
SD	10.57	8.67	6.94	7.47	9.79	7.10	8.27	6.01	6.30
TN	11.41	10.20	10.50	11.83	12.16	9.84	10.03	9.75	9.90
TX	9.49	10.21	10.57	11.06	12.09	11.37	11.89	10.07	8.27
UT	5.87	6.59	7.77	9.58	7.41	7.32	7.71	7.14	7.50
VT									
VA									
WA	9.14	8.59	9.48	9.94	9.25	9.30	8.17	8.06	5.85
WV	8.29		9.20	7.49	7.85	9.78	NA	6.92	5.20
WI	9.41	9.27	8.92	9.34		9.44	8.43	7.05	6.99
WY	14.51	15.80	18.59	17.10	0.00	16.07	16.47	10.28	9.78

*Rates per 10,000 licensed drivers.

Sources: National Highway Traffic Safety Administration, Fatal Accident Reporting System, State Licensing Authorities (Licensed Driver Data)

21 versus \$21 million

Trading Lives for Concrete?

Congress has given Wisconsin an ultimatum: raise the legal drinking age to 21 or lose \$21 million in federal highway construction funds. At first impression it appears we have no choice at all.

Risking lives on unsafe highways seems too high a price to pay for protecting the legal drinking privileges of our young adults. But, endangering the lives of those who do not abuse that privilege by driving them to drink illegally in unsafe settings as their grandparents did during Prohibition seems to us an intolerable price to pay for less than a dozen miles of freeway.

Despite frequent claims that 21 saves lives, analyses of National Highway Traffic Safety Administration data by Duke University's Phillip Cook and others reveal that driver death rates were actually eight percent higher among 18, 19 and 20 year-olds in states where the legal drinking age was 21 than where it was 18. (See graphic.) In Wisconsin, that would be more than ten additional deaths per year.

We don't know how many, if any, lives could be saved with \$21 million dollars

worth of bridge repair and highway construction. But, no amount of reinforced concrete could possibly be worth sacrificing that many more young lives. Surely, there must be less deadly ways of raising the dollars needed to repair our unsafe highways than by raising the age and raising the risks for those involved.

Percent of Drinking Drivers In . . .

Driver Age	Fatal Crashes %	Injury Crashes %	All Crashes %
16-17	36.6	8.4	4.0
18	43.9	9.8	6.7
19	47.5	13.6	7.9
20	47.2	13.7	8.7
21	49.6	12.2	9.1
22-24	50.4	15.3	10.6
25-34	47.6	14.1	6.6

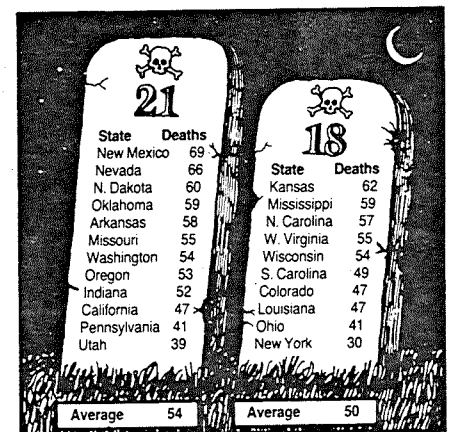
Source: National Highway Traffic Safety Administration, PB83-133587.
Table: United Council of UW Student Governments.

Effects of Higher Legal Drinking Age

Studies of 22 states which maintained different legal drinking ages for beer show that fatal crash rates were higher for 18-20 year-old drivers where the legal drinking age was 21 than where it was 18.

18-20 Year-old Driver Deaths*

*Per 100,000 licensed drivers, 5 year average.



Source: National Highway Traffic Safety Administration (FARS) Fatal Accident Reporting System, 1970-75.
Graphic: United Council of UW Student Governments

Congress and the Drinking Age:

Baying at a Phantom Moon

Because 18-20 year-old adults are involved in more alcohol-related highway crashes per million miles driven, Congress wants the states to yank their legal drinking privilege. But, National Highway Traffic Safety Administration figures show that crashes involving older drivers, ages 21-34, are more frequently alcohol-related than those involving 18-20 year-olds. (See Graphic.) On the basis of their higher drunk-driving crash rates, it seems to us that 21-34 year-olds are more in need of special protection

against irresponsible drinking and driving than are younger drivers.

National Highway Traffic Safety Administration figures also show that less than three percent of the nation's 18-20 year-olds are ever involved in a drinking-driving crash of any kind. Ninety-seven percent of the young adults targeted by Congress to lose the freedom to drink never cause any injury or damage due to irresponsible drinking and driving.

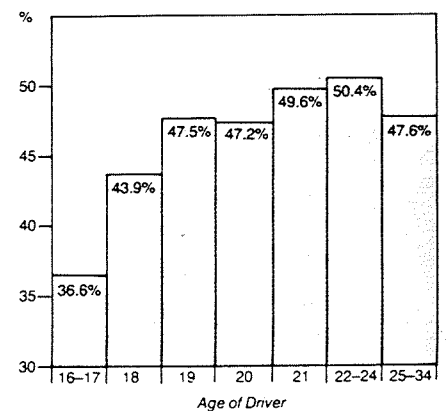
In calling for the states to curtail the legal drinking privileges of responsible and law-abiding 18-20 year-olds, Congress is clearly baying at a phantom moon. They are not the problem at all.

It would be better to encourage the states to get tough with the irresponsible minority who do violate the existing drunk-driving laws, whatever their age may be.

Brian Schimming is Legislative Affairs Director for the United Council of University of Wisconsin Student Governments.

Drinking in Fatal Crashes

Percent of drivers in fatal crashes who had been drinking, nationwide, 1979-80.



Source: National Highway Traffic Safety Administration, PB83-133587.
Graphic: United Council of UW Student Governments

Tavern League of Kansas

JW
1/23/85
Attachment #11

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Lawrence, Kansas 66044
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Christopher S. Edmonds
Executive Director

Mr. Chairman, members of the Senate Federal and State Affairs Committee, my name is Christopher S. Edmonds. I am the Executive Director of The Tavern League of Kansas. I would like to take this opportunity to thank you for allowing me the chance to speak before you today on the issue of raising the legal drinking age to 21 in the state of Kansas.

The Tavern League of Kansas, representing some 6,000 cereal malt beverage on-premise retail establishments remains adamantly opposed to any increase in the legal drinking age for cereal malt beverage in the state of Kansas.

A short aside, if I may -- we are good business people. The establishments in my association are family people with children of their own. If any of us thought that an increase in the legal drinking age would save our children we would not be here today opposing an increase, rather we would be demanding that you increase the age for drinking in this state. However, we are convinced that Mr. Berkley is correct and so is the National Highway Traffic Safety Administration when statistics show that an increase in the legal drinking age only increases the risks. Hence, we remain opposed to the federal coercion that could give a death warrant for four to eight more young adults in this state every year.

The state of Kansas is quite concerned about the loss in highway revenue and justly so. Between 18 and 21 million dollars over two years is a lot of money. However, when one balances the economic impact on the

industry and that on state and local governments, the issue comes into perspective.

It is estimated that there are approximately 27,000 cereal malt beverage licenses in the state of Kansas. Of those, at least 30 percent are on-premise, tavern-type operations. The attachment to my prepared statement indicates that the total loss in revenue to state and local government will be approximately nine million dollars per year. This shows a loss in sales tax, property tax, local fees, and the like. This loss of nine million dollars is year in and year out. Simply, should the drinking age be increased, the state will lose 45 million in 5 years, 90 million in 10 years and so forth.

As has been explained, federal legislation withholds highway moneys for two years at a maximum total of 21.4 millions dollars. Conversely, the loss in state revenue is an on going porcess. Should this body choose to give into pressure from Washington politicians who do not understand the intracacies of each individual state, Kansas could expect to lose almost 100 million dollars in each decade after an age increase. Simply, each Kansas can expect to pay an additional four dollars a year in taxes due to blackmail from the federal government into a policy that is futile at best and fatal at worst.

This conservative estimate does not include other economic impacts to the state. It is estimated that 25 to 40 percent of the Taverns in the state would either be forced to close down or declare bankruptcy should the age be increased. The impact to the court dockets, creditors, and banks would be immeasurable. When Illinois chose to raise the drinking age, 1 in 5 taverns were forced to close and many filed for bankruptcy to protect interests. Every industry in the state would feel and be affected by an increase in the legal drinking age.

Other groups argue that the industry could be saved if an employment provision was palced into the legislation allowing for under age minors to serve alcoholic liquor in certain settings. Such a provisions is a cruel hoax to the tavern operators of this state. What those who support this provision do not understand or forget to mention is that the on-premise retailors are engaged in a labor-intensive industry. Using conservative estimates from other states that have raised the legal drinking age and have employment provisions, the estimated on-premise to off-premise shift in purchase is 15 to 25 percent. Being labor - intensive, the tavern operators would have to lay off 15 to 25 percent of the workforce. Primarily affecting college students and other young adults working their way to opportunity. The shift in purchase will not change the employment of the off-premise retailors. A liquor storem grocery store or convinience store will not have to hire a single estra person to sell another 1,000 six-packs of cereal malt a year. Regardless of any employment provisions in this legislation, the state of Kansas can expect to lose more than 5,400 jobs should the legal drinking age be increased.

Members of this committee, Chairman Reilly, you are faced with a very difficult decision. It certainly will not be easy to ignore the federal government and lose highway money. However, the facts are quite clear -- The latest federal statistics indicate that an increase in the legal drinking age will increase the risks. An increase in the legal age will cost Kansas taxpayers 100 million dollars over the next decade. You have also heard that the federal government is trying to coerce us into action on a problem that has far better and more comprehensive solutions.

There must be a way to pave ten miles of roadway than at a cost of 100 million dollars and over the dead bodies of our children. The

Tavern League of Kansas wishes to offer an idea to offset lost dollars, protect the lives of our citizens, and work toward a comprehensive approach to the problem.

Presently, K.S.A. 79 - 38 contains the Cereal Malt Beverage and Products Tax. The tax, to this date, is 18 per gallon on cereal malt beverages. Our industry would propose an increase in the tax to 36 cents a gallon beginning in Fiscal Year 1986 and running for five years. Such a tax would raise approximately 25 million dollars in additional revenue. Of that, between 18 and 21 million would be used to offset the lost revenue from highway dollars. The other 4 to 7 millions would be used in conjunction with federal grant money to award grants and stipends to local school districts in the state of Kansas that wish to develop alcohol and drug abuse programs with the supervision of the Department of Education and the Department of Social and Rehabilitation Services.

This proposal could receive funding beyond FY 1991 if the legislature chose to extend the tax or fund the program in a different manner. Such a program has seen success in Washington, Oregon, Wisconsin, and Minnesota. Such a program has been complemented as serving as the catalyst for a decrease in the number of alcohol related crashes in those states.

This proposal deserves attention. Mr. Chairman, this committee does not -- by federal statute -- have to take action this year. I would ask that a comprehensive study of the data that has been presented be conducted by this body before any action is taken. Action this year could well be the death warrant for more children in this state and the end of ethical, hard working businesses in Kansas. You lose nothing by waiting. Don't take my word for it. Don't take Mr. Birkley's word for it. Don't take Dick Taylor's word for it. Find out yourself.

There are alternatives to an age increase in the state of Kansas. For the past three years we have resisted the temptation to make a quick mistake to the more comprehensive problem. More than ever before the statistics are overwhelmingly in favor of an 18 drinking age. Please, Mr. Chairman, members of this committee, don't be coerced into bad policy over a simple 10 miles of concrete. We don;t believe that bad legislation is inevitable.

Tavern League of Kansas

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Christopher S. Edmonds
Executive Director

FOR IMMEDIATE RELEASE

Raising the legal drinking age for cereal malt beverages in the state of Kansas could cost the on-premise cereal malt beverage industry more than \$155 million in gross sales, \$45 million in lost wages and profits and 5,400 full and part time jobs. Kansas taxpayers would lose almost 9 million in state and local revenues from on-premise sales, wages, profits, and personal property taxes if the legal drinking age for cereal malt beverages is raised to 21.

Applying average amounts paid to state and local governments through income taxes, property taxes, and local sales taxes by the members of the Tavern League of Kansas, we project the following to be a reasonable projected effect of raising the drinking age to 21:

A.	NUMBER OF TAVERNS STATEWIDE	8,300
B.	AVERAGE ANNUAL SALES	75,000
C.	ANNUAL GROSS SALES (A x B)	622,500,000
D.	LOST SALES (25% of C)	155,625,000
E.	LOST WAGES (15% of D)	23,343,750
F.	LOST PROFITS (14% of D)	21,787,500
G.	TOTAL WAGES AND PROFITS LOST	45,131,250
H.	STATE INCOME TAX LOST (4% of Line G)	1,805,250
I.	STATE SALES TAX LOST (3% of Line D x 60%)	2,801,250
J.	TOTAL STATE REVENUE LOST (TOTAL LINE H AND I)	4,606,500
K.	LOCAL FEES AND PROPERTY TAX LOST (2.5% of Line D)	3,890,625
L.	LOCAL SALES TAX LOST (.5% of Line D x 60%)	466,875
M.	TOTAL LOCAL REVENUES LOST (TOTAL, LINE K AND L)	4,357,500
O.	TOTAL STATE AND LOCAL LOST REVENUE ANNUALLY	8,964,000

Raising the legal drinking age to 21 could earn 22 million in highway funds, and cost Kansas taxpayers 45 million in state and local income and property and sales tax revenue over the next five years.

Cereal Malt Beverage and Products Taxes

Enacted: 1937.

Statutory Citation: K.S.A., Ch. 79, Art. 38.

Administration and Collection: Department of Revenue, Division of Alcoholic Beverage Control.

Collection Period: Prior to 1962, the tax was paid upon purchase of tax stamps or crowns by the wholesaler, retailer, or distributor. Section 79-3824 was amended in 1962 to authorize a report system for paying and collecting the tax, such system to provide that the tax shall be paid by the 15th day of the month following the month in which the distributor acquired possession of the taxable beverages; effective in June and July of 1962.

Tax Base: Quantity sold or distributed (in gallons or pounds).

Present Rates: Effective since July 1, 1977, the rates are:

Beer of not more than 3.2% alcohol	\$.18 per gal., or \$5.58 per bbl.
Wort or liquid malt	.20 per gal.
Malt syrup or extract	.10 per lb.

History of Tax Rates:

	<u>1937 Law</u>	<u>1941 Law</u>	<u>1947 Law</u>	<u>1970 Law</u>
3.2% Beer	\$.05 gal. (\$1.55 bbl.)	Same	\$.10 gal. (\$3.10 bbl.)	\$.15 gal. (\$4.65 bbl.)
Wort or liquid malt	\$.10 gal.	Same	\$.20 gal.	\$.20 gal.
Malt syrup or extract	\$.02 lb.	\$.05 lb.	\$.10 lb.	\$.10 lb.

Disposition of Revenue: To State General Fund.

Net Collections:

<u>Fiscal Year</u>		<u>Fiscal Year</u>	
1983	\$4,979,000	1980	\$4,966,000
1982	5,077,000	1979	5,112,000
1981	5,124,000	1978	4,989,000

(The first year's collections, in FY 1938, totaled \$547,127.)

Note: The 1961 Legislature extended the sales tax to retail sales of cereal malt beverages and products, effective June 1, 1961.

1/23/85
John Webb
Attachment #12

PROPOSED QUESTION OF RAISING THE DRINKING AGE TO 21

- * The question of compliance with the Congressional Directive to raise the legal drinking age to 21. No position.
- * Will it serve the purpose of decreasing alcohol related automobile accidents in this age group?

BEER WHOLESALERS PROPOSED SYSTEM CHANGE

- * Insignificant difference ???
- * Distribution
Beer at a higher alcohol level would be distributed at an increased number of outlets. Examples: bait shops, gas stations, taverns, convenience shops, grocery stores, retail liquor stores.
- * Controls
Alcoholic Beverage Control
Retail liquor stores
Local authorities
Bait shops
Gas stations
Taverns
Convenience shops
Grocery stores
- * Sales by minors

RETAIL LIQUOR STORES - A RECENT HISTORY

- * A reduction of retail markup on cordials and wines.
- * Two reductions of club sales markup.
- * Upcoming major Federal Excise Tax increase.

ALCOHOL CONTENT

The alcohol content of a beverage may be expressed in three different ways:

- * Proof Spirits - Proof spirits is measured as an alcohol/water mixture of a beverage containing a standard amount of alcohol. (The U.S. standard is 100 proof.)
- * Percent Alcohol by Volume - The alcohol content is measured as a percent of the overall volume of the alcohol/water mixture or of the beverage.
- * Percent Alcohol by Weight - The alcohol content is measured as a percent of the weight as related to the volume using the specific gravity of ethyl alcohol. The specific gravity of ethyl alcohol is equal to .8 that of an equal volume of distilled water at four degrees Centigrade.

Measure	Normal Application
Proof Spirits, or Proof	distilled spirits, such as gin, bourbon and vodka
Percent by volume	wine
Percent by weight	beer and most other malt beverages

The use of these measures is not standardized. Several countries use proof spirits to measure all alcoholic beverages, including beer and wine.

Conversion Formula

Given any one of the three measures of alcohol content, the other two can be found by applying the following formula:

$$\text{Proof} \div 2 = \frac{\text{Alcohol by Volume}}{\text{Volume}} \times .8 = \frac{\text{Alcohol by Weight}}{\text{Weight}}$$

"Strong" and "Weak" Beer - This table shows the relationship between regular "full strength" or "strong" beer and so-called "weak" beer:

Proof	Alcohol by Volume	Alcohol by Weight
10 \div	2 = 5% X .8	= 4.0%
8 \div	2 = 4% X .8	= 3.2%

As you can see, the difference is only .8.

MAJOR BRANDS NOT INCLUDING IMPORTS

		% by VOLUME	% by WEIGHT
BUDWEISER	Strong	4.7	3.7
	3.2	3.9	3.1
BUDWEISER	Strong	4.2	3.3
LIGHT	3.2	3.5	2.8
MICHELOB	Strong	5.0	3.9
	3.2	3.9	3.1
MICHELOB	Strong	4.2	3.3
LIGHT	3.2	3.9	3.1
COORS	Strong	3.6	
	3.2	3.2	
MILLER	Strong	4.0	
	3.2	3.2	

INSIGNIFICANT DIFFERENCE ???

		Actual Alcohol Consumption
1	- 5 oz Serving of Wine	
	11% or 12% by Volume	
	11% X .8 = .088 X 5 oz =	.44 oz
	12% X .8 = .096 X 5 oz =	.48 oz
1	- 1.25oz Serving Highball	
	80 Proof or 40% by Volume	
	40% X .8 = .32 X 1.25 oz =	.40 oz
1	- 12 oz Serving 3.2 Beer	
	3.2% by Weight	
	or	
	4.0% by Volume	
	4% X .8 = .032 X 12 oz =	.384 oz
1	- 12 oz Serving 4.0 Beer	
	4.0% by Weight	
	or	
	5.0% by Volume	
	5% X .8 = .04 X 12 oz =	.48 oz