

A REVIEW OF GEORGIA ALCOHOL REGULATORY BEST PRACTICES FOR PREVENTING YOUTH ACCESS TO ALCOHOL: Findings, Conclusions & Recommendations for GEORGIA (March 2011)

I. INTRODUCTION:

Support for this report was provided by Drug Free Communities and STOP Act grants and the following; Cobb Alcohol Taskforce, Cobb Community Collaborative, GUIDE, Inc., Gwinnett Coalition for Health and Human Services, and The Council on Alcohol and Drugs. Publishers hope advocates and policy makers, interested in utilizing effective alcohol policies as a strategy for reducing underage drinking, will find this report useful.

Research assistance was provided by Michele Stumpe, Esq. - Taylor English Duma LLP, who reviewed Georgia laws and regulations pertaining to the regulation of alcoholic beverages and the publication *Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices*, prepared for OJJDP by PIRE.¹

***Please note:** *This report illustrates only those alcohol regulatory best practices for preventing youth access to alcohol identified in PIRE publication, appearing in State Code or Regulation. Some of these best practices may in fact be carried out in practice without appearing in Code or Regulation and/or may be identified in local municipal ordinances. Additional alcohol regulatory best practices that research has determined useful for reducing alcohol related harms for the general population are available, they are not the subject of this report.*

Designed to support Georgia efforts for preventing youth access to alcohol, report objectives are:

- ✓ Assess current alcohol laws and regulations
- ✓ Identify gaps, loopholes, and areas for improvement
- ✓ Provide support and guidance for implementing effective alcohol regulatory policies and practices

II. OVERVIEW OF FINDINGS:

Highlights –

- Effective alcohol regulatory policies & practices are useful for reducing alcohol related harms¹
- Georgia code & regulations illustrates 11 of 22 identified alcohol regulatory best practices^{2,3}
- Local ordinances can illustrate some additional best practices⁴

Outline of Best Practices –

See charts in **V. Appendix**, pages 3-6, organized by the 22 best practices in 3 categories. A **YES** or **NO** in the second column denotes whether or not state code and/or regulation meets the corresponding best practice standard. [Reference to specific code or regulation is also noted.]

See PIRE publication listed in bibliography for more complete information regarding available research literature on effectiveness, features of good laws, pitfalls to avoid, and examples from communities that have used these regulations successfully.



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III. CONCLUSIONS:

- Research supports use of effective alcohol regulatory policies and practices to minimize opportunities for minors to use alcohol and maximize opportunities for effective enforcement and prevention.
- Adopting additional research-based alcohol regulatory policies and practices has the potential to be particularly effective in helping communities reduce youth access to alcohol and the harms and costs attributable to underage drinking in Georgia.

IV. RECOMMENDATIONS:

- Adopt additional research-based alcohol policy best practices, adding to existing state and local alcohol regulatory policies and best practices already in place.
- Share report with a variety of audiences to build support for state alcohol regulatory policy and practice changes that have a proven track record of success for helping to mitigate alcohol related harms and costs.

Bibliography

- 1 *Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices* – prepared by Pacific Institute for Research and Evaluation for the U.S. Office of Juvenile Justice and Delinquency Prevention (Copy of publication available for download at <http://www.udetc.org/documents/accesslaws.pdf>)
 - 2 *GA State Code, Title 3 Alcoholic Beverages and Title 40 Motor Vehicles and Traffic* – State of Georgia Official Code of Georgia Annotated
 - 3 *GA Department of Revenue Regulations, Chapter 560* – State of Georgia Department of Revenue Alcohol Tobacco Division
 - 4 *Cobb County Code of Ordinances, Chapter 6 Alcoholic Beverages* – Cobb County, Georgia
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V. APPENDIX: [Chart of identified best practices in 3 categories found in GA State Code/Regulation]

A. Commercial availability (focus on practices of alcohol retailers) –

| OJJDP Best Practice | GA State Code / Regulation |
|--|---|
| <p>#1 – Ban commercial sales & gifts to minors. [prohibit all commercial sales, gifts, or furnishing of alcohol to minors without exception.]</p> | <p>YES [O.C.G.A. 3-3-23 (a)(1) and GA DOR Reg. 560-2-2-.03] – prohibits furnishing alcohol to any person under 21 [3-11-4(e)] - prohibits caterers from furnishing alcohol to minors</p> |
| <p>#2. Restrict location of alcohol outlets. [create buffer zones of at least 1,000 feet to separate alcohol outlets from schools, youth facilities & residential neighborhoods.]</p> | <p>NO [O.C.G.A. 3-3-21(a)(1)(A-C)] - prohibits the sale of distilled spirits by the package within certain distance of: schools - 200 yds (600ft) churches - 100 yds (300ft) alcohol treatment ctrs. - 100 yds (300ft) prohibits sale of beer or wine by the package within certain distance of: schools - 100 yds (300 ft) alcohol treatment ctrs. – 100 yds (300 ft) [3-3-21(b)(3)] - leaves it to the local jurisdiction to regulate distance restrictions for on-premise/pouring establishments; exception - pursuant to [3-3-21(e)(2)] - no alcohol may be sold by on-premise retailers within 100 yds of any housing authority property</p> |
| <p>#3. Restrict alcohol sales at community events. [strictly limit alcohol sales & sponsorship at youth/family oriented community events; impose strict conditions designed to reduce youth access at special events where alcohol is sold]</p> | <p>NO [O.C.G.A. 3-3-21, 21.1] - prohibits alcohol sales or possession at public elementary, middle and high schools, or public trade, vocational, or industrial schools; exception - for religious or educational purposes [3-8-2] - allows counties/municipalities to sell malt beverages at public golf courses [3-8-3] - allows sales at coliseums [3-3-20(d)(1)] - allows alcohol sale and consumption at coliseums, festivals, and for Sunday sales at festivals if population of entity exceeds 400,000; requires license or permit [3-8-4 and 3-8-6] - allows alcohol sales at continuing education centers operated by the University System of Georgia and at Technical Institutes, under certain circumstances</p> |
| <p>#4. Restrict age of alcohol servers & sellers. [require all servers/sellers be at least 21.]</p> | <p>NO [O.C.G.A. 3-3-24] - no employees under the age of 18 may dispense, sell, serve or take orders for alcohol; exception - convenience stores, breweries, supermarkets and drug stores, where employees can be under 18</p> |



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| | [3-11-4(e) and GA DOR Reg. 560-2-10-.03] - employees of caterers with alcohol license must be 21 |
| #5. Restrict minor’s access to bars & nightclubs. [prohibit minors’ access & clearly distinguish restaurant from bar & nightclubs.] | NO |
| #6. Install & use drivers license scanners. [create easy-to-inspect & difficult to alter state drivers license cards/IDs & use scanners] | NO |
| #7. Regulate home delivery & internet mail/order sales. [prohibit or strictly regulate.] | YES [O.C.G.A. 3-5-26, 3-5-28, 3-6-26, 3-3-31 and 3-3-32] - prohibits direct shipment of alcoholic beverages to residents of this state [GA DOR Reg. 560-2-2-.17 (1) and 560-2-2-.25] - sale of alcohol shall be limited to transactions with delivery and payment simultaneous in licensed place of business only [3-6-31 and 3-6-32] - provides certain exceptions that allow some wines to be shipped from outside GA directly to GA residents |
| #8. Mandate responsible beverage service programs. [incl. policy development, manager & server/seller training.] | NO |
| #9. Carry out compliance check programs. [comprehensive, on-going, community-wide, incl. media advocacy, ensure fairness] | NO |
| #10. Impose appropriate penalties for commercial violations. [strict administrative penalties w/increased severity for repeat offenses + in serious cases permit civil liability, impose criminal sanctions.] | YES [GA DOR Reg. 560-2-2-25 and 560-2-2-27] - violations subject license to probation, suspension or revocation upon hearing; imposes increasing monetary fines for subsequent violations [O.C.G.A. 3-3-23.1(b)] - imposes criminal sanctions against the seller 1st conviction (furnishing) is a misdemeanor - punishable by up to 6 mos. in jail or fine of up to \$300 or both 2nd conviction (or 1st for purchasing for a minor) is a misdemeanor of a high and aggravated nature - punishable by up to 12 mos. in jail or fine up to \$5,000 or both |

B. Social/public availability (focus on noncommercial sources of alcohol; people and venues) –

| OJJDP Best Practice | GA State Code / Regulation |
|---|---|
| #11. Restrict noncommercial furnishing of alcohol to minors. [prohibit any person from furnishing alcohol to a minor, with few exceptions.] | YES [O.C.G.A. 3-3-23(a)(1)] - prohibits furnishing alcohol to minors; exception - parents may provide to own child, in parent’s presence, in parent’s home [3-3-23(a)(4)] - prohibits purchasing or acquiring alcohol for or on behalf of minors |
| #12. Implement beer keg registration. | YES |



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| <p>[apply to beer containers of 4 gallons or more; require deposit & technology to deter ID tag removal.]</p> | <p>[O.C.G.A. 3-5-5 and GA DOR Reg. 560-2-4-.31] - requires proper ID at purchase, record keg ID #, purchaser information and other, deposit fee authorized, retain information for 6 months, defines keg as containing more than 2 gallons, requires ID tag provided by DOR to be securely affixed to keg</p> |
| <p>#13. Implement “shoulder tap” enforcement programs. [target problem locales, deter adult strangers from buying alcohol for minors.]</p> | <p>NO</p> |
| <p>#14. Implement teen party ordinances. [prohibit teen drinking parties at private residences, impose fines/fees on homeowners/renters for law enforcement services.]</p> | <p>NO</p> |
| <p>#15. Restrict & monitor teen parties at motels/hotels. [ensure that teen parties do not occur & if mini-bars are permitted; require they be strictly monitored to prevent youth use.]</p> | <p>NO [GA DOR Reg. 560-2-8-.01] - provides that hotel room mini bars must be under lock and key and the key must be provided only to the registered hotel guest</p> |
| <p>#16. Establish alcohol restrictions in public places. [prohibit or strictly limit consumption/open containers in public locations such as parks, beaches, parking lots, recreation facilities, etc. – require hosts who serve alcohol at private functions in public venues to obtain permits that incl. responsible beverage service & deposit to cover any enforcement costs.]</p> | <p>YES [O.C.G.A. 3-3-21, 21.1] - prohibits alcohol sales or possession at public elementary, middle and high schools, or public trade, vocational, or industrial schools; exception - for religious or educational purposes [3-8-2] - allows counties/municipalities to sell malt beverages at public golf courses [3-8-3] - allows sales at coliseums [3-3-20(d)(1)] - allows alcohol sale and consumption at coliseums, festivals, and for Sunday sales at festivals if population of entity exceeds 400,000; requires license or permit [3-8-4 and 3-8-6] - allows alcohol sales at continuing education centers operated by the University System of Georgia and at Technical Institutes, under certain circumstances</p> |
| <p>#17. Apply appropriate penalties to illegal transactions in noncommercial settings. [regulation should permit a range of penalties for imposing sanctions – severe criminal convictions should lead to a criminal record.]</p> | <p>YES [O.C.G.A. 3-3-23(a), 3-3-23.1 and 17-10-4] - prohibits providing or purchasing alcohol for minors 1st conviction (furnishing) is a misdemeanor - punishable by up to 6 mos. in jail or fine of up to \$300 or both 2nd Conviction (or 1st for purchasing for a minor) is a misdemeanor of a high and aggravated nature - punishable by up to 12 mos. in jail or fine up to \$5,000 or both If a minor is injured or killed, [O.C.G.A. 51-1-40] and common law, provide for civil liability holding social hosts to the same standards as commercial retailers. <i>Borders v. Board of Trustees</i>, 500 S.E.2d 362 (Ga. App. 1999); [O.C.G.A. 51-1-18] parents right to sue</p> |



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| | those who provide alcohol to their underage child. Eldridge v. Aronson, 472 S.E 2d 497 (Ga. App. 1996) |
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C. Youth possession (focus on youth attempting to purchase or consume alcohol) –

| OJJDP Best Practice | GA State Code / Regulation |
|---|---|
| <p>#18. Ban possession by minors in public & private locations. [unless incidental to employment, with possible exception in private residences if a parent is present.]</p> | <p>YES [O.C.G.A. 3-3-23] - no minor shall purchase, attempt to purchase or knowingly possess alcohol; exception - possession allowed with parental permission, in parent’s presence, in parent’s home; when incidental to employment; as otherwise authorized by law</p> |
| <p>#19. Use “Cops In Shops” programs sparingly. [only for possible targeting of retail outlets popular with youth /1st step toward implementing comprehensive compliance check programs.]</p> | <p>NO</p> |
| <p>#20. Implement zero tolerance laws. [prohibit minors with any BAC from driving; authorize immediate seizure of drivers’ license at arrest scene.]</p> | <p>YES [O.C.G.A. 40-6-391] - minors with a BAC of .02 or more is prohibited [3-3-23.1 and (e)] - provides for drivers license seizure and revocation for minor’s attempt to purchase alcohol and other crimes, upon conviction</p> |
| <p>#21. Ban false identification. [prohibit production, distribution, possession & use of false ID.]</p> | <p>YES [O.C.G.A. 3-3-23 (a) (5) (i) and 16-9-4] - prohibits minors from misrepresenting identity or using false identification to purchase or obtain any alcoholic beverage; prohibits possession, display, use of false, fictitious, fraudulent or altered ID document</p> |
| <p>#22. Apply appropriate penalties to minors in possession. [impose administrative license revocation, streamline criminal procedures, experiment w/nontraditional punishment..]</p> | <p>YES [O.C.G.A. 3-3-23 and 3-3-23.1.1] - prohibits attempts to purchase, purchase or possession by a minor; punishable as a misdemeanor with a fine of up to \$300 or up to 6 months in jail or both [3-3-23.1] - allows for 6 months drivers license suspension for 1st time violators and up to a year for 2nd violations; subsection (f) also allows for additional imposition of DUI Alcohol or Drug Use Risk program [15-10-260] - possession is punishable as a misdemeanor</p> |



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