



Cobb Underage Drinking Task Force

REPORT: REVIEW OF MARIETTA ALCOHOLIC BEVERAGE CODE, PUBLIC POLICY BEST PRACTICES, AND RECOMMENDATIONS

Introduction

The public policy sub-committee of the Cobb Underage Drinking Task Force reviewed the City of Marietta Alcoholic Beverage Code and the publication/guide *Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices*, prepared by Pacific Institute for Research and Evaluation for the U.S. Office Department of Justice, Office of Juvenile Justice and Delinquency Prevention. (Copy of publication available for download at www.udetc.org) *Alcoholic Beverage Codes of other jurisdictions were also reviewed with separate reports prepared for each.

The committee also reviewed Georgia's state laws and regulations pertaining to the state's minimum or base standards for the regulation of alcoholic beverages (O.C.G.A. Title 3 & Title 40 and GA DOR Regulations Chapter 560). The committee also reviewed a summary report from a telephone survey of Cobb County residents conducted by A.L. Burruss Institute of Public Service at Kennesaw State University that illustrated means of public support for various proposed alcohol policies.

This activity was part of the Cobb Underage Drinking Task Force's strategic plan and was designed to meet three objectives:

- **Assist local governments in assessing existing local alcohol laws and regulations**
- **Identify gaps, loopholes, and areas for improvement**
- **Provide support for ordinance changes and use of best practices to local policy making bodies**

This report summarizes the results of the committee's findings, with the hope it can help policy makers and government officials implement well-crafted laws and regulations, forming the basis of effective policy strategies to reduce underage alcohol use.

Acknowledgements

Thank you to the following sub-committee members for their work in producing this report:

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Overview of Findings

Highlights:

- Marietta Code currently illustrates 7 of 22 best practices
- Georgia Code currently illustrates 11 of 22 best practices
- There is overlap in 7 of the best practices in current local and state codes
- Cobb citizens support and approve of local governments setting more stringent alcohol policies, licensing standards, and harsher penalties than state minimum standards
- Top alcohol policy best practices receiving highest means of citizen support:
 1. # 9 - *Carry out regular law enforcement compliance checks*
 2. # 10 - *Impose appropriate penalties for commercial violations*
 3. # 5 - *Impose restrictions for minors’ access to bars and nightclubs*

Outline:

Organized below, following 22 best practices in 3 categories, as illustrated in the charts to follow. A **YES** or **NO** in the second and third columns denotes whether local or state codes met best practice standard or not.

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

OJJDP Best Practice	Marietta Code	GA State Code / Regulation
#1 – Ban commercial sales & gifts to minors. [prohibit all commercial sales, gifts, or furnishing of alcohol to minors without exception.]	YES [8-8-2-250] - prohibits offer of or delivery of any free alcohol to general public; no sponsoring of contests, or promotions with free drinks	YES [O.C.G.A. 3-3-23] - prohibits furnishing alcohol directly, or through another person, from furnishing or permitting to be furnished alcohol to person under 21
#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.]	NO [8-8-2-210] - 300 ft. buffer from church, school, or college; pouring spirits outlet 600 ft. from school, college; with exceptions - in central business district 150 ft. & 65ft. to single family residential area & others	NO [O.C.G.A. 3-3-21] - no distilled spirits within 100 yards of church or alcohol treatment center or within 200 yards of school; no beer or wine within 100 yards of a school
#3. Restrict alcohol sales at community events. [strictly limit alcohol sales & sponsorship at youth/family oriented community events.]	NO [8-8-10-050] - special temporary permits issued for events, no location restrictions [8-8-8-040] - non-profit cultural operations may apply for alcohol license [8-8-10-010] - caterers may apply for event license, permitting alcohol sales	NO [O.C.G.A. 3-3-21, 21.1] - prohibits alcohol sales or consumption at public elementary school and high schools; or public trade, vocational, or industrial school [O.C.G.A. 3-8-2] - allows sales at golf courses, sales also allowed at coliseums and festivals [O.C.G.A. 3-3-20] - allows Sunday sales at festivals if population exceeds 400,000

A. Commercial availability cont'd. –

OJJDP Best Practice	Marietta Code	GA State Code / Regulation
#4. Restrict age of alcohol servers & sellers. [require all servers/sellers be at least 21.]	NO [8-8-2-195] - in pouring outlets; age required 18+ to dispense, serve or take orders; in supermarket, convenience, drug store age required 18- to sell by package	NO [O.C.G.A. 3-3-21] - in pouring outlets; age required 18+ to dispense, serve or take orders; in supermarket, convenience, drug store can be under 18 and sell by package [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 [8-8-8-020] - no access prohibitions for minors; definitions distinguish between restaurant, bar, lounge, private club & other	NO
#6. Install & use drivers license scanners. [create easy-to-inspect & difficult to alter state drivers license cards/IDs & use scanners]	NO	NO
#7. Regulate home delivery and internet mail/order sales. [prohibit or strictly regulate.]	NO	YES [O.C.G.A. 3-5-28, 3-6-26, 3-3-31, 3-3-32] – prohibits direct shipment of alcoholic beverages to residents of this state [560-2-2-.17 (1) & 560-2-2-.25] - sale of alcohol shall be limited to transactions with delivery and payment simultaneous in licensed place of business only
#8. Mandate responsible beverage service programs. [incl. policy development, manager & server/seller training.]	NO	NO
#9. Carry out compliance check programs. [comprehensive, on-going, community-wide, incl. media advocacy, ensure fairness]	NO	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 [8-8-2-220] - 1 st offense \$150; 2 nd offense \$200, in addition municipal judge may use revocation, suspension, probation on case-by-case; 1 st offense, 6-12 month probation, 2 nd offense, 15-90 day suspension + up to 12 month additional probation, 3 rd offense, suspension up to 12 months or revocation for 1 year	YES [560-2-2-28] - violations of any laws subjects the license to suspension or revocation; imposes increasing monetary fines for subsequent violations

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

OJJDP Best Practice	Marietta Code	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 [8-8-2-195] - prohibits furnishing or serving of alcohol to anyone under 21; prohibits possession in any place whatever in the city, any alcohol by persons under 21	YES [O.C.G.A. 3-3-23] - prohibits furnishing or purchasing alcohol for minors <i>Also common law social host liability</i>
#12. Implement beer key registration. [apply to beer containers of 4 gallons or more; require deposit & technology to deter ID tag removal.]	NO	YES [O.C.G.A. 3-5-5] and [560-2-4-31] - requires proper ID at purchase, record keg ID #, purchaser information and other; deposit fee authorized; retain information for 6 months
#13. Implement “shoulder tap” enforcement programs. [target problem locales, deter adult strangers from buying alcohol for minors.]	NO	NO
#14. Implement teen party ordinances. [prohibit teen drinking parties at private residences, impose fines/fees on homeowners/renters for law enforcement services.]	NO	NO
#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.]	NO	NO
#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.]	YES [8-8-2-160] - open container exception for city sanctioned events; [8-8-2-180] - prohibits persons from drinking alcohol while upon streets, sidewalks, parks or public places in the city [8-8-2-260] - temporary event permits required	YES [O.C.G.A. 3-3-21, 21.1] - prohibits alcohol sales or consumption at public elementary, middle and high schools; or public trade, vocational, or industrial school [O.C.G.A. 3-8-2] - sale/consumption at golf courses allowed [O.C.G.A. 3-3-20] - sale/consumption allowed at coliseums, festivals, etc. and for Sunday sales at festivals if population of entity exceeds 400,000
#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.]	NO	YES [O.C.G.A. 3-3-22 & 23] - common law holds that social hosts be held to same standards as commercial retailers

C. Youth possession (focus on deterring youth from attempting to purchase or consume alcohol) –

OJJDP Best Practice	Marietta Code	GA State Code / Regulation
#18. Ban possession by minors in public & private locations. [unless incidental to employment, with possible exception in private residences if a parent is present.]	YES [8-8-2-195] - prohibits persons under 21 to possess alcohol in any place within city, unless otherwise provided by state law	YES [O.C.G.A. 3-3-23] - no minor shall purchase, attempt to purchase or knowingly possess alcohol; exception - parental permission in parent's presence, in parent's home
#19. Use "Cops In Shops" programs sparingly. [only for possible targeting of retail outlets popular with youth purchasers & as 1 st step toward implementing comprehensive compliance check programs.]	NO	NO
#20. Implement zero tolerance laws. [prohibit minors with any BAC from driving; authorize immediate seizure of drivers' license at arrest scene.]	NO	YES [O.C.G.A. 40-6-391] - minors with a BAC of .02 or more prohibited; drivers license seizure/revocation and for attempt to purchase alcohol underage
#21. Ban false identification. [prohibit production, distribution, possession & use of false ID.]	YES [8-8-2-195] - violations of prohibited practices, punishable in municipal court	YES [O.C.G.A. 3-3-23 (a) (5) & (i) & 16-9-4] - no person under 21 years of age shall misrepresent his or her identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage; prohibits possession, display, use of false, fictitious, fraudulent or altered ID document
#22. Apply appropriate penalties to minors in possession. [impose administrative license revocation, streamline criminal procedures, experiment w/nontraditional punishment..]	YES [6-71-E, F, G, H] - violations of prohibited practices is misdemeanor; under 16 referred to juvenile court, 17 referred to state court, 17+ fingerprinted in accordance with state law	YES [O.C.G.A. 3-3-23.1] - prohibits possession by a minor, allows for 6 months drivers license suspension for violators 18 and under [15-10-260] - possession is punishable as a misdemeanor [17-10-7] - provides misdemeanors punishable by fine of up to \$1,000 and up to 12 months in jail

For more complete information re: available research literature on effectiveness, features of good laws, pitfalls to avoid, and examples of communities that have used the regulations successfully – see OJJDP publication/guide as referenced earlier.

Conclusions and Recommendations

Adopting more of the best practice regulations in local ordinances has the potential to be particularly effective in reducing underage access to alcohol.

The right ordinances can minimize opportunities for minors to use alcohol and maximize opportunities for effective enforcement and prevention.

Conclusions and Recommendations Cont'd.

High priority: Adopt ordinance for best practice # 8 - mandating responsible beverage service programs. Require licensee attendance at responsible alcohol sales and service policy workshop prior to issuance of alcohol license. (For examples, see ordinances adopted by Cobb, Kennesaw and Powder Springs, find at www.municode.com)

Consider adopting ordinance for best practice # 14 - teen party ordinance. Prohibit teen drinking parties at private residences and impose fines/fees on homeowners/renters for law enforcement services.

Bibliography

Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices – prepared by Pacific Institute for Research and Evaluation for U.S. Office of Juvenile Justice and Delinquency Prevention

Code of Ordinances, Chapter 8 Alcoholic Beverages – City of Marietta, Georgia

GA State Code of Ordinances, Title 3 Alcoholic Beverages & Title 40 Motor Vehicles and Traffic – State of Georgia Department of Revenue Alcohol Tobacco Division

GA Department of Revenue Regulations, Chapter 560 – State of Georgia Department of Revenue Alcohol Tobacco Division

Cobb County Residents Telephone Survey Report – prepared by A.L. Burruss Institute of Public Service at Kennesaw State University for the Cobb Underage Drinking Task Force

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